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House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. LATOURETTE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 9, 1997.

I hereby designate the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Whatever our need, O God, whatever our concern, whatever our hopes and dreams, we pray this day that You would breathe into us the spirit of understanding and peace. Pervade our hearts with Your spirit of goodness and mercy and cause us to hear Your still small voice, calling us to repentance for when we have missed the mark and endowing us with all the wonderful gifts of life. As we look to this new day of grace, give our minds a vision of justice, give our hands opportunities to do good work, and give our hearts a full measure of Your abiding love. In Your name, we pray. Amen.

THE JOURNAL

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

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

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

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

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

Mr. DREIER. 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. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will postpone 1 minute recognition until the end of the business day.

PROVIDING FOR CONSIDERATION OF H.R. 2607, DISTRICT OF COLUMBIA APPROPRIATIONS, MEDICAL LIABILITY REFORM, AND EDUCATION REFORM ACT OF 1998

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 264 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 264

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived. No further amendment shall be in order except those printed in part 2 of the report of the Committee on Rules. Each further amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee

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shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Dallas, TX [Mr. FROST], 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. DREIER asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. DREIER. Mr. Speaker, this is a modified closed rule providing for consideration of H.R. 2607, the District of Columbia appropriations bill for fiscal year 1998. The rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations, waives all points of order against consideration of the bill, and provides that the amendment printed in part 1 of the Committee on Rules report shall be considered as adopted.

The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 and clause 6 of rule XXI regarding unauthorized appropriations, legislative provisions, and reappropriations in appropriations bills.

The rule provides for consideration of only those amendments printed in part 2 of the Committee on Rules report, by the Member designated, shall be considered as read, shall be debatable for the time specified, shall not be subject to amendment except as specified in the report, and shall not be subject to a division of the question. All points of order against the amendments are waived.

The rule also grants the authority to the chairman of the Committee of the Whole to postpone recorded votes on amendments and to reduce the voting time on amendments to 5 minutes provided that the first vote in a series is not less than 15 minutes.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, earlier this year the Congress passed the National Capital Revitalization Act which transferred certain State functions to the Federal Government and eliminated the traditional Federal payment. The committee's bill reflects those actions, providing for a total of $828 million in Federal funds, including funds to provide pay raises to police officers, firefighters, and teachers.

Mr. Speaker, of all the troubles and problems facing our Nation's Capital, I believe the most sad and distressing is in the school system. The district's children, especially those at the lower end of the economic spectrum, are having their futures stolen from them by a failed education system that eats up over half a billion dollars and spends more per student than schools offering a far better education. In the D.C. school system, money is not the problem.

Education is first, last and always, Mr. Speaker, about children. Children are the future of the Nation. That is why we must do whatever it takes to improve the education system here. While I believe that parents and local communities can best solve our education problems, this is our Nation's Capital. This Congress has the obligation to step in and do what is right.

Every child in America has the right to a safe, drug-free environment in which to learn. That is all too often an unrealized dream for children in this city. We must put parents at the head of the line when it comes to making decisions about education, not government bureaucrats or union bosses. Most important, every child, regardless of income, should receive a quality education. Not one should be left behind because of where she or he lives or because her parents' financial situation is not that strong.

Mr. Speaker, this bill is first and foremost prochild because it supports education. Opposition to the education section of this bill cannot be about money. The committee bill spends more on the D.C. public school system than actually was requested by the city. Instead, the opposition to the parental choice provisions in the bill are driven by politics and ideology.

It is sad that there are special interests that will do anything to block parental choice. Where we should expect overwhelming support for bold experiments to empower parents to give their children the best education possible, we get extremism in defense of a failed bureaucracy. Well, I believe that we owe it to children starting in this city to give them a better opportunity for a brighter future.

Mr. Speaker, I urge Members on both sides of the aisle to look beyond the blinders of special interest ideology and support both the rule and the committee bill.

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

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

Mr. Speaker, this rule gives the Members of this House an opportunity to do the right thing for the residents of the District of Columbia. The rule provides Members the opportunity to vote for a fair deal for the District and its citizens and to reject the unfair bill reported from the committee. The Moran substitute deserves the support of the House, and because the majority has made this substitute in order, I will support the rule. But Mr. Speaker, I cannot support the bill unless it is amended by the Moran substitute.

Because of the deplorable financial condition this city was in 2 years ago, the Congress and the President have sought through tough measures to bring about drastic change. But in doing so, I fear that the residents of the District of Columbia have been denied democratic representation. The Mayor, the council, and the school board have been effectively removed as voices in or for the city. I am not a defender of the old order, but at the same time I cannot support what the Republican majority has proposed as a remedy.

Mr. Speaker, if the Republican majority wants to revoke home rule for the District, then the Republican majority ought to deal straight with the residents of this city instead of micromanaging every aspect of the city's government. Using the city as a Petri dish for experimentation in Republican social engineering is unacceptable. I urge every Member to reject the committee bill and support the Moran substitute.

There are many reasons why Members should oppose the committee bill, not the least of which is inclusion of $7 million for a school voucher program. The state of affairs in the schools of this city is sorry. We have all read the papers and know what is going on. But, Mr. Speaker, taking $7 million away from the public schools to provide scholarships for poor students to attend parochial and private schools will not repair the roofs and buy the books for the hundreds of students who will be left in the classrooms of the public schools.

Mr. Speaker, if the Republican majority is determined to implement school vouchers as an educational alternative to public schools in this country, I call upon them and the supporters of vouchers to bring out a bill and let us debate it fair and square. Do not use the kids in the District to further their social agenda and provide them with photo ops.

This bill seeks to completely revamp the medical malpractice system in the District of Columbia and to cap damages for injury at $250,000. Mr. Speaker, the medical malpractice system in the District is not in any way related to providing the funding for the operations of the government and services of this city in fiscal year 1998. How the Republican majority thinks the inclusion of this 16-page title will make this government work more effectively for the benefit of the citizens of this city is beyond my understanding. This provision is clearly irrelevant to the appropriations process and deserves to be stricken from the bill. However, I should point out to my colleagues that the only opportunity Members will have to strike this provision is by voting for the Moran substitute.

Mr. Speaker, this rule also makes in order an important amendment which will be offered by the gentleman from Minnesota [Mr. SABO]. The Republican majority has included in the bill a provision which waives the Davis-Bacon

prevailing wage standards for school construction projects. The Sabo amendment seeks to strike that provision and deserves the support of the House.

Mr. Speaker, this is a bad bill which, if the House supports the Moran substitute and the Sabo amendment, can be made acceptable. The people of the District do not deserve the bill reported by the Committee on Appropriations. They want their city to work for the benefit of its residents and the many millions of visitors it receives each year. I think the Congress should help the city recover, not use it to further the Republican social agenda.

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

Mr. DREIER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM], my very good friend and fellow Californian.

□ 0945

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of the D.C. appropriations bill, and first of all I would like to commend the chairman, the gentleman from North Carolina [Mr. TAYLOR]. The gentleman underwent a stroke, and he fought through a very difficult situation, and he is back to 100 percent now, but during that time he persevered.

I would like to go through a couple of things. My colleague on the other side said this is a bad bill. The reason that the Democrats do not like this bill is because it is the unions that support their particular issues. The unions, with the voucher system, and the unions with Davis-Bacon, both hurt, and both are opposed by the National School Board Association and the majority of the residents in every category.

Now, the District of Columbia only has about 14 percent Republicans, yet over 60 percent of the parents with school age children in the District support removing Davis-Bacon, which inflates the cost of construction between 20 and 30 percent. Now, if they really care about children, like the other side purports all the time, they will do this for the children, waive Davis-Bacon, because it saves over 20 percent.

The average age of a school in Washington, DC is 86 years. They had trouble even getting the roofs repaired so that the children could go to school this year. There are safety hazards. We need the dollars to be infused after generations of neglect in the D.C. school system. That is why the residents of Washington, DC, want to waive the Davis-Bacon Act.

The bill gives D.C. schools the authority to waive the act. It does not do anything with Davis-Bacon. It just gives Washington the right to waive the act themselves. Congress does not do that. But it reduces the inflationary cost if they do that and they have chosen that exact thing. The National School Boards Association supports this provision.

The study by Dr. Thiebolt found that States with Davis-Bacon laws pay 13 percent more for their classrooms than the 20 States without them. Yet I say to my colleague that just spoke, who is working with the DNC, the unions have, time after time, and time again, infused illegal money into the campaigns of Democrats. That is under investigation right now. Of course, they do not want this. This is their power base, both in construction and with the teachers unions. They do not want it.

My wife is an elementary school principal with a doctorate degree. The last thing we want to do is hurt public education, but this program is needed. Of the over 20 Members of Congress that live in the D.C. area, not a single one have their students in public schools. They put them in private schools. Why? There are good teachers in Washington, DC, and there are some good schoolhouses as well, but the great majority are failing and the teachers are not credentialed. I would not put my children here. I do not think many of my colleagues would either.

All we are asking for is an opportunity for these parents to have their children go into a school that is free of drugs, that is free of crime, where they have a shot at the 21st century. That is not the case now, Mr. Speaker. That is why the gentleman from North Carolina, in this bill, has done everything he can to help the schools.

Now, if the other side really wants to help the children instead of their union bosses and support the DNC and their fundraising, then they will support this. They say this is a terrible bill. What they mean to say is it is terrible against the unions, their big supporters.

I would say that time and time again we have our groups that are like a domino effect. We feel that if something passes, that it will domino the rest of the issues that we support. And I am sure that that is what it is with the unions and Davis-Bacon, but this is an emergency situation, Mr. Speaker, an emergency situation with schoolhouses that are over 86 years old.

The schoolchildren have almost zero chance at the American dream. This is a chance where we can help them instead of helping the unions for once. And, again, it does not waive Davis-Bacon, it just gives the city the right to waive it because it saves between 20 and 30 percent in construction costs. That is not asking too much, I do not think. Yet that is why my colleague says this is a terrible bill.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

The gentleman on the other side seems to be a little confused, and I can understand that because it is difficult to follow all these things, but I am not affiliated with the DNC. I am chairman of the Democratic Congressional Campaign Committee.

Also, I would point out to my friend on the other side that there has been one conviction of a sitting Member of Congress during this session for campaign violations. It was a Republican Member, who pleaded guilty to accepting over $200,000 in illegal corporate contributions.

Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, today we will have before us an appropriation bill that is at odds with our core beliefs. It takes the tough, fiscally responsible work of a district that is not our own, presided over by a no-nonsense control board, and tears it up.

No amount of rhetoric about the constitutional obligation to run, or is it run over, the Nation's capital will work this time, not when the control board and the city have submitted a budget that uses almost all its small surplus for deficit reduction. No righteous rhetoric will explain some 60 instances of legislating on an appropriation in fine detail, some of it quickly altered to appropriation language, but just as devastating to the work of the control board and the city.

No amount of crocodile tears for the District's children, from Members with a long history of not supporting these children or District bills for these children will make credible the ideological baggage, especially vouchers, they have stuffed into this bill.

Here are five questions we should ask ourselves as we hear today's debate.

One. Ask yourselves: ''If my District had voted 89 percent against vouchers in a referendum, would I then vote for vouchers on the basis of manipulative polls that ask poor people and ministers not whether they desire vouchers for public money but whether they would like some free money for scholarships.'' It is a scam on poor people and I resent it.

If my colleagues are from one of the many States that have turned down vouchers, they must vote for the substitute. They should know who they are: New York, Michigan, Nebraska, Oregon, Idaho, Maryland, Washington State, Missouri, Alaska, California, Massachusetts, Utah, Colorado.

The so-called free ''scholarships'' or vouchers come from the District's own meager surplus funds. The District's public schools desperately need every cent of public money. Every child in the District could have a place in an after school program with the $7 million that would go to private and religious schools in the District, Maryland, and Virginia. Think of what that money would do for our kids' education and for elimination of juvenile crime in this city.

Two. Will it help or hurt the District if we prevent a contract for a state-of-the-art financial management system to be awarded on a competitive basis after years of delay?

Should the Congress override all of the experts who advise that the upgrade of the present nonfunctional system is unworkable and wasteful? Is

this body prepared to take responsibility for the serious delay in the congressionally mandated management and financial reforms that will result from preventing the contract?

Three. Should Congress cancel a contract for the annual audit now in progress that was won through a competitive bid about which no question whatsoever has been raised?

Four. Will it help or hurt the District's fragile recovery to cancel the city's authority to eliminate its accumulated deficit using exactly the same approach that was necessary to bring New York and Philadelphia out of insolvency? Why would we want to retract this authority when we just gave it to the control board in the Balanced Budget Act?

Five. Does Congress want to keep the control board from using self-generated interest to do studies, such as those that are the basis for wholesale reform of the police department and the school system now in progress?

I believe my colleagues will be puzzled by these provisions. They reveal only the tip of a volcano of an appropriation that is dangerously capricious.

I do not believe that a substitute for an entire appropriation bill has ever been offered in 23 years of home rule. When the substitute is copied from the fiscally conservative bill of a conservative North Carolina Senator that even has my support, Members perhaps get a sense of how radically damaging to my constituents, how arbitrary the bill before us is.

I ask my colleagues to reject this bill and to vote for the rule so we can vote for the Moran substitute that rejects this bill.

Mr. DREIER. Mr. Speaker, I yield myself 1½ minutes to respond to my friend, and let me say that I have the highest regard for the gentlewoman from the District of Columbia. She and I have worked together on a wide range of issues.

I do not seek to stand here and speak as the greatest authority on the District of Columbia. I do happen to reside here when I am in Washington, DC. But I think that it is important for us to look at a couple of facts.

First of all, District voters have never actually voted on a voucher or scholarship referendum. In 1981, which is over a decade and a half ago, voters rejected a referendum that would have permitted tax credits for educational expenses, but this is not actually a tax credit, because a tax credit would primarily help those who pay taxes and are generally not poor. In contrast, the scholarship legislation is targeted at children from low-income families.

In addition, I think it is important for us to recognize that an awful lot has changed since 1981, including public opinion on a wide range of issues. Polls show that parental choice enjoys strong support in the District of Columbia, especially among African-Americans. There was a recent poll that was conducted of District residents showing that 44 percent favor scholarships while only 31 percent oppose them, and among African-Americans support outweighs opposition by a margin of 48 to 29.

A poll conducted by the Joint Center for Political and Economic Studies, an African-American think tank that opposes school choice, found that 57 percent of African-Americans actually support parental choice.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, in the last session of Congress our friends on the Republican side of the aisle made clear that they were willing to shut down all of Government in order to get what they wanted on certain ideological issues. This year it appears that they have more modest goals and are simply talking about shutting down or severely crippling only portions of Government if they do not get their way.

For instance, many of them would like to hold hostage the Labor, Health, and Education appropriation bill unless they get their way on school testing. A number of them have said publicly they are willing to shut down the foreign operations appropriation bill unless they get their way on Mexico City policy and abortion. A number of others have indicated they would just as soon shut down the Interior appropriation bill unless they get their way so they can continue to see Yellowstone polluted and continue to see redwoods cut in California. And now we see that a significant number indicate to the press that they are willing to hold hostage the District of Columbia bill for the next year unless they get their way on vouchers.

□ 1000

I would simply suggest that the time for that is past. We are now 1 week into the new fiscal year. We ought to be resolving differences, not continuing to exacerbate them. That is why I support this rule, because it gives us an opportunity to deal with this bill in the fastest way possible.

I would hope that after the rule passes, that we pass the Moran amendment, which corrects a wide variety of gross overreaches by this Congress.

The Moran amendment would, essentially, simply have the House adopt the House version of the D.C. appropriations bill, which is brought to the House by Senator FAIRCLOTH. He is not, as my colleagues know, exactly a left wing liberal. I think conservatives are safe with him. And it just seems to me that that is the best way to approach this issue if we want to do our duty by the District and if we want to get all of our business done across the board.

I would invite my colleagues' attention to the Washington Post editorial this morning, which says as follows:

The House of Representatives should not dishonor itself today by adopting the long list of wide-ranging riders tacked onto the D.C. appropriations bill by the subcommittee.

I agree with that editorial. I think that the proper course is to support this rule and then to support the Moran amendment so that we can overcome Congress's efforts to try to use Washington, DC, as a social experiment for pet ideas of right wing think tanks around the country.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, besides thanking the chairman, the gentleman from North Carolina [Mr. TAYLOR], there is another gentleman that should be thanked, and that is General Becton. General Becton has taken on an enormous job in saving the schools in Washington, DC. He did so where he came before.

But I would say that, speaking to the bill itself, who supports removing Davis-Bacon? Sixty-five percent support allowing D.C. officials to repair the D.C. schools without mandating higher Federal wages, 53 percent of union households support it, 60 percent of the Democrats in the District agree, 68 percent agree it is more important to remove Davis-Bacon, and 56 percent give D.C. schools a D or an F. It is time, and it is an emergency.

Here is what ''20/20'' said: ''That's the argument: We need Davis-Bacon to guarantee good wages to make sure Government buildings are well-built. Sounds logical, 'til you realize that most buildings in America are not Government-built buildings. In fact, three-fourths of construction is private work. Are these buildings lower quality than Government buildings? Of course not. They may be better built. In most American life, we do quite well without Government setting wages and prices.'' That is John Stossel and ''20/20.''

We would also say that, who supports it? The National School Board Association, for vouchers and for both removing Davis-Bacon, the U.S. Chamber of Commerce, the Associated Builders and Contractors.

D.C. Board chairman Dr. Andrew Brimmer told the Committee on Education and the Workforce that, ''Waiving the Davis-Bacon Act would be helpful in our ability to attract donated services.'' And 65 percent of D.C. residents support this provision.

Florida eliminated its State Davis-Bacon law in 1974 for schools. They saved 15 percent. Kentucky, likewise, they reinstated it and increased their construction cost by $35 million. Ohio is saving millions.

We ask for the support of the opportunity scholarships and removal of Davis-Bacon and support the rule.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding me the time.

I rise in support of this rule. The Committee on Rules yesterday considered a number of amendments to the District of Columbia Appropriations

Act. There was an amendment offered by the gentleman from California [Mr. DIXON], who had been the chair of this D.C. Appropriations Act that would have struck the vouchers provision. He made an eloquent argument in the full Committee on Appropriations against that provision.

There was an amendment offered by the gentleman from California [Mr. HORN] that limited the application of the bill's voucher provision to only schools located within the District of Columbia.

There was an amendment offered by the gentlewoman from Florida [Mrs. MEEK] to correct the provisions that condition funding for the University of the District of Columbia School of Law. And they are receiving accreditation next year by the American Bar Association.

There was an amendment offered by the gentleman from Maryland [Mr. HOYER] to strike the provisions in the bill that reopen Pennsylvania Avenue. There was an amendment that I sought to offer that would have struck a number of provisions through which the Committee on Appropriations was attempting to micromanage the District of Columbia government, and particularly micromanaging its financial management system, which is essential to getting the D.C. government back on its feet. But none of these amendments were made in order.

Yet, this is a fair rule because it has made in order a substitute amendment that we will offer. This substitute amendment will strike all of the provisions included in the House version of the D.C. Appropriations Act except the provisions that grant a pay raise to public safety employees.

In its place, my amendment will substitute the version of the D.C. Appropriations Act that was drafted by the, may I say, conservative Republican Senator from North Carolina, and it was approved by a nearly unanimous Senate Committee on Appropriations and passed out of the other body last night.

That is what we want to do. It incorporates the consensus budget from the Control Board, the Mayor, D.C. City Council. We think that is the way to go. It leaves these kinds of legislative decisions to the legislative committee. This is a fair rule because this substitute amendment incorporates all the amendments that Democrats and Republicans sought to offer in the Committee on Rules.

The substitute will strike provisions in the bill that give a sole-source contract for the District's financial management system to a vendor that has not even bid for it. The vendor does not want it, and yet it would insist that they take it and take it away from a vendor that, in fact, was approved and has the capability and qualifications to carry out the financial management system that the city desperately needs.

It will strike the provisions of the bill that prohibit private companies from operating helicopter tours over the Nation's Capitol. Maybe this is a good idea, but it is not up to us to make those kinds of decisions.

It will ensure that no vouchers are made for the schools outside of the District of Columbia. In fact, it will ensure that no voucher provision is enacted, because this is a poison pill, it is a killer amendment. If it is included, the bill will be vetoed.

My substitute amendment will ensure that the budget submitted by the District's governing bodies, the governing bodies that Congress set up in terms of the Financial Control Board, a budget that is balanced 1 year earlier than required, just exactly what we asked them to do, a budget that reduces the District's operating deficit by two-thirds, and it cuts spending from last year.

That bill deserves to be signed into law. If this substitute amendment is approved, that bill will be signed into law. This is a modified closed rule that does limit debate and it limits our freedom to offer amendments, yet it is a fair rule. It allows Members to make a fundamental choice as to whether they are going to allow the District's government and the congressionally created budget process to work or whether they are going to continue to try to micromanage the District of Columbia and make this, the smallest of the 13 appropriations bills, one of the most controversial and contentious.

I support the rule, and I support the substitute that I will be offering pursuant to it. I hope every Member will join me in supporting this rule and in supporting my substitute amendment and, in fact, reaffirming the very concept that the other side has been urging, devolution: Give power back to the people at the local level. Let them make the decisions that they are entitled to make under a democratic process. I urge my colleagues very strongly not only to support this rule, but to support the amendment.

Mr. DREIER. Mr. Speaker, I thank the gentleman from Virginia [Mr. MORAN] also for his very strong support of this bipartisan rule, which I am happy to say that we have been able to work out.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. DAVIS], chairman of the District of Columbia Subcommittee on Government Reform and Oversight and my very dear friend.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding me the time.

Mr. Speaker, I rise in support of the rule as well. It is not perfect, but with a bill like this within so many different agendas, it is difficult to frame them.

I am in a bit of a bind because, on the one hand, I certainly have supported the scholarship program, support and spoke for it the last time, support the Davis-Bacon repeal, and yet there are other pieces of this bill that I find really contrary to what we have been trying to do at our committee level. But we will sort this out as it moves, and there are a number of amendments that we will have a chance to address.

I think the legislative process, though, has to move along. It has many steps along the way, and at each one of these steps changes can be made. But if he were to terminate this process, defeat this rule, defeat this bill in whatever form today, and send it back, we are playing a very dangerous game.

Brinkmanship like this in the past has resulted in the Government closing down, the District of Columbia government closing down, through no fault of their own, because of Congress' inability to act. It is unnecessary, because instead of playing beat-the-clock, with one continuing resolution after another, it is far more prudent to move the process along after making whatever changes are possible at this time.

With the District of Columbia appropriations bill, there are other reasons as well for advancing to the next stage of the legislative process. We all know the D.C. Revitalization Act, which passed the Congress as part of the Balanced Budget Act of 1997. Medicaid changes and tax incentives were included as well in that enactment and in the equally historic Tax Reform Act of 1997.

To have enacted such significant reforms, and these were the most significant reforms enacted in the District of Columbia in the last 25 years, and to see them signed by the President is a legislative accomplishment we can all take pride in helping to achieve.

With patience and perseverance, the reforms that we have enacted for the District of Columbia have begun to have their intended effect. In fact, the President's proposals, which we used as the starting point for our Revitalization Act, were made possible by the previous effective measures which Congress had taken in establishing the District of Columbia Control Board.

We now have a rare opportunity, sanctioned by both Congress and the White House, to restructure and improve the complex relationship between the Federal Government and the Nation's Capital. But time is of the essence, and we are at a moment of truth.

Many of the issues addressed in the D.C. Revitalization Act are particularly urgent and time sensitive. To take just one example, a trustee must be up and running to help establish reforms in the District's prison system. Just last week, the court-appointed monitor said of the medium-security security facility at Lorton, ''It has deteriorated to a level of depravity that is unparalleled in its troubled history.''

Many of the changes this Congress enacted for the Nation's Capital simply cannot be implemented within the limited framework of a continuing resolution. They can only be achieved within the framework of a duly enacted budget.

I must respectfully remind my colleagues that we are talking about an

actual living and breathing city. It is tragic enough when Congress reaches an impasse in consideration of a budget for one of our executive departments, but if we are unable to enact a budget for the Nation's Capital, that real city which exists just beyond the monuments is placed at a grave risk of immediate harm. And when you consider most of the District's budget consists of self-generated funds, it makes the spectacle of congressional delay even more difficult to explain.

Some of us have differences with various sections of the bill before us. Many have reservations which I share. But I appeal to all of my colleagues, as chairman of the authorizing subcommittee for the District, to join me in voting for this bill in its final form, whatever it may take today, letting it pass to the next phase of the legislative process. There really is no alternative to that.

If I can take another minute to talk about the procurement in terms of the management reforms and the District's financial management system, there has been a duly authorized procurement. It has been competed widely and openly. It was won fairly. Most of the work is under a fixed-cost arrangement. A very small portion of the work is under an hourly billing arrangement. But the total hours are capped.

A company previously in a previous version, I think we will be taking care of the manager's version today, that was going to be earmarked, is not interested in the business and does not want the business. I think the manager's amendment on this is absolutely essential if we are to move ahead.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding me this time.

Mr. Speaker, I stand to support the rule. And, hopefully, the Moran amendment will be passed following this rule.

This rule has several things in it with which I do not agree. But it has a lot of good things in it, this particular rule does. With the Moran amendment passing, it certainly will clear up, in my mind and for the people I represent, the District of Columbia's dilemma. But I cannot take my seat unless I say a word or two about this process, which at many times is not a good one.

I had an amendment before the Committee on Rules yesterday concerning the University of the District of Columbia's Law School. I was given permission to bring that rule to the floor. I was given permission to have 10 minutes for debate. And through some kind of chicanery, it did not reach here this morning.

I want this Congress to understand that I shoot from the hip and will always shoot from the hip, I deal straightforward, and some of the kinds of intramural kinds of gymnastics I see here I do not appreciate.

□ 1015

But I can say to my colleagues that I hope that this rule will pass and that the Moran amendment will follow, in spite of some of the arcane kinds of methodologies that some of my colleagues use to fight what they do not want to see. Now, that applies to both parties, both Democrat and Republican. Do not try that with CARRIE MEEK.

Mr. DREIER. Mr. Speaker, I yield 3½ minutes to my very good friend, the gentleman from Kansas [Mr. TIAHRT], a hard-working member of the Subcommittee on the District of Columbia of the Committee on Appropriations.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from California and a former Kansas native. We miss the gentleman up there in the State of Kansas, by the way.

Mr. Speaker, I think this is a very fair rule. It does limit the number of amendments, but we do have, I think, an opportunity to deal with the issues that are contentious in this legislation.

Frankly, the District of Columbia is in need of some change. If we look at the bureaucracy, it seems very heavy. It is laden with inefficiency. If we look at some of the political motivations that have been behind the programs that have been experimented with, they seem to be liberal to most of America.

One of the problems that is very common here is the welfare benefits inside the District of Columbia are much higher than any welfare benefits in the surrounding area. There needs to be some adjustment down.

In the area of safety, many of the people feel unsafe in Washington, D.C. It has often been referred to as the murder capital of America, rather than the Capital of the United States, and that is sad. So we do need to have some changes to the police. We found out recently that 90 percent of the arrests are made by 10 percent of the police force. So there need to be some changes in the police department, some incentives for them to be on the street, in the communities, in the neighborhoods. This incentive is in the D.C. appropriations bill.

We also have a way of dealing with the degenerating schools in the District of Columbia by allowing a limited voucher program to take the most difficult situations in education, the children that are having the least hope, that are getting the worst grades, and in a poverty level, and allow them the opportunity with this voucher to have the same ability to go to a private school like the Vice President and the President have. They can take these vouchers and try to increase their ability to compete in the employment market in the future. So it deals with education.

This bill also deals with abortion. A majority of Americans do not want to have their tax dollars coming to Washington, D.C. to fund someone else's abortion. The bill that we have here will prohibit that. It will also prohibit funding of domestic relationships.

There are a myriad of other changes that are necessary, I believe, for us to attempt for the District of Columbia to try to move this into the shining city that we would like to see sitting here on the Hill.

I think what we have is an opportunity for the proponents of these new ideas to come up and defend the status quo, to strike down these new ideas. Through an amendment, they could repeal a lot of initiatives that we have to change the way life is going here in the District of Columbia, to try to reclaim areas of this city, to try to make tax incentives to bring businesses and new people into the area.

So I would urge my colleagues to support the rule and support the D.C. appropriations bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, if I could quote from today's Washington Post editorial: This bill shows the House at its worst. The bill has been loaded down with heavy ideological and political baggage that ultimately may doom the city's $4.2 billion budget if it reaches the White House. There is a good chance that the school voucher add-on to the appropriations bill will invite a Presidential veto. The House of Representatives need not do this to the Nation's Capital or to itself.

Mr. Speaker, Democrats have made education a top priority this Congress, and our emphasis has been on improving public schools, including raising educational standards and addressing infrastructure needs. My concern is that the Republican leadership, after trying to make the deepest education cuts in history last year, are now emphasizing vouchers to pay for private schools as a way to reform our education system.

In my opinion, vouchers will not help public schools; just the opposite. They will drain away resources that could be used to improve public school standards and rebuild crumbling or overcrowded schools.

The Republican leadership's latest experiment with vouchers will be considered today as part of this bill. As much as $45 million in Federal funds will be made available for pay for private education for only 3 percent of the District of Columbia students. This GOP voucher plan provides a select few D.C. public school students, about 2,000, with vouchers, while providing no answers for the 76,000 students left behind in the D.C. public schools. The D.C. public schools, like all of America's schools, need to be improved, not abandoned. The GOP voucher plan is nothing but a strategy of failure, of giving up on the Nation's public schools here and throughout this Nation.

Mr. Speaker, I would urge my colleagues to oppose this bill and support the Moran substitute. Let us take out

the voucher program and all of the other ideological and political baggage that hurts the District of Columbia and will delay passage of this appropriation bill that is so vital to the city of Washington's future.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise to oppose this bill. The headline in the Washington Post editorial page this morning reads, and I quote: ''The House at Its Worst on D.C.'' ''Republican and Democratic Members ought to be embarrassed even to consider such a small-minded measure on the House floor.''

It certainly is the truth. For after proposing the biggest cuts in education in this Nation's history, after attempting to shut down the Department of Education, the Republican majority is now trying to end public education in this country.

Education is the single-most important issue that faces us today. It is education that opens the doors for opportunity in our society. It is education that levels the playing field, provides every single American child with the opportunity to make the most of his or her God-given talents. Mr. Speaker, 89 percent of American students attend public schools, and our schools need fixing. They have serious problems, and we all know that.

But the Republican voucher plan, an experimental plan, would do nothing to improve the D.C. schools. It would drain precious taxpayer funds from these schools and put money into private schools, money that could be used to repair leaky roofs, buy new computers and books.

We need to spend our time focused on improving public schools for all of our children, not providing an out for a select few which will further degrade educational equality for those who remain in the system. Mr. Speaker, 2,000 kids. What about the 76,000 other children?

Proponents of vouchers argue that they will enable poor families to have the same choice of school as wealthy ones. This is a false promise. Not only do vouchers weaken the public schools by siphoning off funds, they typically do not even cover the high cost of tuition at private schools.

Example: The bill would provide a D.C. student with $3,200 toward tuition at a private school, yet this does not come close to paying for tuition at the District's most prestigious schools, Georgetown Day School, Sidwell Friends cost $11,000. Vouchers will not solve the problems in our public schools; they will create new ones.

Speaker GINGRICH wants to test this program on children who live here in the Nation's Capital. It is an experiment, an experiment that they want to try to foist on this entire country. I have a message for the Speaker. Our children are not guinea pigs and the American public understands that. They do not want to see taxpayer dollars put into private education, and that is a poll number by 54 to 39 percent. The American public says no to taking taxpayers' dollars and putting them into private education. Democrats are not going to allow the experiment to go forward; neither will be American public.

I urge my colleagues to vote against this bill. Let us work to find ways in which we can rebuild America's schools, not to destroy them.

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

My very good friend from Connecticut just quoted the town crier of liberalism, the Washington Post, and I would like to actually share a little bit of a Post editorial that was carried about 10 days ago in which they said:

> A modest voucher experiment might help energize the public schools. It won't replace them. People who think of vouchers as a way somehow of evading the responsibility for public education are blowing smoke. And such a program, we believe, will not do harm to the system or by implication suggest that it is a permanent loser. As we say, the schools in this city do not present one solid, bleak picture such as the political critics somehow paint. The point, the hope, would be that such an experiment could be one small part of the effort being undertaken with vigor and optimism by the new school team to bring the District system to a higher, more even standard of achievement, one that reflects the quality of our best schools, which are the models.

Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from San Diego, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentlewoman from Connecticut [Ms. DELAURO], states her own opinion as fact, and I would say that the gentlewoman is factually challenged in the fact that it does not go just to private schools, the opportunity scholarship. If a parent in the D.C. school system finds that there is an unsafe school where it does not offer a fair education, then that parent, like anyone that would want their child to get a good education.

Second, the gentlewoman says Republicans cut education. Mr. Speaker, $10 billion we saved. We cut the President's direct lending program out of bureaucracy, $10 billion, because it inflated $5 billion capped at 10 percent, but yet we increase scholarships by 50 percent, we put money into the IDEA program for special education, we increased the Pell grant to the highest level ever, we increased Eisenhower grants for teacher training. What we cut is the liberals' precious bureaucracy. That is the same thing that they are trying to do here, is fight for the unions. We are trying to fight for the children.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding.

I have been listening to the debate on TV and I was reminded that H.I. Hayakawa is no longer in the Chamber, but seemed to be in language and thought and action, all the snarl and pearl words that were being thrown back and forth here.

I noticed with interest my friend from California cited the Washington Post about this great experiment. What the Washington Post says and fails to say is that if 2,000 children get vouchers, what happens to the other 76,000?

There is no doubt that there are good public education schools. There is no doubt that there are good schools in our country, and in fact, we are going to talk about some that are good in Washington, DC. And there is no doubt that there are private schools in this country and in Washington DC, that are good. But the issue is, What happens to these kids that are left behind?

Mr. Speaker, 2,000 out of 76,000 is a noble experiment, but what does it prove? We already know that there are problems in public education. We already know that there are some success stories both in the private and public sector.

I would note to my friend from California [Mr. DREIER], that he cited a poll. That poll, he said, said that 60 percent of the people here in the District supported the voucher system. That is not correct. It is a joint center poll. I think the figure is 57.8 percent. However, it is a sampling of 800 and some odd people.

Now, we have had a great debate on this floor about sampling, and the gentleman from California now has extracted that for all of the people in the District. So what is good for the goose is good for the gander.

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

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut [Ms. DELAURO].

☐ 1030

Ms. DELAURO. Mr. Speaker, my colleague who pointed out that I was factually incorrect in fact is factually incorrect. I would like to make a clarification with regard to the bill.

It says directly in the bill with regard to the District that tuition scholarships may be used at private schools in the District. It is right here in the language of the bill.

Mr. CUNNINGHAM. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from California.

Mr. CUNNINGHAM. I did not say it was not used, I said it was not restricted to private use; that you can choose to go to another public school if you desire.

Ms. DELAURO. It says private schools in the District. The gentleman is incorrect.

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

Mr. Speaker, I would respond to my good friend, the gentleman from Los Angeles, who I should say has spent a good deal of time working on behalf of

the issues of concern here in the District of Columbia.

I would simply point to the fact that under our proposal that exists here, the amount spent for public schools is literally twice that that would be expended under the voucher program. In fact, for those 76,000 students, we propose spending $570 million, which is twice as much per student than those who would actually receive the parental choice scholarships.

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

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

Mr. DIXON. Mr. Speaker, I say to the gentleman from California [Mr. DREIER], my point is, what is this all about? Let us concede that 2,000 children will get a better education. I am not sure of that, but let us concede that. Then what? Is the suggestion that in the District of Columbia we will turn all the schools over to private? What is the point? We have been through this exercise.

Mr. DREIER. Reclaiming my time, Mr. Speaker, the point is to try and encourage competition, to try to improve education, to try to get a system into place which can be successful, rather than the one that we have seen which virtually everyone has acknowledged is a failure.

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

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

Mr. CUNNINGHAM. Mr. Speaker, I would say to my friend, the issue is not private versus public schools. It is trying to bring a school system that is in an emergency up to a level to help.

Sure, we would like more money than for just the 2,000, but if we take a look, and I would like to submit, it is a civil right, fighting for school choice, per Dr. King. Here, school choice finds satisfaction, parents are pleased and pupils improve scores.

If we look at national scores, the African-American community supports school choice. Bishop McKinney in my own city takes at-risk children, and 97 percent of them end up going to school.

Mr. DIXON. Mr. Speaker, If the gentleman will continue to yield, this debate is not about whether private or public schools are good or bad.

Mr. CUNNINGHAM. I have not yielded.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California [Mr. DREIER] controls the time at the moment.

Mr. DREIER. I continue to yield to my friend, the gentleman from San Diego, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, we are saying that the school system, especially in Washington, DC, is in an emergency situation, that we would like to take a look at that, that it has succeeded in other places in the country.

Yes, there are good teachers here. I have met some of them. General Becton is trying to change things. But we are saying that yes, there are only 2,000 students, but we would like to help the system as we can, and in the future bring up the public schools to the same level.

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

This is all, Mr. Speaker, about giving parents some choice and control over these decisions that are made here. If the Washington Post can advocate pursuing this sort of experiment, I think that we responsibly can do that.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I would say to the gentleman from southern California that the issue is not whether private schools do good work or whether public schools do good work, and some are in trouble. I would suggest that there are a lot of schools in our society that do good work.

The issue is not whether Martin Luther King said some statement that you are now using to support this, or the bishop in San Diego. The issue here is what the District should do in their school system.

The gentleman has been a big supporter of the general that has been appointed superintendent. That was a bold step. We need to give him an opportunity, and if we are to do anything at the Federal level, it is to support his bold efforts, not to take off 2,000 kids, to prove what? That is my point.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my good friend, the gentleman from Falls Church, VA [Mr. DAVIS], the chairman of the Subcommittee of the District of Columbia of the Committee on Government Reform and Oversight.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman for yielding me the time.

Just to correct some misunderstandings, this 2,000-student system where they will get the scholarships, I think that is a good idea. I will tell the gentleman why. I generally do not support vouchers. I am a strong supporter of the public schools, where I have three kids.

But the city's public schools today, as the gentleman knows, are in a state of disarray. There is a dropout rate of about 40 percent. The most difficult thing is we cannot even certify to some of the parents that the schools are safe.

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

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

Mr. DIXON. What is the inference of what the gentleman is saying?

Mr. DAVIS of Virginia. The inference of what we are saying is while we are fixing the public schools, while we are putting more resources into public schools with this bill, that some of these kids that are there now and will be there next year, they will only be in third grade once. You do not take that year away from them. Let us give them the same kinds of opportunities that our children have.

Not one Member of Congress, not the President, not the Vice President, sends their kids to the District of Columbia public schools. What it means is we would like to give some of these parents, the poorest of the poor, some of the opportunities that the rest of us have while we are trying to fix the system and make it work better.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my good friend and congressional classmate, the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in strong support of the scholarship program. I have had five kids. All have attended public schools in Fairfax County.

To verify what the gentleman from Virginia [Mr. DAVIS] said, I would just tell the gentleman from California [Mr. DIXON], my daughter taught for a year in the D.C. schools. If all of us had children in the D.C. schools, we would be up in arms trying to change it.

I know of a family that took a young boy out of the District of Columbia and put him in, and he was not doing very well in school, put him in the Fairfax County schools, where he is now excelling and getting a B, and doing very, very well.

We have an obligation. We have an obligation. None of us in this body, and there may be one or two, and if I am wrong, I apologize, but I do not believe there are more than two in this body that send their children to the D.C. schools. If they did, they would be up in arms.

I strongly support the scholarship program. I commend the gentleman from Texas [Mr. ARMEY], the majority leader. I think the gentleman from Virginia [Mr. DAVIS] has it exactly right. We have an obligation. If we were a mom or dad and we had a youngster in that school, we would be revolutionaries, trying to change that school system. Here is an opportunity trying to help at least 2,000.

As Mother Teresa said when she went into Calcutta to help one, she could not help everybody in Calcutta, but she could help one. If we can help 1 or 10 or 2,000, we ought to do it. I strongly support it, and hope we get a majority on our side, but also a majority from this side.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Palm Bay, FL [Mr. WELDON].

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

Mr. Speaker, I encourage all my colleagues on both sides of the aisle to support this school choice experiment for the District of Columbia. Twenty percent of Americans have school choice. They are the wealthy, they are the upper middle class. The people who do not are the poor and needy. I believe we have a responsibility to try to do something to try to make a change.

It has been demonstrated that just pouring more money into the system is not working. By looking at this and studying this, we can see firsthand if it is going to work. Frankly, I think it is irrational for anybody to be opposed to such a small school choice study right here in the capital city of the United States. For the life of me, I do not understand why anybody would oppose something this small, just to see if it works. If it fails, they will have their day. They can all rise up and say, ''It has been a disaster.''

But if it works, we have set a new model, a new standard for communities all over the country.

Mr. DIXON. Mr. Speaker, if the gentleman will yield, we know some private schools work.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. HOYER].

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] is recognized for 2½ minutes.

Mr. HOYER. Mr. Speaker, I came late to the floor. I understand that my colleagues are for this rule because the Moran amendment is made in order. I understand that rationale and I am for the Moran amendment.

I do not believe the majority has the intent of supporting the Moran amendment. I do not know that. Some will vote for it, I hope, on the other side. If not, this process is a sham, it is an ideological quest that will ultimately clearly and unequivocally fail. It will be the closing down of Government of November 1995. Everybody knows if the Moran amendment is not adopted, this bill is deader than a doornail. They are wasting our time and America's time with this ideological quest they are about.

Why do we waste time pretending that we are going to make policy when everybody knows, America knows and we all know, that this bill will be deader than a doornail if the Moran amendment is not adopted?

I rise, in addition to that, to say that I lament the failure of the Committee on Rules to be responsible on this legislation, and precluded me from making an amendment to strike a provision which puts at risk the President of the United States, his family's safety, the staff of the White House's safety, and the visitors to the White House's safety.

After a bipartisan group, of which Bill Webster, the former head of the FBI and the CIA, was a member, former General Jones, chairman of the Joint Chiefs was a member, unanimously recommended the closing of Pennsylvania Avenue, and I know that is controversial, but to change that policy in the twinkling of an eye denies the reality of the bombing in New York, denies the reality of the deaths of 168 people in Oklahoma City, denies the reality of the deaths of over 100 military personnel in Saudi Arabia.

It is irresponsible, I say to my colleagues, to not give this House the opportunity to strike the provision which puts at risk the symbol of executive leadership, not just of America but of the world, knowing full well that we have terrorists throughout this country who would use that as a symbol for some demented objective. I urge the rejection of this rule.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

I should say, Mr. Speaker, I have a very brief one minute remaining, so I do not plan to yield, even to my friend, the gentleman from Los Angeles, CA [Mr. DIXON].

Mr. Speaker, let me say that what we have come down to here, Mr. Speaker, is a very important question. My friend, the gentleman from Maryland [Mr. HOYER] just talked about partisanship and ideology. The fact of the matter is we should get beyond those things. I agree with that. What we should do is look at why it is that we are here dealing with this very important question.

What is it? We want to empower parents to have some choice to do what? Help their children, improve their plight. Everyone acknowledges that the education system here in the District of Columbia is in very serious trouble. The Washington Post has said we should try this experiment of parental choice, and when we do that, with this experiment we will be spending half as much as is being expended on a per student basis today here in the District of Columbia.

So let us put this issue of partisanship and ties to these special interests to the side, and at least try some creativity, an innovative way to deal with this very serious question.

I urge support of this bipartisan rule. I said on WAMU this morning, in response to Mark Plotkin, we have a bipartisan agreement on the rule. Let us pass the rule, and then move ahead with what obviously will be a very interesting debate.

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. The question is on the resolution.

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

Mr. DREIER. 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. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed until later today.

The point no quorum is considered withdrawn.

☐ 1045

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2169, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 263 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 263

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2169) making appropriations for the Department of Transportation 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. LATOURETTE). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], 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, House Resolution 263 waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read.

Mr. Speaker, in brief, the transportation appropriations bill for fiscal year 1998 provides vital transportation resources that will ensure a strong infrastructure for the United States and contains significant safety and security protections for American families across the Nation.

The conferees have provided $9.07 billion for the Federal Aviation Administration and assured the necessary funding to ensure aviation safety and security, enhance the capacity of the aviation system, improve weather forecasting systems, and provide automatic alerting systems to prevent runway collisions. These are provisions that are vital to provide the effective services and protection that the American public deserves.

Mr. Speaker, the conference report also provides $333.5 million to reduce fatalities on the Nation's roadways, $3.9 billion for the Coast Guard, and $354.1 million for the Coast Guard's drug interdiction program, $1.7 billion for the airport improvement program, and highway spending that is consistent with levels assumed in the bipartisan budget agreement.

Mr. Speaker, I also want to compliment the gentleman from Virginia [Mr. WOLF], the subcommittee chairman, for providing no special highway

demonstration projects and for cutting unnecessary administrative expenses that will help ensure that America's transportation and safety needs are met as we enter the 21st century.

In closing, I commend the gentleman from Virginia [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO], the ranking member, for their productive work in crafting this conference report. I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of the bill.

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

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

Mr. Speaker, I congratulate the gentleman from Virginia [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO] for their very, very hard work on this bill. They and the conferees have come up with a very good bill that funds Amtrak, the Coast Guard, and the Federal Aviation Administration.

Mr. Speaker, we in the Northeast do not have many tornadoes, we do not have many floods, not many of us need crop insurance or disaster relief, but one thing we do need more than just about any other part of the country is improvements to our infrastructure.

Mr. Speaker, when a Member represents cities and towns that were established in the 1630's, they realize that we need to do much more than the rest of the country to be sure that our infrastructure is sound. We need to shore up our roads, our bridges, our bus lines, our highways, which are obviously some of the oldest in this country. And we rely particularly heavily on passenger rail.

The Northeast corridor, which stretches from Boston to Washington, is the most traveled rail route in the entire country. It carries over 100 million passengers a year. Unfortunately, the U.S. rail system is also one of the most outdated in the world, and before the conferees fixed this bill, Amtrak's operating costs were seriously cut to the point that our national passenger rail system would probably have stopped ''dead in its tracks,'' so to speak.

But luckily for all Americans who use passenger rail, the conferees reversed the decision to cut Amtrak and provided $344 million for operating subsidies. The conferees also provided $250 million for the Northeast corridor which will allow many, many much-needed improvements.

This conference report, Mr. Speaker, does not stop at trains and automobiles. It also provides $2.7 billion for the Coast Guard, which is an increase over last year's funding.

Finally, Mr. Speaker, this conference report provides over $9 billion for the Federal Aviation Administration. This money will enable the FAA to improve its safety measures, which should reduce the dangers of acts of terrorism on American airplanes and in American airports.

Mr. Speaker, this rule is a good rule. The conference report is a good conference report. I urge my colleagues to support the rule.

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

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Speaker, I reluctantly rise in opposition to the rule and to the underlying Transportation appropriations bill.

My opposition to this bill is reluctant because of my deep respect and admiration for the gentleman from Virginia [Mr. WOLF], our committee chairman, and my regard for the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full Committee on Appropriations.

Mr. Speaker, the gentleman from Virginia runs his committee with the utmost thoughtfulness and respect for every Member of this body. He works hard to make sure that our Nation's roads, airplanes, and infrastructure will meet our 21st century needs, and the gentleman conducts himself personally and professionally with candor, class, and character.

Nevertheless, Mr. Speaker, I oppose this bill because it contains changes to the Wright amendment that are wrong on both policy and process grounds.

The Wright amendment was enacted almost 20 years ago at the behest of the cities of Fort Worth and Dallas in order to permit the safe development and operation of Dallas/Fort Worth International Airport while still permitting limited flights from Dallas Love Field. This legislation protects safety, safeguards taxpayers' investments in Dallas/Fort Worth Airport, and ensures local control by respecting the desires of the local communities.

The changes to the Wright amendment contained in this bill are bad policy because they will injure Dallas/Fort Worth International Airport, risk the hard-earned taxpayer dollars that have developed this airport, and trample on the desires of the local communities. And as so often happens, this bad policy was forced upon this House by the other body in a complete disregard for regular order or process.

Mr. Speaker, this changes almost 20 years of aviation law and was inserted without a single hearing or public forum, no discussion, no debate, no consideration, just a decision, Mr. Speaker, a decision made over the opposition of both Texas Senators, most of the local Members of Congress, the mayors of Fort Worth and Dallas, the city councils of Fort Worth and Dallas, the chambers of commerce of Fort Worth and Dallas, and the North Texas Commission.

As a strong supporter of local control, as a fiscal conservative who believes in the prudent use of taxpayers' dollars, and as a believer in regular order, I must oppose this rule and this conference report.

Mr. WOLF. Mr. Speaker, will the gentlewoman yield?

Ms. GRANGER. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I just wanted to thank the gentlewoman from Texas for her effectiveness and for the commitment that she had on this issue with regard to safety.

Mr. Speaker, had it not been for the efforts of the gentlewoman and the effort of a couple of other Members, and I would like to put myself in that category, there would not have been the provision with regard to safety.

As the gentlewoman knows, this was going to be much broader. There was initially going to be a complete repeal of the Wright amendment, which I did not support. They also had other areas.

Mr. Speaker, I just want to thank the gentlewoman and let the body know, because a lot of the meetings were private, and let the gentlewoman's constituents know and the country know that she is an advocate and a champion and, I respect very much her vote against this rule. And, Mr. Speaker, if I were the gentlewoman, I would vote against this rule, too, and I would try to get as many people to vote against the rule.

But, Mr. Speaker, I thank the gentlewoman for her effectiveness and her staying in to the very end in a very, very difficult process.

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

Mr. Speaker, before I yield time, I want to congratulate the gentleman from Virginia [Mr. WOLF], who is now here, for a wonderful job. He was not here when I spoke. But between the gentleman from Virginia and the gentleman from Minnesota [Mr. SABO], they did an outstanding job on this conference report.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. FROST], a diligent, very hard-working member of the Committee on Rules who has got a very, very germane point which Members should listen to.

Mr. FROST. Mr. Speaker, I rise in opposition to this rule and in opposition to this conference report.

Mr. Speaker, yesterday when the Committee on Rules met to consider this rule, I offered an amendment to the rule which would have, in essence, stricken section 337 from the conference report. I offered this amendment to the rule since this section of the conference report has an immediate and negative impact on my congressional district, as well as the entire Dallas area.

Section 337 alters a longstanding agreement between the Federal Government and the cities of Fort Worth and Dallas relating to air service out of Dallas Love Field. However, the committee majority did not see fit to agree to my amendment, and for that reason I will oppose this rule.

Mr. Speaker, I do support the content of the conference report, except for this provision in section 337, and I would like to take a few minutes to explain the importance of this matter to the

Dallas area and as has previously been indicated by the gentlewoman from Texas [Ms. GRANGER], who spoke just a moment ago.

Mr. Speaker, in the early 1960's, the cities of Dallas and Fort Worth each wanted to have their own airport and the competition between the cities resulted in intense disagreements and fragmented air service. The old Civil Aeronautics Board, frustrated with this rivalry, forced the cities to coordinate their efforts and resources. This coordination resulted in the construction of a regional airport now known as Dallas/Fort Worth International Airport, the second busiest airport in the United States.

Before construction began, however, Dallas and Fort Worth executed concurrent bond ordinances to finance the airport and agreed under contract to phase out commercial traffic from each city's local airport in order to protect both cities' substantial investment in the new airport.

To further facilitate this agreement, in 1979 Congress enacted the Love Field amendment, popularly known as the Wright amendment. The Wright amendment expanded allowable service from Love Field by permitting flights to Texas and its four contiguous States, Oklahoma, Louisiana, Arkansas, and New Mexico. Exempted altogether from the provisions of the Wright amendment were commuter airlines operating aircraft with passenger capacity of 56 passengers or less.

The Wright amendment has served the communities of Dallas and Fort Worth well in the 18 years it has been in place. It protected neighborhoods surrounding Love Field, which is, after all, right in the middle of the city, from the noise and other hazards of a full-fledged commercial airport. And it has preserved relations between the two cities on an issue which many consider to be the most important to the economic development of the entire north Texas region.

This conference report does grave injustice to my district as well as to the cities of Dallas and Fort Worth. The Chairman of the Senate Appropriations Subcommittee on Transportation has seen fit to insert language in the Senate-passed bill and this conference report, which expands the area of service as well as the type of service allowed from Dallas Love Field.

He has done this in spite of the fact that the city councils of the affected cities, the mayors of the two cities, as well as myself, the gentlewoman from Texas, Ms. GRANGER, the former mayor of Fort Worth, and the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, in whose district Love Field lies, as well as the two Senators from Texas, are opposed to this change in the Wright amendment.

Mr. Speaker, this is a local matter, and it is one that should be settled locally, not by an appropriations conference report, and this body should not allow itself to be bullied by one U.S. Senator who does not represent the area affected.

Mr. Speaker, I urge the rejection of this rule and the rejection of this conference report.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I want to say that what we just heard about the Wright amendment ought to be discussed a little bit, because it has been in place 18 years. The Wright amendment was put in place to protect Dallas/Fort Worth International Airport, which is now the second busiest airport in the world.

Mr. Speaker, they are working on their eighth runway. Dallas/Forth Worth Airport houses the largest airline in the United States, American Airlines and it has a virtual monopoly on travel in and out of the Dallas/Fort Worth area.

What this change to the Wright amendment does is allow traffic in and out of Love Field, which adds a little competition to American Airlines. Well, that lack of competition has had an effect on the surrounding area. According to the U.S. Department of Transportation, travelers going in and out of Dallas have had to spend, in 1992, an additional $183 million in higher fares. Much of that is burdened by Kansas travelers who are trying to get in and out of the Dallas/Fort Worth area, just because of lack of competition.

Well, this provision allows that competition to happen. This is America. This is free enterprise. This is the strength of our country.

□ 1100

It is not bullying by one Senator. It is a whole nation that believes we ought to have competition, who thinks this Wright amendment is a virtual monopoly that has created a very high profit for one airline and allow growth to the Dallas/Fort Worth International Airport.

So it is time for change. It is time for a little competition. This minor change to the Wright amendment does not strike it down, although that would have been my preference. Thanks to the hard work of a freshman Congresswoman, the gentlewoman from Texas [Ms. GRANGER] on the House side, it was not completely stricken down. I still believe it should be, but we are making minor changes to allow competition, particularly in the Kansas area, which will allow Kansas to have lower airfares, and to break the virtual monopoly that American Airlines has held.

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

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

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

Mr. GOSS. Mr. Speaker, I appreciate my friend from Georgia yielding me this time. I rise in strong support of this fair and customary rule.

One critical component of our war on drugs is the Coast Guard drug interdiction program. By providing full funding for this initiative in this bill, we are sending a clear message to drug runners that drug trafficking in our waters will not be tolerated and will be punished. We are willing to commit the resources necessary to win the war on drugs. I emphasize that, to win the war on drugs, not to settle for stalemate or not to go backward, as we are in some areas now.

I am also pleased that the committee has once again held the line on highway demonstration projects. These are projects that infuriate Americans because it is not wise expenditure of their tax dollars. Once again this year, the gentleman from Virginia [Mr. WOLF] has resisted these projects, and he should be commended for sticking with what is sometimes a difficult position in this Chamber.

I urge adoption of this noncontroversial rule, as well as the underlying bill.

Mr. LINDER. 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. LATOURETTE]. The question is on the resolution.

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

Mr. LINDER. 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 413, nays 4, not voting 16, as follows:

[Roll No. 507]

YEAS—413

Ackerman	Bonior	Coburn
Aderholt	Bono	Collins
Allen	Borski	Combest
Andrews	Boswell	Condit
Archer	Boucher	Conyers
Armey	Boyd	Cook
Bachus	Brady	Cooksey
Baesler	Brown (CA)	Costello
Baker	Brown (OH)	Cox
Baldacci	Bryant	Coyne
Ballenger	Bunning	Cramer
Barr	Burr	Crane
Barrett (NE)	Burton	Crapo
Barrett (WI)	Buyer	Cubin
Bartlett	Callahan	Cummings
Bass	Calvert	Cunningham
Bateman	Camp	Danner
Becerra	Campbell	Davis (FL)
Bentsen	Canady	Davis (IL)
Bereuter	Cannon	Davis (VA)
Berman	Capps	Deal
Berry	Cardin	DeFazio
Bilbray	Carson	DeGette
Bilirakis	Castle	Delahunt
Bishop	Chabot	DeLauro
Blagojevich	Chenoweth	DeLay
Bliley	Christensen	Dellums
Blumenauer	Clay	Deutsch
Blunt	Clayton	Diaz-Balart
Boehlert	Clement	Dickey
Boehner	Clyburn	Dicks
Bonilla	Coble	Dixon

Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
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
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
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
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
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 (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—4

Barcia
Frost
Granger
Oberstar

NOT VOTING—16

Abercrombie
Barton
Brown (FL)
Chambliss
Dingell
Foglietta
Gonzalez
Hilliard
Lewis (KY)
Miller (CA)
Murtha
Oxley
Saxton
Schiff
Tanner
Young (AK)

□ 1121

Mr. COBURN 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.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, on rollcall No. 507, I was unavoidably detained. Had I been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 2607, DISTRICT OF COLUMBIA APPROPRIATIONS, MEDICAL LIABILITY REFORM, AND EDUCATION REFORM ACT OF 1998

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question de novo on agreeing to House Resolution 264.

The Clerk read the title of the resolution.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 370, nays 50, not voting 13, as follows:

[Roll No. 508]

YEAS—370

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foglietta
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
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
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry

Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velazquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—50

Andrews
Baesler
Bentsen
Bonior
Clayton
Conyers
DeGette
Delahunt
Deutsch
Dixon
Fazio
Filner
Ford
Frank (MA)
Gephardt
Goode
Green
Hastings (FL)
Hinchey
Horn
Hoyer
Jackson-Lee (TX)
Jefferson
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kucinich
Lewis (GA)
Markey
McGovern
McKinney
Meehan
Meek
Mink
Olver
Owens
Payne
Rangel
Rivers
Rothman
Scott
Sherman
Slaughter
Stark
Stokes
Taylor (MS)
Tierney
Vento
Waters
Wexler

NOT VOTING—13

Abercrombie
Brown (FL)
Chambliss
Dingell
Gonzalez
Hilliard
Lewis (KY)
Miller (CA)
Murtha
Saxton
Schiff
Tanner
Young (AK)

☐ 1141

Mrs. MINK of Hawaii, Mrs. CLAYTON, and Messrs. KENNEDY of Massachusetts, DELAHUNT, GREEN, PAYNE, DEUTSCH, HOYER, BAESLER, and ROTHMAN changed their vote from ''yea'' to ''nay.''

Mr. DAVIS of Illinois changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SAXTON. Mr. Speaker, this morning I attended the signing of the National Wildlife Refuge bill by President Clinton at the White House. As a consequence, I was unable to vote on rollcall Nos. 507 and 508. Had I been present, I would have voted ''aye'' on both rollcalls: For the rule waiving points of order against the consideration of the conference report to accompany H.R. 2169, Transportation appropriations for fiscal 1998, and for the rule providing for the consideration of H.R. 2607, District of Columbia appropriations for fiscal 1998.

THE JOURNAL

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 58, not voting 23, as follows:

[Roll No. 509]

AYES—352

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Ewing
Farr
Fattah
Flake
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
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
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
Meehan
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schumer
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOES—58

Becerra
Borski
Brown (CA)
Clay
Clyburn
Costello
DeFazio
Deutsch
English
Ensign
Evans
Everett
Fazio
Filner
Foglietta
Fox
Gibbons
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hill
Hilleary
Hinchey
Hulshof
Kilpatrick
Kucinich
Lewis (GA)
LoBiondo
McDermott
McGovern
McNulty
Meek
Menendez
Oberstar
Pallone
Pascrell
Pastor
Payne
Pickett
Pombo
Poshard
Ramstad
Rangel
Sabo
Salmon
Schaffer, Bob
Scott
Sessions
Stokes
Stupak
Taylor (MS)
Thompson
Towns
Visclosky
Weller
Wexler
Wicker

NOT VOTING—23

Abercrombie
Bonior
Brown (FL)
Burr
Chambliss
Dingell
Fawell
Gephardt
Gonzalez
Hilliard
Hunter
Lewis (KY)
Manzullo
McKeon
Miller (CA)
Murtha
Saxton
Schiff
Tanner
Tiahrt
Waters
Watt (NC)
Young (AK)

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So the Journal was approved.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2204, COAST GUARD AUTHORIZATION ACT OF 1997

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. 105–317), on the resolution (H. Res. 265) providing for consideration of the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 2169, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 263, I call up the conference report on the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 263, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 7, 1997, at page H8587.)

The SPEAKER pro tempore. The gentleman from Virginia, [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO] each will control 30 minutes.

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

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2169, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, H.R. 2169, the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act, represents the eighth conference report from the Committee on Appropriations. As my colleagues are aware, only 3 legislative days remain to complete action on the five remaining individual appropriation bills before October 23 when the continuing resolution expires.

The conference agreement represents a compromise between the House and the Senate bills, and with any compromise there are elements in this agreement that were difficult for the House and the Senate to accept. But in the end, and all things considered, this conference agreement is a good bill and one that I believe the President has indicated he will sign, and Secretary Slater called to say that he agreed with the bill. The agreement reflects this Congress's desire to spend additional funding on the Nation's infrastructure and to protect the safety of the traveling public.

In total, the conference agreement provides $12.4 billion in new discretionary budget authority in fiscal year 1998. When accounting for a rescission of contract authority enacted last year, funding contained in this bill represents an increase of $240 million in discretionary budget authority over the last year. In addition, trust fund expenditures, namely, from the highway trust fund and the aviation and airway trust, are up $3.5 billion, indicating this Congress's resolve in approving the transportation infrastructure.

Allow me, Mr. Speaker, to highlight a number of items in the conference. One, Federal-aid highways is funded at $21.5 billion, the same as the House-passed level and $3.5 billion over last year.

Also, there are no highway demonstration projects in this bill. I know this has created some heartburn. There have been people on both sides of the aisle that quite frankly have been mad at me, good people, decent people that just have not agreed. But we felt the fairest way was to reallocate the money back to the States with a formula whereby everyone in this body, whether they be Republican or Democrat or wherever they may come from, would be treated fairly.

I would just say, if anybody on my side is listening in the leadership, I would hope and I would pray that during this consideration, as long as I have the privileged to serve as chairman of this Subcommittee on Transportation of the Committee on Appropriations, that the leadership on both sides of the aisle, but particularly as a Republican Member for my side, that they would support my efforts, whether they completely like it or dislike it, whereby we will treat everybody fair, and there will be no highway demonstration projects in this legislation. Because what we would basically do, Mr. Speaker, is we would be taking general fund money out which could go to the Coast Guard and go to many other things, and I think that should be done in another bill.

Second, $2.5 billion of the transit formula grants, the same level as last year, or an increase of 16 percent. The conference agreement also includes $2 billion for transit discretionary grants and $150 million for transit operating assistance.

I want to particularly thank the gentleman from Minnesota [Mr. SABO] and the gentleman from Wisconsin [Mr. OBEY] for their support on this effort. There was a motion to instruct the conferees on this. We have been faithful to that instruction, and in many respects with the support of both of the gentlemen, we have also been able to change the definitions which will mean actually more for buses.

Mr. Speaker, $9.1 billion for the Federal Aviation Administration, an increase of $785 million over last year, which includes $1.7 billion for the airport improvement program. The administration only requested $1 billion, and we are at $1.7 billion as a commitment with regard to aviation.

I might add parenthetically that Secretary Slater called and expressed some interest with regard to explosive device research. I would tell the Secretary that with the increase of $1.7 billion, $700 million over what the administration actually requested, he does have the authority, and I think both sides of this aisle have been very faithful with regard to aviation safety, to take some of this money and use it for explosive devices and what he hoped to be able to do.

Mr. Speaker, $3.9 billion for the Coast Guard, an increase of $440 million over the 1997 enacted level. The bill fully funds the Coast Guard's drug interdiction activities at $354 million.

Mr. Speaker, $333 million for the highway safety activities of the National Highway Traffic Safety Administration, and $543 million for Amtrak, together with an additional $250 million for the Northeast corridor improvement program.

There were a number of difficult issues before the conference and I would like to briefly share with the Members of the House just a few of them.

Certain Members of the Texas Delegation had expressed an objection to the Senate language on the Wright amendment. Working with the gentlewoman from Texas [Ms. GRANGER] and the majority leader, the gentleman from Texas [Mr. ARMEY], in the conference, we attempted to reach a compromise which was significantly less than what the Senate wanted. I believe the conference accomplished that and, in the end, I believe that the House obtained considerable concessions from the Senate in the spirit of compromise.

And for those on both sides who were interested in the issue of safety, there is very difficult, very tough language with regard to safety. The conference report provides that the FAA administrator shall take whatever, whatever, whatever actions are needed to protect the public safety, even if it means restricting air traffic. So I would direct Members' attention to that language printed in the conference report on page 25, and the conference agreement does protect safety. I also plan on meeting with the FAA administrator on this issue to make sure, and there was a consensus agreement on both sides of the aisle and also on the Senate side with regard to that.

Bus allocations. The conference agreement allocates some $400 million in bus funds. While the Senate indicated that it preferred to allocate bus funding on a case-by-case basis, the House insisted that a formula approach be employed such that no member, Republican or Democrat, was advantaged by his or her position on the committee, tenure in Congress, or position of leadership. The House prevailed in conference and all bus funding was apportioned by a rational, fair and defensible formula.

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I might say to Members, if anyone is listening back in their offices, next year as we begin to get into this issue, I would urge Members to meet with their Senators from their States, call them up, go over and visit them, talk to them, and tell them that based on the formula it is important not only for the great job that the House Members have done with regard to representing their areas but also it is important that the Senate do the same. I think that would be helpful to remove any disagreements.

Third, funding for the Appalachian Development Highway System. The conference report provides $300 million for the Appalachian Development Highway System construction, the same level as provided by the Senate bill. The House bill, I might state, contains

no appropriation. Agreeing to the $300 million was a concession to the Senate in the spirit of compromise.

Funding for the ADHS benefits 13 States which comprise the Appalachian Regional Commission. This money is provided from the general fund, which I find somewhat disturbing, because that money could be used for other things with regard to aviation safety. I believe it would be more appropriate to expend the money from the highway trust fund for these roads and bridges, which would be subject to the annual limitation on obligations.

I would also note, if anyone from the administration or from the Office of Management and Budget is listening, to crystallize a certain issue and note that $300 million exceeds the President's request by $100 million. With that $100 million, it could be put into the explosive devices, or do some of those other things.

This was not something easy to swallow, but I personally, nor did Members on our side, did not want to do anything to hold up the Nation's entire transportation budget over this issue. In the end, all things considered, it is a good bill. The President has indicated he will sign it, Secretary Slater called us and said he agrees with it. I urge my colleagues to support the conference agreement.

In closing, I want to acknowledge the assistance and support of the gentleman from Minnesota [Mr. SABO], the ranking member of the subcommittee. We never had a difference. I do not believe there was ever a partisan difference in the whole process. The bill passed 403 to 5, or something like that. I just want to thank the gentleman from Minnesota [Mr. SABO] publicly and the gentleman from Wisconsin [Mr. OBEY] for their cooperation.

I also want to thank all the Republican members, who were very, very helpful and worked together in a good team effort.

If I may also, Mr. Speaker, I would like to thank the staff, John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, Cheryl Smith, and also the associate staff, who have done a tremendous job. I do not want murder their names but out of a courtesy to them I would like to mention them: David Whitestone, Monica Vegas Kladakis, Connie Veillette, Steve Carey, Eric Mondero, Todd Rich, Joe Cramer, Mark Zelden, Paul Cambon, Marjorie Duske, Barbara Zylinski-Mizrahi, Albert Jacquez, Nancy Alcalde, David Oliveira, Blake Blake Gable and Paul Carver. I apologize if I did not say all those words appropriately, but I hope for the RECORD's sake they will be there.

Last, Mr. Speaker, I urge my colleagues to support the conference bill. I include for the RECORD the following information:

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1998 (H.R. 2169)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	52,966,000	56,136,000	60,009,000	66,703,000	61,000,000	+8,034,000
Office of civil rights	5,574,000	5,574,000	5,574,000	5,574,000	5,574,000	.....
Transportation planning, research, and development	3,000,000	6,008,000	4,400,000	4,400,000	4,400,000	+1,400,000
Transportation Administrative Service Center	(124,812,000)	.....	(121,800,000)	.....	(121,800,000)	(-3,012,000)
Payments to air carriers (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(25,900,000)	.....	.....	.....	.....	(-25,900,000)
(Limitation on obligations)	(25,900,000)	.....	.....	.....	.....	(-25,900,000)
Rescission of contract authorization	(-12,700,000)	(-38,600,000)	.....	(-38,600,000)	(-38,600,000)	(-25,900,000)
Rescission	(-1,133,000)	.....	.....	.....	.....	(+1,133,000)
Rental payments	127,447,000	10,567,000	.....	.....	.....	-127,447,000
Minority business resource center program	1,900,000	1,900,000	1,900,000	1,900,000	1,900,000	.....
(Limitation on direct loans)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	.....
Minority business outreach	2,900,000	2,900,000	2,900,000	2,900,000	2,900,000	.....
Total, Office of the Secretary	193,787,000	83,085,000	74,783,000	81,477,000	75,774,000	-118,013,000
(Limitations on obligations)	(25,900,000)	.....	.....	.....	.....	(-25,900,000)
Total budgetary resources	(219,687,000)	(83,085,000)	(74,783,000)	(81,477,000)	(75,774,000)	(-143,913,000)
Coast Guard						
Operating expenses	2,319,725,000	2,440,000,000	2,408,000,000	2,435,400,000	2,415,400,000	+95,675,000
Defense function (050)	.....	300,000,000	300,000,000	.....	300,000,000	+300,000,000
(Transfer from DOD)	(300,000,000)	.....	.....	(300,000,000)	.....	(-300,000,000)
Supplemental (P.L. 105-18)	1,600,000	.....	.....	.....	.....	-1,600,000
Acquisition, construction, and improvements:						
Offsetting collections	.....	-9,000,000	-9,000,000	-9,000,000	-9,000,000	-9,000,000
Vessels	216,500,000	186,900,000	191,650,000	214,700,000	212,100,000	-4,400,000
Aircraft	18,040,000	26,400,000	33,900,000	26,400,000	25,800,000	+7,760,000
Other equipment	41,700,000	49,700,000	47,050,000	51,200,000	44,650,000	+2,950,000
Shore facilities and aids to navigation facilities	52,350,000	69,000,000	59,400,000	73,000,000	68,300,000	+15,950,000
Personnel and related support	46,250,000	47,000,000	47,000,000	47,000,000	47,000,000	+750,000
Subtotal, A C & I appropriations	374,840,000	370,000,000	370,000,000	403,300,000	388,850,000	+14,010,000
Environmental compliance and restoration	22,000,000	21,000,000	21,000,000	21,000,000	21,000,000	-1,000,000
Port Safety Development	5,000,000	.....	.....	.....	.....	-5,000,000
Alteration of bridges	16,000,000	.....	16,000,000	26,000,000	17,000,000	+1,000,000
Retired pay	608,084,000	645,696,000	645,696,000	653,196,000	653,196,000	+45,112,000
Supplemental (P.L. 105-18)	9,200,000	.....	.....	.....	.....	-9,200,000
Reserve training	65,890,000	65,000,000	67,000,000	65,535,000	67,000,000	+1,110,000
Research, development, test, and evaluation	19,200,000	19,000,000	19,000,000	20,000,000	19,000,000	-200,000
Boat safety (Aquatic Resources Trust Fund)	35,000,000	50,000,000	35,000,000	35,000,000	35,000,000	.....
Total, Coast Guard	3,476,539,000	3,910,696,000	3,881,696,000	3,659,431,000	3,916,446,000	+439,907,000
Federal Aviation Administration						
Operations	4,925,500,000	5,036,100,000	5,300,000,000	5,325,900,000	5,301,934,000	+376,434,000
Appropriation of user fees	.....	300,000,000	.....	.....	.....	.....
Offsetting Collections	-75,000,000	.....	.....	.....	.....	+75,000,000
Emergency appropriations	(32,400,000)	.....	.....	.....	.....	(-32,400,000)
Facilities and equipment (Airport and Airway Trust Fund)	1,793,500,000	1,875,000,000	1,875,000,000	1,889,004,883	1,875,477,000	+81,977,000
Emergency appropriations	(144,200,000)	.....	.....	.....	.....	(-144,200,000)
Research, engineering, and development (Airport and Airway Trust Fund)	187,412,000	200,000,000	185,000,000	214,250,000	199,183,000	+11,771,000
Emergency appropriations	(21,000,000)	.....	.....	.....	.....	(-21,000,000)
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,500,000,000)	(1,500,000,000)	(1,600,000,000)	(1,600,000,000)	(1,600,000,000)	(+100,000,000)
(Limitation on obligations)	(1,460,000,000)	(1,000,000,000)	(1,700,000,000)	(1,700,000,000)	(1,700,000,000)	(+240,000,000)
Rescission of contract authorization	(-800,000,000)	.....	.....	(-190,000,000)	(-412,000,000)	(+388,000,000)
Total, Federal Aviation Administration	6,831,412,000	7,411,100,000	7,360,000,000	7,429,154,883	7,376,594,000	+545,182,000
(Limitations on obligations)	(1,460,000,000)	(1,000,000,000)	(1,700,000,000)	(1,700,000,000)	(1,700,000,000)	(+240,000,000)
Total budgetary resources	(8,291,412,000)	(8,411,100,000)	(9,060,000,000)	(9,129,154,883)	(9,076,594,000)	(+785,182,000)
Federal Highway Administration						
Limitation on general operating expenses	(521,114,000)	(494,376,000)	(510,313,000)	(558,440,000)	(552,266,000)	(+31,152,000)
Highway-related safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(2,049,000)	(4,000,000)	.....	(4,000,000)	.....	(-2,049,000)
Rescission of contract authority	(-9,100,000)	.....	.....	.....	.....	(+9,100,000)
Appalachian Development Highway system	.....	.....	.....	300,000,000	300,000,000	+300,000,000
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(18,000,000,000)	(20,170,000,000)	(21,500,000,000)	(21,800,000,000)	(21,500,000,000)	(+3,500,000,000)
Supplemental obligation authority (P.L. 105-18)	(694,810,534)	.....	.....	.....	.....	(-694,810,534)
(Exempt obligations) (sec. 310 a-d)	(1,783,237,000)	(1,510,571,000)	(1,390,570,000)	(1,390,600,000)	(1,390,570,000)	(-392,667,000)
(Bonus program) (sec. 310 e)	(241,173,000)	.....	(269,656,000)	.....	.....	(-241,173,000)
(Liquidation of contract authorization)	(19,800,000,000)	(19,800,000,000)	(20,800,000,000)	(20,850,000,000)	(20,800,000,000)	(+1,000,000,000)
Emergency appropriations	(82,000,000)	.....	.....	.....	.....	(-82,000,000)
Emergency relief program (P.L. 105-18)	(650,000,000)	.....	.....	.....	.....	(-650,000,000)
Right-of-way revolving fund	.....	.....	.....	8,000,000	.....	.....

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1998 (H.R. 2169) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(74,000,000)	(90,000,000)	(85,000,000)	(85,000,000)	(85,000,000)	(+11,000,000)
(Limitation on obligations)	(78,225,000)	(100,000,000)	(85,325,000)	(84,300,000)	(84,825,000)	(+6,600,000)
Rescission of contract authorization	(-12,300,000)					(+12,300,000)
State infrastructure banks	150,000,000					-150,000,000
State infrastructure banks (Highway Trust Fund)		150,000,000				
Transportation infrastructure credit program (Highway Trust Fund)		100,000,000				
Total, Federal Highway Administration	150,000,000	250,000,000		308,000,000	300,000,000	+150,000,000
(Limitations on obligations)	(18,773,035,534)	(20,270,000,000)	(21,585,325,000)	(21,884,300,000)	(21,584,825,000)	(+2,811,789,466)
(Sec. 310 obligations)	(2,024,410,000)	(1,510,571,000)	(1,660,226,000)	(1,390,600,000)	(1,390,570,000)	(-633,840,000)
Total budgetary resources	(20,947,445,534)	(22,030,571,000)	(23,245,551,000)	(23,582,900,000)	(23,275,395,000)	(+2,327,949,466)
National Highway Traffic Safety Administration						
Operations and research	80,900,000		74,492,000	74,760,000	74,901,000	-5,999,000
Operations and research (Highway Trust Fund)	51,712,000	147,500,000	72,415,000	71,740,000	72,061,000	+20,349,000
Subtotal, Operations and research	132,612,000	147,500,000	146,907,000	146,500,000	146,962,000	+14,350,000
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(168,100,000)	(185,000,000)	(186,000,000)	(186,000,000)	(186,000,000)	(+17,900,000)
State and community highway safety grants (Sec. 402) (limitation on obligations)	(128,700,000)	(140,200,000)	(140,200,000)	(150,700,000)	(149,700,000)	(+21,000,000)
National Driver Register (Sec. 402) (limitation on obligations)	(2,400,000)	(2,300,000)	(2,300,000)	(2,300,000)	(2,300,000)	(-100,000)
Contract authorization (P.L. 105-18)	2,500,000					-2,500,000
Highway safety grants (Sec. 1003(a)(7)) (limitation on obligations)	(11,500,000)					(-11,500,000)
Occupant protection incentive grants (limitation on obligations)		(9,000,000)	(9,000,000)			
Alcohol-impaired driving countermeasures programs (Sec. 410) (limitation on obligations)	(25,500,000)	(34,000,000)	(35,000,000)	(34,000,000)	(34,500,000)	(+9,000,000)
Contract authorization (P.L. 105-18)	500,000					-500,000
Rescission of contract authorization	(-24,800,000)					(+24,800,000)
Total, National Highway Traffic Safety Administration	135,612,000	147,500,000	146,907,000	146,500,000	146,962,000	+11,350,000
(Limitations on obligations)	(168,100,000)	(185,500,000)	(186,500,000)	(187,000,000)	(186,500,000)	(+18,400,000)
Total budgetary resources	(303,712,000)	(333,000,000)	(333,407,000)	(333,500,000)	(333,462,000)	(+29,750,000)
Federal Railroad Administration						
Office of the Administrator	16,739,000	20,559,000	19,434,000	19,800,000	20,290,000	+3,551,000
Railroad safety	51,407,000	57,067,000	56,967,000	57,067,000	57,067,000	+5,660,000
Railroad research and development	20,100,000	21,638,000	21,038,000	24,906,000	20,758,000	+658,000
Northeast corridor improvement program	175,000,000		250,000,000	273,450,000	250,000,000	+75,000,000
High-speed rail trainsets and facilities	80,000,000					-80,000,000
Next generation high-speed rail	24,757,000	19,595,000	18,395,000	26,000,000	20,395,000	-4,362,000
Trust fund share of next generation high-speed rail (Highway Trust Fund): (Liquidation of contract authorization)	(2,855,000)					(-2,855,000)
Alaska Railroad rehabilitation	10,000,000			17,000,000	15,280,000	+5,280,000
Rhode Island Rail Development	7,000,000	10,000,000	10,000,000	10,000,000	10,000,000	+3,000,000
Direct loan financing program	58,680,000					-58,680,000
Direct loan financing program limitation	(400,000,000)					(-400,000,000)
Grants to the National Railroad Passenger Corporation:						
Operations	364,500,000		283,000,000	344,000,000	344,000,000	-20,500,000
Capital	223,450,000		260,000,000		199,000,000	-24,450,000
Subtotal, Grants to Amtrak	587,950,000		543,000,000	344,000,000	543,000,000	-44,950,000
Capital grants to the National Railroad Passenger Corporation (Highway Trust Fund)		445,450,000				
(Northeast corridor improvements)		(200,000,000)				
(Pennsylvania Station Redevelopment Project)		(23,450,000)				
Operating grants to the National Railroad Passenger Corporation (Highway Trust Fund)		344,000,000				
Emergency railroad rehabilitation and repair:						
Emergency funding (P.L. 105-18)	(18,900,000)					(-18,900,000)
Total, Federal Railroad Administration	1,031,633,000	918,309,000	918,834,000	772,223,000	936,790,000	-94,843,000
Federal Transit Administration						
Administrative expenses	41,497,000		45,738,000	41,497,000	45,738,000	+4,241,000
Administrative expenses (Highway Trust Fund, Mass Transit Account)		47,018,000				
Formula grants	490,000,000		290,000,000	190,000,000	240,000,000	-250,000,000
Formula grants (Highway Trust Fund):						
(Limitation on obligations)	(1,659,185,000)		(2,210,000,000)	(2,210,000,000)	(2,260,000,000)	(+600,815,000)
Operating assistance grants	(400,000,000)		(200,000,000)		(150,000,000)	(-250,000,000)
Subtotal, Formula grants	(2,149,185,000)		(2,500,000,000)	(2,400,000,000)	(2,500,000,000)	(+350,815,000)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1998 (H.R. 2169) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Formula programs (Highway Trust Fund, Mass Transit Account):						
(Limitation on obligations)		(3,498,500,000)				
(Liquidation of contract authorization)		(1,500,000,000)				
University transportation centers	6,000,000		6,000,000	6,000,000	6,000,000	
Transit planning and research	85,500,000		86,000,000	77,250,000	92,000,000	+6,500,000
Metropolitan planning	(39,500,000)		(39,500,000)	(39,500,000)	(39,500,000)	
Rural transit assistance	(4,500,000)		(4,500,000)	(4,500,000)	(4,500,000)	
Transit cooperative research	(8,250,000)		(8,250,000)			(-8,250,000)
National planning and research	(22,000,000)		(22,500,000)	(22,000,000)	(36,750,000)	(+14,750,000)
State planning and research	(8,250,000)		(8,250,000)	(8,250,000)	(8,250,000)	
National transit institute	(3,000,000)		(3,000,000)	(3,000,000)	(3,000,000)	
Subtotal, Transit planning and research	(85,500,000)		(86,000,000)	(77,250,000)	(92,000,000)	(+6,500,000)
Transit planning and research (Highway Trust Fund, Mass Transit Account)		91,800,000				
Metropolitan planning		(39,500,000)				
Transit cooperative research		(8,250,000)				
Statewide planning		(8,250,000)				
National planning and research		(16,800,000)				
National mass transportation institute		(3,000,000)				
University transportation centers		(6,000,000)				
Advanced Technology Transit Bus		(10,000,000)				
Subtotal, Transit planning and research		(91,800,000)				
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(1,920,000,000)		(2,210,000,000)	(2,210,000,000)	(2,210,000,000)	(+290,000,000)
Rescission of contract authorization	(-271,000,000)					(+271,000,000)
Discretionary grants (Highway Trust Fund) (limitation on obligations):						
Fixed guideway modernization	(760,000,000)		(800,000,000)	(780,000,000)	(800,000,000)	(+40,000,000)
Bus and bus-related facilities	(380,000,000)		(400,000,000)	(440,000,000)	(400,000,000)	(+20,000,000)
New starts	(760,000,000)		(800,000,000)	(788,000,000)	(800,000,000)	(+40,000,000)
Subtotal, Discretionary grants	(1,900,000,000)		(2,000,000,000)	(2,008,000,000)	(2,000,000,000)	(+100,000,000)
Rescission of contract authorization	(-588,000,000)					(+588,000,000)
Major capital investments (Highway Trust Fund, Mass Transit Account) (limitation on obligations)		(650,000,000)				
Mass capital investments (Highway Trust Fund, Mass Transit Account) (liquidation of contract authority)		(2,350,000,000)				
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,300,000,000)		(2,350,000,000)	(2,350,000,000)	(2,350,000,000)	(+50,000,000)
Washington Metropolitan Area Transit Authority	200,000,000		200,000,000	160,000,000	200,000,000	
Washington Metropolitan Area Transit Authority (Highway Trust Fund, Mass Transit Account)		200,000,000				
Total, Federal Transit Administration	822,997,000	338,818,000	627,738,000	474,747,000	583,738,000	-239,259,000
(Limitations on obligations)	(3,559,185,000)	(4,148,500,000)	(4,210,000,000)	(4,218,000,000)	(4,260,000,000)	(+700,815,000)
Total budgetary resources	(4,382,182,000)	(4,487,318,000)	(4,837,738,000)	(4,692,747,000)	(4,843,738,000)	(+461,556,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	10,337,000		11,200,000		11,200,000	+863,000
Research and Special Programs Administration						
Research and special programs	26,886,000	30,102,000	27,934,000	28,450,000	28,450,000	+1,564,000
Hazardous materials safety	(15,472,000)		(15,024,000)	(15,492,000)	(15,342,000)	(-130,000)
Emergency transportation	(993,000)		(993,000)	(1,443,000)	(1,443,000)	(+450,000)
Research and technology	(3,580,000)		(3,596,000)	(3,296,000)	(3,446,000)	(-134,000)
Program and administrative support	(6,841,000)		(8,321,000)	(8,219,000)	(8,219,000)	(+1,378,000)
Subtotal, research and special programs	(26,886,000)		(27,934,000)	(28,450,000)	(28,450,000)	(+1,564,000)
Emergency appropriations	(3,000,000)					(-3,000,000)
Pipeline safety (Pipeline Safety Fund)	28,460,000	30,660,000	28,186,000	28,000,000	28,000,000	-460,000
Pipeline safety (Oil Spill Liability Trust Fund)	2,528,000	2,328,000	3,300,000	3,000,000	3,300,000	+772,000
Subtotal, Pipeline safety	30,988,000	32,988,000	31,486,000	31,000,000	31,300,000	+312,000
Emergency preparedness grants: Emergency preparedness fund	200,000	200,000	200,000	200,000	200,000	
Total, Research and Special Programs Administration	58,074,000	63,290,000	59,620,000	59,650,000	59,950,000	+1,876,000
Office of Inspector General						
Salaries and expenses	37,900,000	40,889,000	42,000,000	38,900,000	42,000,000	+4,100,000
Surface Transportation Board						
Salaries and expenses	12,344,000	14,300,000	15,853,000	12,300,000	13,853,000	+1,509,000
Offsetting collections		-14,300,000	-2,000,000			

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1998 (H.R. 2169) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
General Provisions						
Bureau of Transportation Statistics (transfer from Federal-aid Highways)	(25,000,000)	(31,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	.....
Transportation Administrative Service Center reduction	-10,000,000	.....	-25,000,000	.....	-3,000,000	+7,000,000
Railroad safety offsetting collections	.....	-60,000,000	.....	.....	.....	.....
Net total, title I, Department of Transportation	11,983,102,000	13,065,087,000	13,111,631,000	12,753,782,883	13,009,707,000	+1,026,605,000
Appropriations	(12,750,635,000)	(13,103,687,000)	(13,111,631,000)	(12,982,382,883)	(13,460,307,000)	(+709,672,000)
Rescissions	(-1,719,033,000)	(-38,600,000)	.....	(-228,600,000)	(-450,600,000)	(+1,268,433,000)
Emergency appropriations	(951,500,000)	.....	.....	.....	.....	(-951,500,000)
(Limitations on obligations)	(23,986,220,534)	(25,604,000,000)	(27,681,825,000)	(27,989,300,000)	(27,731,325,000)	(+3,745,104,466)
(Sec. 310 obligations)	(2,024,410,000)	(1,510,571,000)	(1,660,226,000)	(1,390,600,000)	(1,390,570,000)	(-633,840,000)
Net total budgetary resources	(37,993,732,534)	(40,179,658,000)	(42,453,682,000)	(42,133,682,883)	(42,131,602,000)	(+4,137,869,466)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	3,540,000	3,640,000	3,640,000	3,640,000	3,640,000	+100,000
National Transportation Safety Board						
Salaries and expenses	42,407,000	40,000,000	46,000,000	49,700,000	48,371,000	+5,964,000
Appropriation of user fees	.....	6,000,000	.....	.....	.....	.....
Emergency appropriations	(6,000,000)	.....	.....	.....	.....	(-6,000,000)
Emergency funding (P.L. 105-18)	(29,859,000)	.....	.....	.....	.....	(-29,859,000)
Emergency fund	.....	1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
Emergency fund (emergency appropriations)	(1,000,000)	.....	.....	.....	.....	(-1,000,000)
Total, National Transportation Safety Board	42,407,000	47,000,000	47,000,000	50,700,000	49,371,000	+6,964,000
Total, title II, Related Agencies	82,806,000	50,640,000	50,640,000	54,340,000	53,011,000	-29,795,000
Appropriations	(45,947,000)	(50,640,000)	(50,640,000)	(54,340,000)	(53,011,000)	(+7,064,000)
Emergency appropriations	(36,859,000)	.....	.....	.....	.....	(-36,859,000)
TITLE III - GENERAL PROVISIONS						
National Civil Aviation Review Commission	2,400,000	.....	.....	.....	.....	-2,400,000
Net total appropriations	12,068,308,000	13,115,727,000	13,162,271,000	12,808,122,883	13,062,718,000	+994,410,000
Scorekeeping adjustments:						
Emergency appropriations	-289,600,000	.....	.....	.....	.....	+289,600,000
Emergency funding (P.L. 105-18)	-698,759,000	.....	.....	.....	.....	+698,759,000
General provision: Bonuses & awards	-513,604	.....	.....	.....	.....	+513,604
Pipeline safety	1,000,000	.....	1,000,000	2,000,000	1,000,000	.....
Railroad Safety	-3,000,000	.....	.....	.....	.....	+3,000,000
Total, adjustments	-990,872,604	.....	1,000,000	2,000,000	1,000,000	+991,872,604
Net grand total	11,077,435,396	13,115,727,000	13,163,271,000	12,810,122,883	13,063,718,000	+1,986,282,604
Appropriations	(12,796,468,396)	(13,154,327,000)	(13,163,271,000)	(13,038,722,883)	(13,514,318,000)	(+717,849,604)
Rescissions	(-1,719,033,000)	(-38,600,000)	.....	(-228,600,000)	(-450,600,000)	(+1,268,433,000)
(Limitations on obligations)	(23,986,220,534)	(25,604,000,000)	(27,681,825,000)	(27,989,300,000)	(27,731,325,000)	(+3,745,104,466)
(Sec. 310 obligations)	(2,024,410,000)	(1,510,571,000)	(1,660,226,000)	(1,390,600,000)	(1,390,570,000)	(-633,840,000)
Net grand total budgetary resources	(37,088,065,930)	(40,230,298,000)	(42,505,322,000)	(42,190,022,883)	(42,185,613,000)	(+5,097,547,070)
RECAP						
Total mandatory and discretionary	11,077,435,396	13,115,727,000	13,163,271,000	12,810,122,883	13,063,718,000	+1,986,282,604
Mandatory	617,284,000	645,696,000	645,696,000	653,196,000	653,196,000	+35,912,000
Discretionary:						
Defense (050)	.....	300,000,000	300,000,000	.....	300,000,000	+300,000,000
Nondefense	10,460,151,396	12,170,031,000	12,217,575,000	12,156,926,883	12,110,522,000	+1,650,370,604
Total, Discretionary	10,460,151,396	12,470,031,000	12,517,575,000	12,156,926,883	12,410,522,000	+1,950,370,604

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members that remarks should be directed at the Chair or other Members in the Chamber.

Mr. SABO. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER] for the purpose of a colloquy.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Minnesota [Mr. SABO], the ranking member on the subcommittee, for yielding time to me.

I rise to say, Mr. Speaker, that I will support this conference report. I know the work of both sides has been very hard. Obviously, compromises have been made. But I rise to talk about something that is not in the conference report that greatly concerns me.

Over the last 6 or 7 years, the Congress, prior to 1995, was about the business of fixing up one of the roads it owns. It was the Baltimore-Washington Parkway. The first 19 miles of that road are Federal property. We have appropriated substantial sums to rehabilitate that road, which was some 40 years of age and needed to be fixed or it was not going to be usable. It is a major artery along the Atlantic Coast and a major artery between two of America's great cities, Washington and Baltimore.

It is, I might add, the direct route to Camden Yards, the home of the Baltimore Orioles, which ought to give it added impetus. I would ask the attention of the gentleman from Virginia [Mr. WOLF], who did not hear my comments.

Mr. WOLF. Mr. Speaker, if the gentleman will yield, I apologize, I did not.

Mr. HOYER. I know the gentleman did not. I want to repeat it, because this is the major artery to get to Camden Yards, the home of the Baltimore Orioles. I know the gentleman from Virginia, Mr. TOM DAVIS, is a big fan of the Orioles, and I hope the gentleman from Virginia, Mr. WOLF, is as well.

Mr. WOLF. Yes, I am. The gentleman from Virginia [Mr. DAVIS] is a bigger fan.

Mr. HOYER. That is serious.

But on a transportation note, as the chairman and I have been discussing, it is vital that we complete this project. We are now $18½ million short of completion of rehabilitation and restoration of the federally owned road.

Mr. Speaker, I would ask the chairman, he knows my concern, the concern I have had that we have not been able to fund this over the last 3 years. We are now coming to the end of the funding stream. If we do not get the balance, this project will be in abeyance. I would like to ask, if the chairman could, to give me his comments on that, so we could determine where we are.

Mr. WOLF. Mr. Speaker, if the gentleman will yield, I completely agree with the gentleman. I hope we can do something. I would say there is a discretionary set-aside of $440 million out of the Federal lands program that the administration does have the ability to use. After this is over, I will do a letter to Secretary Babbitt.

Second, I will also ask Senator WARNER from my State to look at this. I think there ought to be a category in the ISTEA bill to deal with the BWI Parkway, and also the unmet needs in a lot of the national parks. I think the gentleman is exactly right. I will attempt to do everything I can to help. I completely agree with the gentleman.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments, and I would thank him for his help in seeing that we could complete this project.

I want to thank my good friend, the gentleman from Minnesota [Mr. SABO], the ranking member, who I know has been trying to help with this as well. I look forward to working with both of them so we can see the completion of this project, which is essentially 90 percent funded and just needs this balance to be completed.

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

Mr. Speaker, let me begin by thanking the gentleman from Virginia [Mr. WOLF], the chairman of the subcommittee, for his good work. This is a good bill. He has done an outstanding job chairing this subcommittee. He has been fair and worked hard at it. It is a product that we should pass by a huge margin today.

Let me also acknowledge all of the staff mentioned by the gentleman from Virginia [Mr. WOLF], both majority and minority, who worked very hard on this bill. It is an outstanding staff, and they do outstanding work.

Let me particularly mention Cheryl SMITH and the minority staff and Marge Duske on my personal staff who have worked on this bill, along with all the majority staff members and associate staff as doing outstanding work. We deeply appreciate it.

Mr. Speaker, let me just highlight a couple of issues. When this bill passed the House I expressed concern that we were underfunding the operating account for Amtrak. The conference report that is back today funds Amtrak at the level requested by the administration. I think that was a good change from what the House passed and represents a significant improvement in this bill.

Second, at the point this bill went to conference we moved to instruct the conferees to stay with the House position of $200 million for operating costs of transit agencies in this country. The House had $200 million in its original bill. The conference report maintains $150 million, which is 75 percent of that amount, and, in addition, it has a provision allowing transit agencies to use some of the capital money for maintenance costs, which previously they have had to use operating dollars for. So in essence, this bill complies with the instructions given by the House at the point that we went to conference.

It is a good bill, and I urge Members to support it.

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

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in opposition to the language in the bill drafted by the Senate dealing with Dallas' Love Field. I will include a statement expressing my concern about the safety implications of that position.

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

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I rise to participate in a colloquy with the gentleman from Virginia [Mr. WOLF], the chairman.

Mr. Speaker, it has come to my attention that language in the conference report pertaining to technical automation contains two typographical errors. In the first line of the language it should read ''DDM 2800 series monitors'' rather than ''DDM 2300 monitor series,'' as is printed in the report.

The last line of this language should also read ''The conferees direct the FAA to report to the House and Senate Committees on Appropriations by December 15, 1997, explaining how the agency will locate the resources necessary to continue monitor production during fiscal year 1998.''

The report reads ''to continue to monitor production.'' The second ''to'' was added by the Government Printing Office and should be omitted. I just want to make sure that this is clarified and that this is the intent of the conferees.

I would ask, is this the chairman's understanding?

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

Mr. PACKARD. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, the gentleman is correct. That change was made I think by an English major at GPO who felt a mistake had been made and wanted to save the Congress an embarrassment, and they were thinking of monitor not as the monitor, but to monitor. And the gentleman is exactly right, although we do thank the GPO for the great job they do to edit some of the things we say. The agreement does relate to the 2800 series of monitor and the second ''to'' was a printing error. I agree with the gentleman.

Mr. PACKARD. I want to thank the gentleman, and I certainly support the conference report.

Mr. SABO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

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

Ms. FURSE. Mr. Speaker, I rise in support of this conference report, which supports the Westside-Hillsboro light rail project.

Mr. Speaker, I rise today in strong support of the conference report on H.R. 2169, Fiscal year 1998 Transportation Appropriations. I want to thank Mr. WOLF, Mr. SABO, and every member of the conference committee for their hard work in crafting an excellent conference report.

I believe the conference report before the House is a good bill in many respects, but particularly because it promotes livable communities. For example, the conference report supports the Westside-Hillsboro Light Rail Project, one of the Nation's leading examples of sustainable development. The Westside Project, which receives the full $63.4 million in this conference report, has already begun operating and will be complete to downtown Hillsboro by September of 1998. Light rail in the Portland area works in conjunction with Oregon's unique land-use laws, and is critical to the future vitality and livability of our region. Oregonians are anxious to reap the benefits of this public investment: reduced congestion, improved air quality, sustainable economic development, and maintaining the quality of life that we treasure in the Pacific Northwest.

We can make a difference in our communities by planning for growth in an effective and environmentally friendly fashion, and this conference report helps achieve this goal. I want to thank Mr. WOLF and Mr. SABO, as well as appropriations staff members John Blazey and Cheryl Smith, for their long-time support of the Westside Project.

We only have 1 year left of funding to complete the Westside Project, Mr. Speaker. I urge my colleagues to support the conference report.

Mr. SABO. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. FORD] for the purposes of a colloquy.

Mr. FORD. Mr. Speaker, I rise to engage the gentleman from Virginia [Mr. WOLF], the chairman of the Subcommittee on Transportation of the Committee on Appropriations, for a colloquy regarding the Memphis International Airport.

Mr. Speaker, the Senate report accompanying S. 1048, the Senate version of the fiscal year 1998 Transportation appropriations bill, included a recommendation that the FAA issue a letter of intent to the Memphis International Airport for reconstruction and extension of runway 18C/36C, a project vitally important to my region's capacity to remain a force in tomorrow's competitive marketplace.

However, my understanding is that this recommendation was not included in the conference report, based on erroneous information that may have been conveyed to staff by the Department of Transportation.

Is that the gentleman's understanding?

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

Mr. FORD. I yield to the gentleman from Virginia.

Mr. WOLF. The gentleman is correct, Mr. Speaker. The conferees believed that the FAA already had issued a letter of intent to the Memphis International Airport when in fact it had not occurred. I agree that the Memphis International Airport should have been included on the list of airports for which the conferees encouraged the FAA to consider signing letters of intent, and the FAA should treat the list of airports identified in the statement of managers as if it included Memphis International Airport. I regret and apologize for this inadvertent error that was made.

Mr. FORD. Mr. Speaker, I thank the gentleman for his leadership, and certainly his willingness to address this problem, and for his clarification that indeed Memphis International Airport should receive the same consideration for a letter of intent as the six other airports listed in the statement of managers on H.R. 2169.

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

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

Mr. CALLAHAN. Mr. Speaker, this is a great institution, and the national media always focuses on the sensationalism of what is happening in Washington. They want to talk about campaign reform, and they want to talk about who had coffee with whom at the White House and how much money was raised, or anything negative.

But meanwhile, we in Congress have a responsibility. One of the greatest responsibilities we have, if not the chief responsibility, is to distribute the tax dollars that the American people sends to us.

□ 1215

While the spotlights are focusing on all the glamorous Members of the Senate and the chairmen of committees about the sensationalism type of media events, there are some in this House who are doing responsible work.

During the last 6 or 7 months, the gentleman from Virginia [Mr. WOLF], chairman of this subcommittee, and the gentleman from Minnesota [Mr. SABO], the ranking Democrat, have been working with a great degree of sensationalism, not publicized sensationalism but responsible, dedicated service, trying to distribute the moneys that have been allocated towards transportation in this country.

It is important. We are talking about highways. We are talking about Amtrak. We are talking about buses. We are talking about the U.S. Coast Guard. We are talking about a myriad of responsible activities that have been taking place under the leadership of the gentleman from Virginia and the gentleman from Minnesota.

So, Mr. Speaker, while I recognize that this is not a perfect bill, because a perfect bill would include a little bit more for the Coast Guard and a little bit more for the State of Alabama, even though admittedly Alabama does pretty doggone well, I just rise and ask my colleagues to reward these gentlemen for the work that they have done for the last 6 or 7 months in bringing to this body, finally, a bill that will provide the necessary moneys for the transportation needs of this country during the next fiscal year.

Mr. Speaker, I urge my colleagues to reward the gentleman from Virginia and the gentleman from Minnesota by voting ''yes'' in favor of this conference report.

Mr. SABO. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Minnesota has 23 minutes remaining.

Mr. SABO. Mr. Speaker, Members come and go. Somebody who has served here for many years now and did an outstanding job is the gentleman from Colorado [Mr. SKAGGS], my friend. The gentleman flirted for a while with the notion of running for an institution where speech is unlimited and speeches go on forever. In the House, we are disciplined.

Mr. Speaker, being that the gentleman decided not to run for that institution with endless speeches, and the fact that I have 23 minutes left and I need to reserve 2 minutes for the ranking member of the full committee, I yield 21 minutes to the gentleman from Colorado [Mr. SKAGGS], and we are going to test to see what kind of discipline the gentleman has to not use it all.

Mr. SKAGGS. Mr. Speaker, I think that I appreciate the kindness of the gentleman from Minnesota [Mr. SABO], yielding me most of his remaining time, which I will not consume, but I thank the gentleman very much. It has been a delight working with him on the Committee on Appropriations.

Mr. Speaker, I want to thank the gentleman from Virginia [Mr. WOLF], the chairman of the subcommittee, for the predictably good work that the gentleman and his members and staff have done in bringing a bill to the floor that I intend to support.

I have a little bit of a good news and not so good news set of comments I would like to make, which will not take long. But in particular, Mr. Speaker, I wish to recognize and express the thanks of the people that I represent in Colorado for the inclusion of several very important provisions in this bill:

Mr. Speaker, funding for the light rail southwest corridor being constructed by the Regional Transportation District in the Greater Denver Metropolitan area; funding for a very important mass transit project along the Roaring Fork Valley in western Colorado. There is an impossibly congested situation along the routes leading into Aspen, which is renowned for its spectacular homes and perhaps its well-to-do, but there are an awful lot of

working people that need to get to work in that community that will be well served by this inventive effort to bring rail back to the Roaring Fork Valley.

Bus money for Colorado; and, finally, a healthy amount for aviation weather research, extremely important for the national aviation system and an important provision in this funding bill.

Mr. Speaker, there are a couple of points that I do want to raise a question of concern about. For some reason, Mr. Speaker, they seem to have to do with things emanating from the Denver International Airport, a project that has enjoyed the special affection of the chairman of the subcommittee over the years.

I wanted to say both thanks for the provision in section 323 that permits some of the noise studies to move forward that are very important in determining the advisability or not of the construction of a sixth runway at DIA, as well as expressing some regret that there remains a unique provision in the bill prohibiting funds for such construction. But I know the gentleman from Virginia will keep an open mind if it turns out that for safety, noise, and general good management of the airport, it may be advised to proceed with such a sixth runway.

The second point I just wanted to note was the very creative linkage that seems to have been included in the report accompanying the conference report between the southwest rail corridor moneys and the possible acquisition by the city and county of Denver of rights-of-way having to do with a rail line from downtown Denver out to the airport.

Mr. Speaker, I am not quite sure what to make of this report language. It would seem to suggest that if Denver proceeds with right-of-way acquisition, that somehow the light rail project run by an entirely different legal and political entity could be put at risk. I do not suppose that that is really what the committee intends here, but the report language is somewhat fuzzy in this respect.

Obviously, what Denver may do with regard to the airport as one legal entity, one political entity, really should not have much of an impact on what an entirely separate political jurisdiction is doing in trying to solve the needs of the Denver metropolitan area for a rail alternative.

Again, I intend to support the conference report. I appreciate very much the time yielded to me by the gentleman from Minnesota.

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

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I have enjoyed sitting on the Subcommittee on Transportation and working with the gentleman from Minnesota as well as the gentleman from Virginia.

Mr. Speaker, I wanted to talk about one of the provisions in this conference report and why I am such an active supporter of it, and that provision deals with the merger of the Union Pacific and Southern Pacific railroads. This merger has created a significant potential safety and environmental problem which this legislation addresses.

Currently, there is a mitigation study being conducted by the Surface Transportation Board, and this study is based on certain data and criteria, that establish how many trains will be coming through Wichita and what the environmental and safety impact, that it will have on the community.

In this legislation we have report language that provides a safeguard that will deal with future safety and environmental problems, and I would like to quote just a part of it. It says, ''After the Board has approved the final environmental measures for Wichita, if the Union Pacific Corp. or any of its divisions or subsidiaries materially changes or is unable to achieve the assumptions on which the Board based its final environmental mitigation measures, then the Board should reopen Finance Docket 32760 if requested by interested parties, and prescribe additional mitigation properly reflecting these changes if shown to be appropriate.''

This is the safeguard that I referred to, Mr. Speaker, and it allows us to change this study or reconvene a second study if the circumstances demand it so.

Mr. Speaker, the second provision that is in here that is significant for the Fourth District of Kansas as well as the greater south central United States is changes that we have in the Wright amendment. The changes are going to significantly weaken the Wright amendment, which is one of the few remaining monopolies that exist in air travel here in America today.

This was a provision put in place by former Speaker Jim Wright about 18 years ago, and the purpose was to develop the Dallas/Fort Worth International Airport. I have to tell my colleagues that this provision was a success. That airport now is the second largest airport in the world in terms of flight activity. It houses the largest American air carrier, American Airlines. But that success has come at a high cost.

Mr. Speaker, in 1992, the U.S. Department of Transportation did a study and they found that the Wright amendment costs air travelers each year an additional $183 million per year because of the lack of competition. Well, if we take 1992 dollars and escalate them to 1997 dollars, that would be closer to $250 million a year, a quarter of a billion dollars that are paid by air travelers in the form of higher airfares, which go directly in the profit line of those air carriers which benefit from the Wright amendment.

The changes to the Wright amendment are in basically two areas. One, we are changing the description of the 56-seat aircraft exemption. Now, airlines can fly an aircraft out of Love Field that can hold 56 passengers and room for cargo. This change will open up some opportunities for air carriers in the future.

Second, we are changing the definition of ''contiguous States'' to add three States to it. One of those three States is the State of Kansas. Now, Kansans can fly directly to Love Field. As a result of the Wright amendment, my constituents have had limited travel between Dallas and Wichita, and as a result we have lost some of our corporate headquarters. Pizza Hut's world headquarters transferred to Dallas because of the higher airline cost. Recently, Brite Voice transferred because of higher airline costs.

So these changes in this conference report will be good for the economy not only in south central Kansas, but the economy of the south central United States of America.

Mr. Speaker, I support the provisions in this transportation conference report, and I would like to urge all of my colleagues to vote for this conference report.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY], ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I would simply note that I certainly do not agree with everything in this bill. In fact, there are items that I have fairly strong disagreement with. But it is a reasonable approach to transportation problems in this country, and I think because of that, it deserves our support.

I simply want to congratulate the gentleman from Virginia [Mr. WOLF] and the gentleman from Minnesota [Mr. SABO] for the job they did in producing this bill. In politics, we often have two kinds of people: we have the show horses and the workhorses. In these two gentlemen, I think we have workhorses and the House is the better for it.

Mr. Speaker, I would also make the point that I think this demonstrates that if these issues are left to the Committee on Appropriations to try to work out in as bipartisan a manner as possible, they can usually be worked out.

We have some other bills which at this point are stuck, even though we are well into the new fiscal year, because other outside considerations have intruded and, as a result, the committee is not being allowed to work out its differences the way it would normally work them out.

If left to their own devices, I think on all four of those remaining bills the Committee on Appropriations could reach an agreement that could satisfy the country in a week. But even though at this point we have not been fortunate enough to have those bills unleashed, this one is, and it is in no small measure due to the fact that we

have persons with the attitude represented by the gentleman from Virginia and the gentleman from Minnesota, and I for one appreciate their working style, and I thank them on behalf of our Members for the work they have done on behalf of the House.

Mr. SABO. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. OBEY] for his kind comments.

I have no further requests for time.

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

Mr. WOLF. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. OBEY] for his comments, and I thank all the Members on both sides and urge an ''aye'' vote for the conference report.

Mr. OBERSTAR. Mr. Speaker, I would like at this time to raise one aspect of the Transportation appropriations bill that gives me concern. I believe modifying the Wright amendment without a careful and serious debate about the safety issues involved is premature. At the outset, I want to make it clear that I am not against competition in the airline industry. In fact, I have worked many years as chairman of the Aviation Subcommittee and now as the ranking Democratic member on the Transportation and Infrastructure Committee to ensure that competition is alive and well and that consumers are protected. My concerns focus entirely on the safety of permitting greatly expanded traffic growth at Love Field in Dallas, which might complicate the air traffic patterns in the Dallas-Fort Worth area.

Let me begin by saying that the Wright amendment was a carefully crafted compromise which resolved a heated and long standing dispute between the cities of Dallas and Fort Worth. Today, Dallas Fort Worth is a vibrant international airport and Love Field is very successful and the home of Southwest Airlines. I will not go into the history of the Wright amendment except to say that it has served the Nation well.

Dallas Fort Worth and Love Field airports are only 8 miles apart. Only 2 nautical miles separate the approach patterns between DFW and Love Field. The runways at Love Field point into Dallas Fort Worth's most heavily used arrival routes. Over the years, FAA has developed air traffic control procedures to prevent planes from coming too close to one another. The approach procedures into Love Field are more circuitous in order to facilitate a more direct approach into Dallas Fort Worth. These procedures work well with the Wright amendment in place. Safety is assured. Congestion is controlled.

With the modification of the Wright amendment, I am concerned about the potential safety impacts from the anticipated growth at two airports in such close proximity. The Federal Aviation Administration's data shows that Dallas Forth Worth totaled almost 900,000 operations in 1995, making it the second most active U.S. airport. Analysts at the Federal Aviation Administration Believe that this will increase to over 1.2 million operations per year by 2010, an increase of almost 40 percent. Love Field, on the other hand, experienced about 208,700 operations in 1995 and is expected to grow by about 5.9 percent by 2010. But that was before any thought was given to modifying the Wright amendment. If airlines move into Love Field, the airport will quickly reach capacity and significant delays may become commonplace. The safety impacts of these developments in such confined airspace, particularly in poor weather, are uncertain at best.

In September 1991, the House Aviation Subcommittee held exhaustive hearings on this issue and explored the competitive and safety impacts of repealing or modifying the Wright amendment. At that time, we heard from experts in the aviation community, local and State leaders, and many others. The subcommittee explored the safety and competitive issues in great depth. Najeeb Halaby, a former FAA Administrator cautioned against repealing the Wright amendment on safety grounds and told us that the margin of safety would be compromised. Again, we need to examine the facts, analyze the safety issues, an get a full understanding of all the complexities of traffic flow and air traffic control before such a major change is even considered.

Mr. Speaker, let me say in closing that the burden now falls on the Federal Aviation Administration to make sure that both Dallas Forth and Love Field can operate safely and can handle growth. The conferees to this bill expressed similar concerns and have directed the Federal Aviation Administration to report on the additional equipment or air traffic control support necessary to enhance traffic flow, airspace management, and safety in the Dallas-Fort Worth metropolitan area. Also, FAA is to review the implications of increased traffic levels on the area and recommend the appropriate steps. We should have had the answers to these questions before we voted on this provision.

Ms. STABENOW. Mr. Speaker, today I am voting against the conference agreement on Transportation Appropriations for Fiscal Year 1998. Although the House approved a level of $15 billion for my State of Michigan for the coming fiscal year, a questionable deal was cut in the conference committee. Inexplicably the levels in those two bills were cut to just $7.5 million. This is a perfect example of the need for funding equity in our transportation programs, and a reworking of the formulas for transit which have continuously resulted in Michigan's citizens getting the short end of the transit funding stick.

Transportation funding is one of the most critical commitments that our government makes each year. Therefore, I support the base bill. However, I cannot continue to stand by, Mr. Speaker, while the transit customers of Michigan are given no guarantee of a return of Michigan's gas tax dollars.

Therefore, today I voted with the majority of the Michigan delegation against this conference agreement, despite the fact that it included a provision that I strongly support—a provision that bars Members of Congress from exercising the option of switching from the Civil Service Retirement System to the Federal Employees Retirement System.

At the very least, Mr. Speaker, we must find some way to assure that each State receives a minimum allocation from the Transit account of our highway trust fund. Today, Mr. Speaker, I vote against this bill to protest its perpetuation.

Mr. KILPATRICK, Mr. Speaker, I rise today in opposition to the conference report accompanying H.R. 2169, the Transportation Appropriations bill for fiscal year 1998. In this bill, the State of Michigan was allotted $15 million in the House bill, and $14 million in the Senate bill. What does the conference report contain? Not $15 million for the State of Michigan, nor does it contain $14 million for the State of Michigan. It contains only $7.5 million for the federally funded roads, bridges, and highways for the next fiscal year for the State of Michigan. While I support the basic tenets of this bill, this level of funding is simply ludicrous and does a disservice to the hard-working taxpayers of my State and of the 15th Congressional District of Michigan, and I will vote against final passage of this conference report.

Once again, Michigan taxpayers are donating our dollars to the rest of the Nation. I refuse to stand idly by while our constituents get fiscally abused. Paraphrasing a country song, while the donee States get the gold mine, the donor States get the shaft. The funding formula for the donor States must be corrected, and I will continue to fight for full and fair equity in transportation funding for the State of Michigan and the 15th Congressional District. Our taxpayers and our constituents deserve no less than our full and devoted effort to this end.

Mr. ADERHOLT. Mr. Speaker, I rise today in strong support of the conference report on H.R. 2169, the Transportation and Related Agencies Appropriation Act for Fiscal Year 1998. Chairman FRANK WOLF and Senate Chairman RICHARD SHELBY have worked hard to ensure the transportation infrastructure needs of the country are adequately funded. Funding for surface transportation in this bill has been increased by 20 percent and includes $300 million for the Appalachian Development Highway System [ADHS].

Funding for the ADHS will help expedite completion of corridor X and corridor V which run through the Fourth Congressional District, that I am privileged to represent.

Corridor X is the proposed four-lane superhighway that will connect the cities of Memphis, TN and Birmingham, AL. It is an unthinkable omission from our National Highway System that there is no four-lane route between these two important cities in the Southeast.

Corridor V is the proposed highway that begins east of Tupelo, MS, and runs through northern Alabama to Chattanooga, TN. Once completed, this highway will increase economic activity in northern Alabama and provide an important link with corridor X.

Traditionally, the entire ADHS has been without a stable and significant funding source and this has resulted in the completion of only 78 percent of the corridors. By contrast, the Interstate Highway System is 99 percent completed. The $300 million provided in H.R. 2169 is a giant step in the right direction for ADHS, corridor X and corridor V.

In addition, President Clinton and the Congress have both submitted legislation to reauthorize the Intermodel Surface Transportation Efficiency Act [ISTEA] that include a specific funding category for the ADHS. While there are numerous disputes over funding formulas and overall funding levels in that debate, I am hopeful that whatever version to reauthorize ISTEA becomes law includes a specific category for ADHS. With a steady, stable source of funding, we can ensure that the transportation infrastructure of the Appalachian region is ready to meet the challenges of the twenty-first century.

Once again, I commend Chairman WOLF and Chairman SHELBY for their hard work and

look forward to working with them next year to build on this year's success.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

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 401, nays 21, not voting 11, as follows:

[Roll No. 510]

YEAS—401

Abercrombie	Cunningham	Hastings (WA)
Ackerman	Danner	Hayworth
Aderholt	Davis (FL)	Hefley
Allen	Davis (IL)	Hefner
Andrews	Davis (VA)	Herger
Archer	Deal	Hill
Armey	DeFazio	Hilleary
Bachus	DeGette	Hinchey
Baesler	Delahunt	Hinojosa
Baker	DeLauro	Hobson
Baldacci	DeLay	Holden
Ballenger	Dellums	Hooley
Barcia	Deutsch	Horn
Barr	Diaz-Balart	Houghton
Barrett (NE)	Dickey	Hoyer
Barrett (WI)	Dicks	Hulshof
Bartlett	Dixon	Hunter
Barton	Doggett	Hutchinson
Bass	Dooley	Hyde
Bateman	Doolittle	Inglis
Becerra	Doyle	Istook
Bentsen	Dreier	Jackson (IL)
Bereuter	Duncan	Jackson-Lee (TX)
Berman	Dunn	Jefferson
Berry	Edwards	Jenkins
Bilbray	Ehrlich	John
Bilirakis	Emerson	Johnson (CT)
Bishop	Engel	Johnson (WI)
Blagojevich	English	Johnson, Sam
Bliley	Ensign	Jones
Blumenauer	Eshoo	Kanjorski
Blunt	Etheridge	Kaptur
Boehlert	Evans	Kasich
Boehner	Everett	Kelly
Bonilla	Ewing	Kennedy (MA)
Bono	Farr	Kennelly
Borski	Fattah	Kildee
Boswell	Fawell	Kim
Boucher	Fazio	Kind (WI)
Boyd	Filner	King (NY)
Brady	Flake	Kingston
Brown (CA)	Foglietta	Kleczka
Brown (OH)	Foley	Klink
Bryant	Forbes	Klug
Bunning	Ford	Knollenberg
Burr	Fowler	Kolbe
Burton	Fox	Kucinich
Buyer	Frank (MA)	LaFalce
Callahan	Franks (NJ)	LaHood
Calvert	Frelinghuysen	Lampson
Canady	Furse	Lantos
Cannon	Gallegly	Latham
Capps	Ganske	LaTourette
Cardin	Gejdenson	Lazio
Carson	Gekas	Leach
Castle	Gephardt	Lewis (CA)
Chabot	Gibbons	Lewis (GA)
Chenoweth	Gilchrest	Linder
Christensen	Gillmor	Lipinski
Clay	Gilman	Livingston
Clayton	Goode	LoBiondo
Clement	Goodlatte	Lofgren
Clyburn	Goodling	Lowey
Coble	Gordon	Lucas
Collins	Goss	Luther
Combest	Graham	Maloney (CT)
Condit	Green	Maloney (NY)
Cook	Greenwood	Manton
Cooksey	Gutierrez	Manzullo
Costello	Gutknecht	Markey
Cox	Hall (OH)	Martinez
Coyne	Hall (TX)	Mascara
Cramer	Hamilton	Matsui
Crane	Hansen	McCarthy (MO)
Crapo	Harman	McCarthy (NY)
Cubin	Hastert	McCollum
Cummings	Hastings (FL)	McCrery
McDade	Pitts	Smith (TX)
McDermott	Pombo	Smith, Adam
McGovern	Pomeroy	Smith, Linda
McHale	Porter	Snowbarger
McHugh	Portman	Snyder
McInnis	Poshard	Solomon
McIntosh	Price (NC)	Souder
McIntyre	Pryce (OH)	Spence
McKeon	Quinn	Spratt
McKinney	Radanovich	Stark
McNulty	Rahall	Stearns
Meehan	Ramstad	Stenholm
Meek	Rangel	Stokes
Menendez	Redmond	Strickland
Metcalf	Regula	Stump
Mica	Reyes	Sununu
Millender-McDonald	Riggs	Talent
Miller (CA)	Riley	Tanner
Miller (FL)	Rivers	Tauscher
Minge	Rodriguez	Tauzin
Mink	Roemer	Taylor (MS)
Moakley	Rogan	Taylor (NC)
Mollohan	Rogers	Thomas
Moran (KS)	Rohrabacher	Thompson
Moran (VA)	Ros-Lehtinen	Thornberry
Morella	Rothman	Thune
Myrick	Roukema	Thurman
Nadler	Roybal-Allard	Tiahrt
Neal	Royce	Tierney
Nethercutt	Rush	Torres
Neumann	Ryun	Towns
Ney	Sabo	Traficant
Northup	Salmon	Turner
Norwood	Sanchez	Velazquez
Nussle	Sanders	Vento
Oberstar	Sandlin	Visclosky
Obey	Sawyer	Walsh
Olver	Saxton	Wamp
Ortiz	Schaefer, Dan	Waters
Owens	Schaffer, Bob	Watkins
Oxley	Schumer	Watt (NC)
Packard	Scott	Watts (OK)
Pallone	Sensenbrenner	Weldon (FL)
Pappas	Serrano	Weldon (PA)
Parker	Sessions	Weller
Pascrell	Shadegg	Weygand
Pastor	Shaw	White
Paxon	Shays	Whitfield
Payne	Sherman	Wicker
Pease	Shimkus	Wise
Pelosi	Shuster	Wolf
Peterson (MN)	Sisisky	Woolsey
Peterson (PA)	Skaggs	Wynn
Petri	Skeen	Yates
Pickering	Skelton	Young (AK)
Pickett	Slaughter	Young (FL)
	Smith (NJ)	
	Smith (OR)	

NAYS—21

Camp	Granger	Sanford
Campbell	Hoekstra	Scarborough
Coburn	Hostettler	Smith (MI)
Conyers	Johnson, E. B.	Stabenow
Dingell	Kilpatrick	Stupak
Ehlers	Levin	Upton
Frost	Paul	Wexler

NOT VOTING—11

Bonior	Hilliard	Murtha
Brown (FL)	Kennedy (RI)	Schiff
Chambliss	Largent	Waxman
Gonzalez	Lewis (KY)	

□ 1250

Messrs. CAMP, SMITH of Michigan, and LEVIN changed their vote from ''yea'' to ''nay.''

Mr. GUTIERREZ changed his vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATIONS, MEDICAL LIABILITY REFORM, AND EDUCATION REFORM ACT OF 1998

The SPEAKER. Pursuant to House Resolution 264 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2607.

□ 1252

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina [Mr. TAYLOR] and the gentleman from Virginia [Mr. MORAN] each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

(Mr. TAYLOR of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Chairman, I apologize for my speech at the moment, but considering where it was 6 or 8 weeks ago, it is much better and I appreciate the comments from my fellow colleagues about my health.

I want to also thank the members of my subcommittee, the gentleman from Wisconsin [Mr. NEUMANN], the gentleman from California [Mr. CUNNINGHAM], the gentleman from Kansas [Mr. TIAHRT], the gentlewoman from Kentucky [Mrs. NORTHUP], the gentleman from Alabama [Mr. ADERHOLT], the gentleman from Virginia [Mr. MORAN], the gentleman from Minnesota [Mr. SABO], and the gentleman from California [Mr. DIXON] for all their hard work on this bill.

The gentleman from Virginia [Mr. MORAN], the ranking member and I have disagreed on many parts of the bill, but he has always been very supportive in his efforts, with polite debate and working with us in those areas where we could agree.

It is often a thankless job, but a necessary one, for we frequently hear about the residents of the District, but we have a responsibility to the 260 million Americans to whom this city is very special.

H.R. 2607, the District of Columbia appropriations bill, fully funds the District of Columbia at $4.8 billion. It pays down $200 million of the District's short-term debt and provides $100 million additional if savings are provided. It provides $269 million for needed capital improvements, school and street repairs. It reforms medical malpractice. It provides scholarship choice for Washington, DC students.

With the enactment of the Balanced Budget Act early this summer, the

Congress relieved the District of some $700 million in spending responsibilities and provided the District with some $235 million in net savings. Now, this was not saved by the District, but it was able to be used toward reducing the District's debt. Our bill uses these savings to pay down debt and to fix the crumbling schools and streets which have been disregarded in many cases in the Nation's Capital.

The bill provides that additional management savings the District promised in its fiscal year 1999 budget be moved to fiscal year 1998, with any savings realized devoted to further deficit reduction.

Finally, District revenues over estimates will be placed in a D.C. taxpayer's relief fund. That fund will perhaps provide somewhere between $75 million and $100 million in much needed taxpayer relief.

With over 100,000 taxpayers having left the District in the past few years, our bill tries to reach the twin goals of making the city government more effective and keeping in place a tax base. It really does not matter how efficient we make D.C., because if we continue driving taxpayers out of the District then all we may be doing is just processing welfare payments.

Our bill also includes groundbreaking provisions to provide educational scholarships for the District's children and places noneconomic damage limits on medical malpractice awards up to $250,000, and permits the schools to waive Davis-Bacon so that needed school repairs can get done in a timely, cost effective manner.

The House passed education scholarships as part of the fiscal year 1996 bill, and the medical malpractice reform in this bill is based on the House passed medical malpractice provisions of this year's budget bill.

Our bill also removed the tax exemption for the National Education Association and devotes their property tax payment to charter schools.

Our bill also funds the University of the District of Columbia Law School. However, if it does not receive full and unconditional accreditation, the funds appropriated will be used for those students currently enrolled to gain an education elsewhere.

We provide District of Columbia police officers and fire fighters with a needed pay raise based on merit—and performance, for officers on the street, not behind a desk. And we make sure that school teachers have valid credentials before they can receive a raise.

And, finally, our bill contains a number of important provisions to strengthen the independence of the D.C. inspector general and the chief financial officer, and to provide the D.C. Control Board with congressional direction and priorities.

Our manager's amendment, drafted with the full support of the gentleman from Virginia [Mr. MORAN], my ranking minority member, and incorporated into the rule just passed, resolves several thorny issues, including making sure that the control board selects an independent vendor qualified by the Office of Management and Budget to update the District's current financial management system.

Our bill also recognizes the policing activity made by the U.S. Park Police by providing, for the first time, funds to reimburse the Park Police for their major contributions to public safety.

Regarding Federal funds, the bill provides a total $827 million, including: $180 million in Federal contribution to the District, $169 million to corrections for operations, $302 million to corrections for facilities, $123 million for courts, $23 million for pre-trial services, $5.4 million for police merit raise, $2.6 million for firefighters payraise, $12.5 million for Park Police, $7 million for Parental Choice Educational Scholarships, $1 million for District Educational Learning Technology Advancement Council [DELTA Council], and $2 million for the DC Inspector General.

The windfall of $235,000,000 realized from the Revitalization Act is allocated as follows: $200 million in deficit reduction, $30 million in PAYGo street and school repairs, and $5 million in management performance fund.

In the bill we establish a D.C. taxpayer relief fund and require that any District revenue in excess of estimates be deposited into the fund. It is estimated that perhaps $75 will be deposited. Tax cuts will be enacted by the District City Council based on the recommendations of the D.C. Tax Revision Commission and the Business Regulatory Reform Commission. The bill also moves up to $100 million in fiscal year 1999 management savings initiatives to fiscal year 1998, savings realized devoted to deficit reduction.

In addition the bill includes several other provisions.

Law School: Fully funds UDC School of Law contingent upon receive full and unconditional accreditation. If accreditation is not received by February 28, 1998, school closes and remaining funds re for D.C. resident student scholarships at area law schools.

Davis-Bacon waiver, Permits D.C. public schools to waive Davis-Bacon requirements for school construction and repairs, saving the District up to 20 percent. Similar waiver have been granted for natural disaster like Hurricane Hugo, the D.C. school situation is a man made disaster but a disaster nevertheless.

Pennsylvania Avenue reopening: At the recommendation of a District City Council Member, the bill re-opens that section of Pennsylvania Avenue in front of the White House to traffic. The closure has disrupted the flow of traffic and impeded citizen access to the White House.

Welfare Cap: Places District Council enacted welfare caps—holding payments to the higher of surrounding jurisdictions—into that portion of the D.C. Code which is unamendable by the District Council. This provision ensures that the District will not again become a welfare payment magnet.

Medical Malpractice Reform: District physicians continue to pay medical malpractice premiums as much as two times greater than in neighboring States, reducing the number of physicians willing to practice in the city and limiting access to health care. The bill's $250,000 cap on noneconomic damages, and joint and several liability reform could reduce such premium by 20 percent. Five of the District's thirteen hospitals operated at a loss last year, and the cash strapped city government paid $15 million in tort recoveries last year.

The District of Columbia is the only jurisdiction in the country with no limits on malpractice awards.

Repeal of National Education Association Tax Exemption: The bill eliminate the property tax exemption for the National Education Association. Currently, some 34 organizations are congressionally chartered and exempt from paying District of Columbia property taxes. Only one, the National Education is a labor union. The NEA has announced that it agrees, it principal to pay it's one million, one hundred thousand dollar tax bill.

There are many changes in this legislation that are very much needed, and many of the provisions are not in the Senate bill.

□ 1300

The Senate bill does not restrict pay raises to those teachers who have valid teaching credentials. The House bill does. The House bill also on a bipartisan basis strengthens the independence of the District's inspector general and chief financial officer so they can carry out their duties without interference. The Senate does not.

The House bill also tightens up the use of detailees and requires the user office to pay for the detailees. This is very much needed based on recent reports showing certain city offices with more employees than they admit to. The Senate bill does not address this issue.

The House bill also caps the outrageous tort awards which are driving medical providers out of the District and making medical care more difficult and more expensive to get. The Senate bill does not.

The House bill also cuts the size of the Mayor's security in half, from 30 members to 15, and puts those highly trained police officers on the street to go after criminals. The Senate bill allows the mayor to keep the largest security detail in the Nation.

The House bill gives the city important tools to improve its finances by allowing for the recovery of fees and costs for bad checks and by clarifying the city's authority over unclaimed property. These are tools that are essential if the city is to improve its finances. The Senate bill is silent on those issues.

The Senate bill does not provide the District with the authority to make direct deposits for all payments. The House bill does. The House bill makes sure that the congressionally created Control Board is audited and that the funds it earns as interest are appropriated by this body. The Senate bill does not.

The House bill caps the District's welfare payments at the higher of the surrounding jurisdictions. The Senate bill permits the District to raise welfare payments to as high as 50 percent above the surrounding jurisdictions, once more making Washington the welfare capital of America.

The House bill includes language restoring fairness in the application of the local property tax among labor organizations in the District. This provision will generate an additional $1.3 million in local tax revenues. The Senate bill does not address this issue at all.

Those are just a few of the differences between the House and the Senate bills. The work that we provide in this bill is certainly commendable. We urge Members' support for this legislation.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to begin by taking this opportunity to express my appreciation for the gentleman from North Carolina [Mr. TAYLOR] and the work that he has put into this appropriations bill.

He and I do disagree on many of the provisions in this bill and, in fact, on many of the issues considered by this Congress. We come from different parts of the country and very different congressional districts. We have very different ideologies, philosophies, and influences that govern our decisions. Despite all of this and despite our disagreements, the gentleman from North Carolina [Mr. TAYLOR] and his staff have been honest, forthright, and fair throughout consideration of this bill.

I am also deeply impressed with the way that the gentleman from North Carolina [Mr. TAYLOR] has been able to bounce back from his stroke last summer. Such an ailment would challenge any of us as we try to continue to resume a normal life. Through it all, he has not only worked to resume his responsibilities as a Member of the House but has also carried forth his responsibilities as chairman of the District of Columbia Appropriations Subcommittee.

I say to the gentleman from North Carolina [Mr. TAYLOR], he has remained a gentleman from the day he took over as chairman of this subcommittee, and I appreciate the opportunity to have worked with him.

Mr. Chairman, the District of Columbia Appropriations Act is never an easy bill to pass. The Congress has the responsibility to ensure that Federal funds appropriated to the District of Columbia are spent wisely. We have the responsibility to ensure that congressionally created entities operate properly. We have the statutory responsibility to approve the local expenditure of locally raised revenues.

Yet, some Members are willing to abdicate that responsibility and vote against the District of Columbia Appropriations Act unless, they can interject national and ideological issues into this debate. The District of Columbia Appropriations Act is the smallest appropriations bill, yet it becomes a magnet for controversial and extraneous riders.

Congress has never been able to resist the opportunity to play city council for a day and impose its will on this city. In fact, when I first ran for Congress in 1990, my opponent boasted of how he attached a rider to the D.C. bill that prohibited the University of the District of Columbia from spending money to buy a controversial painting. My colleagues may remember that issue. He probably does. That was 6 years ago.

Every Member, well, not every Member, but a number of Members attempt to advance their own political careers at the expense of the District of Columbia.

Since then, I have seen amendment after amendment being offered to the D.C. appropriations bill that addressed national or ideologic concerns. Prohibitions on the use of funds for abortion, prohibitions on the use of funds to allow individuals to include domestic partners in their health insurance policies have been perennial amendments.

In fact, they have become so common that the District of Columbia's city council is unwilling to fight them anymore and already included these riders in their own budget submission. So all those issues that have been given that they have accepted them, they are already in the D.C. Council's budget.

Recently, there have been amendments on vouchers, on charter schools, on Davis-Bacon. In the Senate, there have been amendments changing the Senate procedures on the use of holds. Now, what does that have to do with the District of Columbia changing an arcane procedure within the District's own rules? That is not even relevant to the House, never mind the Nation or the District of Columbia. But it was an amendment that was attempted to be attached to this bill.

The House bill is more of the same. The actual appropriations language in the bill ends on page 27. The next 102 pages is dedicated to general provisions. Think of that. The appropriations process is concluded after 27 pages, and then we have got 102 pages trying to do what is properly under the purview of the authorizing committee and does not belong in an appropriations bill.

Some of the provisions are good. I would like to see some of these things enacted. Some of them are clearly wrong. Almost all of them go beyond the city's request, and they interject ancillary issues into this debate.

Now, in defense of the gentleman from North Carolina [Mr. TAYLOR], I have to say that the bill we are dealing with today is much better than the bill that was considered by the subcommittee. Of course, that is faint praise, since the gentleman from North Carolina [Mr. TAYLOR] put those provisions in the subcommittee. But we have been able to work closely together and we have struck those provisions that cut the local budget by $300 million. It would have reduced the city employment by more than 2,000 positions and imposed a residency requirement on city employees.

Those issues were struck. Those are not part of this bill, and that is very fortunate. But the manager's amendment that we will offer today still is necessary, because that further does improve this bill, stakes out more things that we both now agree ought not to be in the bill. It strikes a number of provisions that have unintended consequences, things that we never intended to do, that would have adverse consequences on the District or are simply not appropriate for inclusion in the bill.

But there remains, Mr. Chairman, much more to be done. And that is why I will be offering a substitute amendment that will not only remove the remaining problems in this bill but will also ensure that we can actually pass the bill and have it enacted into law before the continuing resolution expires.

We owe that to this country, to the responsibility we assume as national representatives in this Congress, and we certainly owe it to the District of Columbia residents to give the District of Columbia its spending bill, not to force them into a continuing resolution situation where the Control Board cannot even issue any long-term contracts it is going to cost them much more money to operate. It is not right to force them into a continuing resolution situation.

The only way to avoid that is to agree to the amendment that brings us back to the Senate version. We have 3 more working days before the existing congressional continuing resolution expires. Let us pass my substitute amendment and get this bill signed into law during those 3 days.

After that has passed, we will have plenty of time to debate school vouchers, Davis-Bacon, medical malpractice, welfare caps, prohibiting helicopter flights, restricting the use of automobiles under 26 miles per gallon, new financial management system contracts, charter school leases, cutting school administrators, closing Pennsylvania Avenue, repealing the NEA's tax exemption, restricting the ability to fire the chief financial officer and the Inspector General, and every other ancillary provision that have been added to this appropriations bill.

Nobody wants me to repeat that long, long list again. But it makes a point. Those are all issues that do not belong in this bill. I support many of these provisions, though. I mean, I would like to see them done. Get them done by the authorizing committee.

I would also support, though, the District's Control Board. We set it up. It is doing a good job. The District's authorizing committee knew what they were doing. They have a responsibility. Let them fulfill their responsibility. Let local governments, this is a basic fundamental Republican premise, let local governments plan their own affairs. Let them raise their own revenue, and let them spend their own money. Let them best determine how to serve their citizens. It is their responsibility under our democratic form of government. Let them fulfill their responsibility. Let us fulfill our responsibility.

Support my amendment that will let us go back to the Senate version, which is the consensus budget. Get the bill enacted. Do the right thing.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, of course taking the suggestion of the gentleman from Virginia [Mr. MORAN], we could just abolish the House and just let the Senate make our determinations and we could all go home. But many of us think we have additional ideas that we would like to put forth.

There is some hypocrisy, Mr. Chairman, about the items that we have inserted here. First of all, the Constitution lays at the steps of the Congress, the management of the District of Columbia. It is our full responsibility. And we can certainly work with the city council and the administration, but we bear the responsibility for legislation for the Nations Capital.

Second, many times it serves the minority's interests well when they do not go with the city, and sometimes they want to go with the city. For instance, the administration, without any consultation with Congress, without any consultation with the city council, closed a section of Pennsylvania Avenue, at great inconvenience to the people of this city.

Now, without getting into the debate, I have put language in our bill to reopen, that closed section because we have no evidence that that was closed with good reason.

□ 1315

We think that the city council, which has asked us to insert the reopening provision is acting within their powers and that they should be consulted since this being a city street rather than just the administration making the decision.

Also, Congress enacted a few years ago on a bill that moved the city's residency requirement for its 30,000 employees to live within the city. The District wanted to keep that residency requirement. It was the Congress that removed that, as it was pandering to the unions, and that has worked a severe hardship upon the city.

Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I think the diligence of the chairman, the gentleman from North Carolina [Mr. TAYLOR], is extraordinary, especially in the case of his medical problem, and he has fought back, and I want to thank the chairman.

I would also like to thank the ranking minority member, the gentleman from Virginia [Mr. MORAN]. As he knows, I just gave Mary a box of candy from California and there is another one where that comes from, I would say to the gentleman, to sweeten him up.

I would also like to thank the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee. I have never voted for a D.C. bill in the 6 years I have been here, because it has been general practice to just have business as normal. The gentleman from Louisiana [Mr. LIVINGSTON] says, ''Well, Duke, you complain about it. If you think it is broke, fix it.'' So I get my pittance on the D.C. appropriations bill, but I want to tell my colleagues something that is rewarding: The gentleman from California [Mr. DIXON] has been wonderful, and I even thank the gentleman from Wisconsin [Mr. OBEY] for his mellowing in his later years.

Mr. Chairman, I have spoken to Members, and I realize that on the political side of this, it is difficult. It is difficult in some cases for our Republican Members to go against the special interests of the unions. I understand it is difficult for Members on the other side at the same time, and I have talked to them about it. The actual issues, they wish they could support, but they cannot.

Mr. Chairman, when we talk about campaign finance reform, we talk about the essence of it is taking out special interests so that we can actually help. I would also like to thank the gentlewoman that represents the District [Ms. NORTON]. Although we may disagree on issues, she was there, she participated with her city. She had hearings, she was present, she is not on the subcommittee, but yet she took the time to show up and do that.

I think it is just a shame, though, that in the case of special interests that we cannot pass legislation, or we may have difficulty passing legislation that will actually help the city, will help children, will help parents, and I think that the gentleman from North Carolina [Mr. TAYLOR], the chairman of the subcommittee, has done a good job.

But what have we tried to do? I want to assure my friends on the other side, although we may talk about ideology, and there may be some portions in this, I want to tell my colleagues that my motives are pure. I want to get the most amount of dollars down to a school system to where the school, the average is 86 years old, and they have to replace school roofs. A lot of the schools, the fire department has had to take over because they are dangerous. And if we can get the maximum amount of dollars into those schools, and it has been proven time and time again in many, many States by waiving Davis-Bacon for school construction that we save a lot of dollars, and that is the intent. This is an emergency situation. It is not ideological to me. To look at charter schools, in which many cases the unions blasted charter schools, but I think the sweeping, overwhelming good that they do and allowing the District of Columbia to go into those, I think it is a benefit.

There is an union group that is exempt from taxes. It will get $1.3 million a year into the school system. That is good. It gets more money to upgrade the computers, because when we have schools that age, I guarantee my colleagues that the technology and the science equipment, the math, and we have large amounts of students that do not even finish and graduate from those schools, we have to do something to help that and to get the most amount of dollars to do that.

We recognize the Jime Escolonti type of teachers by increasing the funding for those teachers that are credentialed. There are many, and I have met them because I live in the District of Columbia, and there are many good teachers in Washington, DC, but yet they are plagued by teachers that are not, like in many of our innermost cities, and we want to recognize those that do a good job and reward them for that.

But I think most of all that there is an area in which parents feel like they are hopeless. Children do not have a chance, and I would like to read this. It is from Dr. King. He said,

> In this spirit, House Majority Leader Dick Armey of Texas and Representative Floyd Flake, a Democrat from New York, and several other Congressmen have proposed the District of Columbia Student Opportunity Scholarship Act.

Low-income, low-income parents that feel denied will have a chance, for the first time, to offer their children a chance at a good education.

Mr. MORAN of Virginia. Mr. Chairman, I yield 4½ minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking Democrat on the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, my first assignment in this House was the District of Columbia appropriations subcommittee after I went on the Committee on Appropriations, and I have seen the Congress for many years treat the District of Columbia almost as its private plantation.

The very first fight I ever had in this House was when the Congress tried to hold up money for construction of the D.C. subway until they could reach agreement that the District of Columbia would proceed to build more highways and another bridge into Georgetown. I thought that kind of leverage

was improper then, and I think it is improper now.

We have a problem when Congress tries to impose its own judgment on how the city ought to run. We are providing governance without representation, because when we make decisions that affect the lives of people in the District of Columbia, they have no remedy if we make the wrong decision because they cannot vote us out of office. That is why it is essential for the Congress to exercise restraint in its oversight of the District of Columbia.

Now, I have seen a lot of efforts through the years to have this Congress micromanage the District. This bill, in my view, is the worst effort that I have ever seen on the part of the Congress in all of the years I have been here, going back to the time when this Congress held up for 2 years needed money to build the subway until the subway became more expensive because of the delay. I do not believe that it is in the public interest of the District or our taxpayers for us to get in the way of the ability of the fiscal control board to try to bring order to District of Columbia affairs. This bill guts their ability to do that.

It imposes Congress's judgment on vouchers. It requires vouchers be provided in order to send children in some cases to private schools. Now, maybe they ought to make that judgment, but the Congress should not make that judgment when they have no recourse if they disagree with that judgment. The Congress has overstepped its bounds, in my view, in a good many areas which the gentleman from Virginia [Mr. MORAN] has already described.

The issue here in my view is not whether some of these policy judgments should have been arrived at; the issue is who should arrive at those judgments. It is not the Congress; it is the fiscal control board which was appointed to do the job.

So what the Moran amendment is going to do, instead of unilaterally imposing actions on the District, the Moran amendment is going to simply ask the House to take the approach already adopted by Senator FAIRCLOTH, hardly a raving left-wing radical; it takes the approach which he has suggested and would substitute that for the approach taken by the subcommittee.

Under ordinary circumstances, I do not like to do that, because I do not like to adopt Senate judgments without further consideration. But given the gross committee overreaching in this case, by dictating to the District on what it ought to do on airplane flights, what it ought to do on the District of Columbia Law School, what it ought to do on other financial arrangements, it gives us no choice but to look for a more responsible way, and that more responsible way has been pointed out by Senator FAIRCLOTH. So in my view, we ought to adopt the Moran amendment.

In addition to being the right thing to do, it is the one thing that will produce a real bill. We will not produce a real bill by having the Congress dictate to the District of Columbia. We will produce a real bill, which demonstrates that Congress also knows how to exercise restraint, because that will enable us to get a bill with a presidential signature on it and that the President shall not veto.

We are now 1 week into the fiscal year. We should not be continuing to push our ideological preferences, we should be looking for practical solutions. The Moran amendment is that practical solution, and I would urge support for it when the time comes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Chairman, I appreciate the chairman yielding me this time, and I thank him for one of the most thankless tasks in Congress, and that is chairing the Subcommittee on the District of Columbia of the Committee on Appropriations; and also the gentleman from Virginia [Mr. MORAN], my friend from my neighboring district.

I actually share a lot of concerns that my friend from Virginia has expressed in terms of this bill over-authorizing and in some areas going contrary to where these authorizers have gone. We want to strengthen the control board. They have cut over $100 million from the city budget over the last 2 years, I think very constructive financial abilities, and there have been some misrepresentations to the contrary.

There have been some comments made that we could not get the streets plowed during the snowstorm and the big blizzard and the control board could have paid the bills directly. This legislation would not allow that, because they would have to come back to Congress to reprogram under contracts. Of course at the time of the big blizzard, the control board was not even up and operating.

Nevertheless, there are some very good things in this bill that the chairman has put in. He has attempted to work and try to bring us closer together on issues on which we have disagreed, and I want to thank him and express my appreciation for that.

Two years ago, consistent with my sponsorship of the law creating the control board for the District of Columbia, I supported what was then known as the Gunderson amendment. This was sponsored by our former colleague, Steve Gunderson, and it sought to enact educational reforms in the District.

Along with the education commission of the States, I believed then and I believe now that low-income scholarships are a good vehicle for providing poor students with choices and opportunities more financially advantaged children enjoy, thus promoting equity. While many of the Gunderson reforms were enacted, this one was not, and at that time a Senate filibuster eventually killed the proposal.

Today, the opponents of opportunity scholarships in the District of Columbia find themselves in an ever-shrinking minority of public opinion. Opponents are increasingly hard-pressed to justify their obstruction to change. Though many opponents of reform send their own children to private schools, they persist in standing in the schoolhouse door when it comes to poor children in the District of Columbia.

I stand with those who want to open the schoolhouse door. I stand with my colleagues in this House, like the gentleman from New York [Mr. FLAKE], and colleagues in the Senate like JOE LIEBERMAN, MARY LANDRIEU, and PAT MOYNIHAN. I stand with advocates like Alveda King,, the niece of Martin Luther King, who supports scholarships of this type as fulfilling the dreams of her uncle.

Only the ostrich who sticks his head in the sand would deny that our public schools in our urban centers are in crisis. In the District, eighth grade test scores are 79-percent below the national average for math and 29-percent below the national average for reading. That is why the control board created an emergency board of trustees last year. They are continuing to struggle with crises as diverse as violence, leaky roofs, and poor attendance, and for the fourth straight year schools were not able to open on time in the District of Columbia.

The reforms contained in the D.C. appropriations bill would provide $7 million for student opportunity scholarships, and some 2,000 poor kids would benefit.

□ 1330

Parents would have to apply for the money. Nobody is making them apply for the money, but it gives them the opportunity that the rest of us have. I dare say not one Member of Congress sends their kids to public schools. We would like to extend these opportunities to some of the poorest in our urban centers.

Mr. MORAN of Virginia. Mr. Chairman, I yield 5 minutes to the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank the gentleman for his very hard work for the District of Columbia. I thank the gentleman from North Carolina [Mr. TAYLOR] for his hard work as well, and I want to say that what I will say today is in no way meant to detract from the hard work and good faith that both the chairman and the ranking member have shown as they have worked for this budget.

I do hold up the statement of policy of the administration to tell Members why there are at least a half-a-dozen reasons why this bill will be vetoed. When we are talking about the Capital of the United States, which is on its

knees, we ought to be after a bill that will be passed swiftly.

On behalf of the people of the District of Columbia, I rise to ask for Members' support for the Moran substitute. I do so because the bill before us violates basic democratic principles, will cripple the District's recovery, and will undermine the difficult job we ourselves have given to the Control Board, whose efforts have the respect and confidence of the majority of this body.

The substitute we offer is not a Democratic substitute. The substitute is the work of North Carolina Senator LAUCH FAIRCLOTH, who has been described as the most conservative Member of the U.S. Senate. I can tell Members all about that. In negotiations on the D.C. rescue package just before the balanced budget bill, I was unable to keep the Senator from taking down much of home rule and putting the Control Board in charge of the city.

The Senator's bill largely respects home rule, but not because he cares about that. Rather, it is because the Control Board and the District submitted a consensus budget that is itself so conservative a document that even the North Carolina Senator found no reason to substantially alter it.

While Members here are lining up for ways to spend a predicted surplus, the Senate supported the District appropriation because the District uses its surplus largely to pay down debt. The Senate bill supported the District's decision to come into balance a year early. It is the prudent, even conservative, fiscal policy that is at the core of the Moran substitute that has recommended it across party lines. It was reported out of the Senate Committee on Appropriations 26 to 1.

Vouchers, of course, is the House bill's high profile controversial provision, but the people from Members' districts already know what to do when that issue is put to them: 20 referenda, 20 defeats. I have already called the roll on that during the rule.

For 30 years residents from States in the north and south, east and west, have rejected vouchers. Even when the voucher advocates lose, however, they double back and lose again, always by more than they lost the first time. In California they lost first by 61 percent, and then by 70 percent; in Washington State, first by 61 percent and then by 65 percent; in Massachusetts, first by 62 percent, and then they lost by 70 percent. They cannot win for losing, Mr. Chairman.

Here in the District the vote against vouchers was the largest of all, an almost unanimous 89 percent. Unable to trump that, the majority asked that we substitute a Republican-worded poll for the votes of the people I represent.

I respectfully disagree with the gentleman from California [Mr. DREIER], who suggested during debate on the rule that the vote in D.C. was not a voucher vote. It was exactly that. D.C. residents rejected a tax credit for parents who would send their children to private or religious schools, money that otherwise would have gone to the District's general fund. A voucher by any other name is still a voucher, and until D.C. residents vote again on this issue, this body cannot impose vouchers without wiping away each and every claim they have to American principles of democracy.

Mr. Chairman, this bill represents a compendium of provisions the majority has been unable to pass despite their control of both Houses: vouchers, medical liability, Davis-Bacon. The strategy is simple: find a jurisdiction that cannot fight back and simply impose their will, like any old dictatorship; find a jurisdiction whose delegate votes you seized and work your will. They call themselves a devolution Congress? Shame on them. If they pass this bill, they will be unable to make any claim to devolution or democracy. I say to the Members, if you want these ideologically charged measures, do them on your own dime with your open bill for your own majority, not on the backs of the taxpaying residents that I represent.

The ideological baggage may be the most apparent, but it is not the most appalling. After all, the majority often cannot resist ideological targets but it has refrained from targeting the five distinguished citizens who sit on the Control Board. Not content to go after city officials, this bill unwinds much of the most painstaking and vital work of the Control Board. The bill does reckless damage, to name only some of the most irrational provisions.

Mr. Chairman, I include for the RECORD the following Statement of Administration Policy:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, October 9, 1997.

STATEMENT OF ADMINISTRATION POLICY—H.R. 2607—DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FY 1998

This Statement of Administration Policy provides the Administration's views on H.R. 2607, the District of Columbia Appropriations Bill, FY 1998, as reported by the House Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The Administration strongly opposes section 342 of the Committee bill, which would provide for the use of $7 million in Federal taxpayer funds for private school vouchers. Instead of investing additional resources in public schools, vouchers would allow a few selected students to attend private schools, and would draw attention away from the hard work of reforming public schools that serve the overwhelming majority of D.C. students. Establishing a private school voucher system in the Nation's Capital would set a dangerous precedent for using Federal taxpayer funds for schools that are not accountable to the public. If this language were included in the bill presented to the President, the President's senior advisers would recommend that the President veto the bill.

While the Administration appreciates the support of the Committee in developing a bill that provides sufficient Federal funding to implement the National Capital Revitalization and Self-Government Improvement Act of 1977 (the Revitalization Act), we strongly oppose a number of the provisions of the Committee bill, as described below. Even if the provision concerning school vouchers were to be stricken, the Committee bill would remain unacceptable. Unless the Administration's concerns are satisfactorily resolved, the President's senior advisers would recommend that the President veto the bill. The Administration urges the House to approve the Moran substitute amendment, which would address a number of the concerns detailed below.

PENNSYLVANIA AVENUE

The Administration strongly opposes section 159 of the bill, which would require that Pennsylvania Avenue in front of the White House be opened on January 1, 1998. On May 20, 1995, the Department of the Treasury implemented the security action to prohibit vehicular traffic on Pennsylvania Avenue between 15th and 17th Streets. A White House Security Review concluded that there was no alternative to prohibiting vehicular traffic on Pennsylvania Avenue that would ensure the protection of the President of the United States, the first family, and those working in or visiting the White House Complex from explosive devices carried in vehicles near the perimeter. The Committee's action would jeopardize the safety of those inside the White House Complex.

PUBLIC ASSISTANCE PAYMENTS

The Administration opposes section 149 of the bill, which would prohibit the District from increasing public assistance payments under the Temporary Assistance for Needy Families Program beyond the level provided under the District of Columbia Public Assistance Act of 1982. This restriction is inconsistent with the broad flexibility provided under Federal welfare reform and could hinder the District's efforts to invest resources in areas necessary to move individuals off welfare and into work.

DAVIS-BACON ACT

The Administration strongly opposes section 363 of the Committee bill. As drafted, this provision would permit waiver of the application of the Davis-Bacon Act to construction and repair work for the District of Columbia schools. Waiving these protections would deny payment of locally prevailing wages to workers on Federally funded construction sites. The Administration supports the Sabo amendment to strike this provision.

ABORTION

The Administration strongly opposes the abortion language of the Committee bill, which would prohibit the use of both Federal and District funds to pay for abortions except in those cases where the life of the mother is endangered or in situations involving rape or incest. Further, the Department of Justice has advised that the language would be unconstitutional regarding funds provided to the District of Columbia Corrections Trustee, to the extent the language places an undue burden on a woman's right to obtain an abortion. The Administration continues to view the prohibition on the use of local funds as an unwarranted intrusion into the affairs of the District and would support an amendment, if offered, to strike this prohibition.

MICROMANAGEMENT

The Administration opposes the provisions of the Committee bill, that would further restrict or otherwise condition management of the District government and expenditure of funds, thereby undercutting the Financial Responsibility and Management Assistance Authority's (the Authority's) oversight role and responsibility for the District's annual budget.

Specifically, the Administration opposes provisions of the bill that would require the District to direct surplus FY 1998 revenues to a taxpayer relief fund and earmark $200 million in local funds for deficit reduction. These provisions do not reflect the consensus agreement reached by the Authority, the Council, and the Executive Branch on the FY 1998 budget for the District. Moreover, Congress has given to the Authority the responsibility for guiding the District toward long-term financial health, and that role should not be undercut by unnecessary micromanagement.

The Administration also opposes a provision that would amend the District's tort laws and impose a cap on punitive damages at an arbitrary level. The Administration believes that these limits undermine the very purpose of punitive damages, which is to punish and deter misconduct. Furthermore, the Administration strongly opposes any differentiation between so-called ''economic'' and ''non-economic'' damages. ''Non-economic'' damages are just as real as economic damages, and limiting them imposes a hardship on the most vulnerable members of our society.

In addition, we oppose House language that would restrict the District's authority to improve its financial management systems. The District has been told by Congress, by the General Accounting Office, and by the Administration for some time that it needs to improve its financial management systems. The DC Chief Financial Officer and the Authority have taken steps to implement the necessary improvements. The Congress should not use this appropriations bill to block those efforts.

TREASURY BORROWING AUTHORITY

The Committee bill includes language that would prohibit the District from borrowing to finance its accumulated general fund deficit. It is not uncommon for cities recovering from severe cash flow problems to finance accumulated deficits through long-term borrowing. The Revitalization Act allows the District to borrow up to $300 million from Treasury for deficit financing if the District can show that it does not have private market access. The District needs the flexibility to use the treasury window for long-term borrowing in case the private markets are not accessible.

D.C. COURTS AND OFFENDER SERVICES FUNDING

The Administration strongly opposes language in the Committee bill that provides for funding the District of Columbia Courts and Offender Services through the Office of Management and Budget. The Administration urges the Committee to consider passing funding through stand alone accounts. The Administration's original proposal called for funding to be passed through the State Justice Institute.

Additionally, the Administration would recommend that the House include language that would make available funds collected by the District of Columbia Courts for necessary expenses, including the funding of pension costs.

The Administration is committed to working with the House to produce a bill that will assist the District in its continued efforts toward financial recovery.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded not to characterize individual Members of the U.S. Senate.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of our full committee.

Mr. LIVINGSTON. Mr. Chairman, the gentlewoman who just spoke cares deeply about the lives of the constituents that she represents and about the welfare of this great city. I think to charge the majority with the label of being ideologically motivated, though, is unfair. I heard it from the gentleman from Wisconsin as well.

The fact is I do not think it is ideological to say to the NEA that is housed in a great big facility here in the city, that they ought to pay taxes like everybody else. I do not think it is ideological to try to tell the parents of a youngster who is bound to go to a school that has proven itself inferior and incapable of delivering a decent education. It is in these schools where the youngster is effectively sentenced to try to survive in that school, which in turn yields a high probability that he may ultimately be sentenced to prison, if he survives. I do not think it is ideological to say that he should have another opportunity to go to another school.

I do not think it is ideological to say that we should come up with a system that makes it cheaper to build new schools, or repair older schools so they can be habitable for youngsters, rather than being bound and hogtied by ideological Davis-Bacon laws that say that you have to pay higher wages and thus have less money to repair the facilities.

I do not think it is ideological to say that a law school ought to quit conning its students, giving them diplomas that they cannot use, and simply get itself accredited, so it gives the people that participate in the enrollment in that school an opportunity for a quality legal education. Those are not ideological propositions. They are simply common sense.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would make it clear that the National Education Association has agreed to pay all of its property taxes, and in fact, in this bill, it would do so.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DIXON].

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

First, Mr. Chairman, let me say to the ranking member that I can clearly understand the most difficult job that he has in this bill.

To the chairman of the subcommittee, I have great respect for him. I just think that he is entirely wrong on this issue, and I admire the way and the courage the gentleman has shown in coming back and improving his own health.

Let me say that this is a very, very sorry hour for the House of Representatives. I am reminded of the song that ''It Cuts Both Ways,'' because men and women on this floor have tried to cut it both ways. When they wanted something, they stuck it in the bill, whether it was on my right or on my left.

We had a concept of home rule, and I will take my fair share of the blame for not moving faster. But I worshipped at the altar of home rule. We decided that we wanted to place an intermediary between us and Congress, and we put a Financial Control Board in place. This bill has taken us from home rule back to the plantation for 600,000 people.

If Members listen to what our chairman said, the things in this bill stem from City Council actions. There will be a time today that we will have a chance to speak on the voucher system and have a healthy discussion. The gentleman from San Diego, CA [Mr. CUNNINGHAM], I appreciate that he is operating in good will.

Mr. Chairman, the gentleman from North Carolina [Mr. TAYLOR] has attacked the Control Board in a Dear Colleague letter that he sent out, the instrument that Congress set up. Why? Because he does not like a lot of the things that it has done.

Just for one second, let me contrast that with part of the voucher system. The Control Board is selected by the President. All the D.C. residents receive no money. They work at this for nothing. It is a labor of love. These are people who have good backgrounds from diverse areas and do not need this.

In the voucher system, we compensate them for reviewing and giving out 2,000 vouchers no more than $5,000 a year. Instead of letting the District appoint these people, the Speaker and the majority leader in the Senate give a list to the President of the United States to decide on who should get 2,000 vouchers. What are we kidding ourselves about here? We are not interested in improving the quality of the public or private schools; we are interested in beating our own political horse here.

If Members listen to the rhetoric of my good friend, the gentleman from southern California, as I said before, it was loaded with purr and snarl words: ''The labor bosses;'' he even called the gentleman carrying the rule, the chairman of the DNC.

Let us get serious about what we are doing here. If we want to take back home rule, let us do it cleanly, but let us not do it in this very obscure way.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I thank the gentleman for yielding time to me for the purposes of having a colloquy.

Mr. Chairman, I would like to state that he is to be commended for the work that he has done, the outstanding efforts and hard work in bringing this bill to the floor, and during that time, for being such a shock absorber for the media criticism that he has received. The same goes for the gentleman from Virginia [Mr. MORAN].

I have brought to the attention of the chairman and to the D.C. appropriations a bill that would prevent two

individuals who are unmarried from adopting a child. This amendment has been included in the House version of the D.C. appropriations bill in the past. I feel that the responsible adoption amendment should be included in the fiscal year 1998 bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. DICKEY. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I appreciate the gentleman's concerns, and I will make every effort to accommodate the gentleman's request in conference.

Mr. MORAN of Virginia. Mr. Chairman, I yield 5 seconds to myself.

Mr. Chairman, I would say that I will make every effort to ensure that provision is not accommodated in conference, for what it is worth.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Chairman, I appreciate the opportunity to speak on a subject that, while it affects the District of Columbia, it affects the entire country.

Mr. Chairman, those of us in Michigan care very deeply about the children of the District of Columbia and this city. I want to first congratulate the very effective voice of the gentlewoman from the District of Columbia [Ms. ELEANOR HOLMES NORTON], the Delegate, for her advocacy on behalf of her constituency. This in particular to me is a philosophical debate, an ideological debate around the issue of education. This is the provision I wish to speak to today in strong opposition in this bill.

We saw this year children starting school 3 weeks late, some later, because the roof was falling in in some D.C. schools.

□ 1345

The Republican ideology says the response is to send 3 percent of the children to private schools with vouchers. The Democratic response is, fix the roof. Fix the roof. Support public education. Care about all of the children, not just 3 percent that would be given the opportunity to go to private schools through the vouchers in this bill.

We have today in USA Today a headline, ''Schools struggle to utilize technology.'' Only a fraction of America's schools are integrating technology to benefit their students, says an alliance of prominent business and education leaders, the CEO Forum.

I mention this because the $7 million in this bill that goes to 3 percent of the children for vouchers would rewire 65 public schools in the District of Columbia for children. This is about a commitment for all children in the District of Columbia to be successful and compete in that world economy that they will face.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I am an educator. I have spent 30 years of my life in education, and I have long opposed vouchers generally, but I have favored vouchers to build competition within public schools. Mr. Chairman, we are in such a crisis in this city that I will vote today to support vouchers.

In the 1960's, I lived in the District. My two children went to desegregated public schools. They received a first rate education. But since the 1960's, we have had a failure in management, a failure in discipline, a failure in overcoming dilapidated quarters, and that is part of our problem.

Mr. Chairman, we simply cannot let another generation of African-American students get out of school improperly educated so they do not have any opportunities in this society. I think it has come to the point where we have to face reality, and reality is to give a shock to that system and get the job done and get back to education.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman from Virginia [Mr. MORAN] for allowing me to speak and also for his hard work. I also would like to recognize the work of the gentleman from North Carolina [Mr. TAYLOR].

Mr. Chairman, although I disagree with much in the bill, I do agree that we do need to give a raise to our local police officers in the District of Columbia, and that is included in the bill. For that, I am appreciative.

On the other hand, I do take great exception to this notion of vouchers that is included in the bill. We should make no mistake; when we hear the Republicans say they are providing scholarships, which sounds like a great idea, they are not; they are providing vouchers, which takes taxpayers' money out of public schools and puts that taxpayers' money into private schools. I think that is wrong.

Mr. Chairman, the District of Columbia government is not without its shortcomings. I represent Prince George's and Montgomery Counties. I am their neighbor, and I know. But they have also made tremendous progress. The fact of the matter is, the District of Columbia is not a plantation to accommodate the whims of certain Members of Congress, nor is it a laboratory in which we can experiment on the people of the District of Columbia. It is an elected democratic government, and it deserves respect, and it deserves the right to make its own decisions.

Government does have a role. We in Congress do have a role. We exercise that role by putting in place the Control Board to assist in the management of the District of Columbia. But now this bill would supersede the role of the Control Board and try to micromanage government. It does so particularly in the area of vouchers.

Mr. Chairman, this bill takes $45 million over 5 years out of the District of Columbia and it gives it to 2,000 students. That leaves behind 76,000 students who need their roof repaired in their schools, that need new books, that need technological improvements, that need teachers with better pay, that need better overall facilities.

They say, ''We are doing this to help the poorest of the poor. We are doing this to help the people who are really needy.'' The problem is, it leaves behind the middle class, the working class, the people who pay the taxes in the District of Columbia. Their children do not get the benefit of this latest experiment, and, again, I think that that is wrong.

Mr. Chairman, I urge that this body adopt the Moran substitute. It is a balanced, fair approach, and it respects the sovereignty and dignity of the citizens of the District of Columbia.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I would like to inquire how much time we have remaining on both sides.

The CHAIRMAN. The gentleman from Virginia [Mr. MORAN] has 4¼ minutes remaining, and the gentleman from North Carolina [Mr. TAYLOR] has 5½ minutes remaining.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. KILPATRICK].

Ms. KILPATRICK. Mr. Chairman, I offer thanks to the gentleman from Virginia [Mr. MORAN], our ranking member, for giving me the opportunity to come before this body today, as well as to the gentleman from California [Mr. DIXON], who has shown his leadership as we discuss the life of over 600,000 people in this city of ours, our Capital City, who have no representation who can vote in this Congress.

Mr. Chairman, 600,000 people, more than 4 States' population, and yet they have no vote here in this Congress. And if they did, I do not think we would be debating as we are today how they would run their schools.

I stand here opposed to this legislation for many reasons. First of all, it repeals the Davis-Bacon provision that says that prevailing wages and safety regulations will be had for the workers who work on construction and repair projects here in the District of Columbia district with over 600,000 people.

It also closes the UDC Law School. It is not a time to close our law school. It is an opportunity for people to go to law school who would otherwise not have it. I think it is a tragedy.

Mr. Chairman, this bill talks about school vouchers. Over 90 percent of children in America go to public schools. I am a parent and former high school teacher and a graduate of all-public universities. I have two children who graduated from public school. One is now a lawyer; the other owns her own business. Many of us in this Congress are products of public education.

Why then are we putting our will on over 600,000 people in the District of

Columbia who have said over and over again, and in a vote of over 60 percent, that they do not want vouchers?

Mr. Chairman, I say to the gentlewoman from the District of Columbia [Ms. NORTON], Madam D.C. Congresswoman, for your efforts we praise you.

Mr. Chairman, to all of my colleagues who want to run the District of Columbia I say, leave them alone. Give them D.C. statehood. That is what they want, 600,000 people, more than the population of four States. I think it is unfortunate, and I urge my colleagues to vote against this legislation.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, let me just say very quickly that I do not think that the debate today is a matter of who cares more about children. I think both sides care deeply and passionately about children, and that is something to celebrate.

But I have come to the conclusion that it is not possible for the public schools to reform internally without the pressure that is put on them from the outside through the concept of competition. I think we all need to think about it. The purpose of competition is not to destroy the public school, the purpose of competition is to improve the public school so that the public school can be a viable institution and a critical part of the culture of America.

But I really believe that without the competition that puts the pressure on those within the public school to have to begin to stand up, which many are now beginning to do, and bring about the essential reforms that are necessary to give our children a chance to become successful in life, it is not going to work.

Mr. Chairman, this is the beginning of a very important debate, and ultimately the public will be set free, both private schools will be effective and public schools will be improved.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

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

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this bill for several important reasons, and I want to congratulate the gentleman from Virginia [Mr. MORAN], the ranking member of this committee, on his substitute.

First, the bill contains a very harmful private school voucher provision. I am very concerned that private schools that receive Federal funding would not be held accountable to the taxpayers. I am also very concerned that funding private religious schools with public money is a clear violation of the constitutional principle of state-church separation.

As we all know by now, the funding for the bill would provide vouchers for approximately 3 percent of all D.C. students. Mr. Chairman, I ask my colleagues, what about the other 97 percent who do not win this educational sweepstakes? What kind of message does a random lottery send to our youth? It tells them that their future is based on the luck of the draw, not their effort and ambition and not equal opportunity for all.

Mr. Chairman, in my judgment, the answer is not a limited voucher program, it is tougher academic standards, safer school buildings, smaller classes, more teacher training.

This bill also repeals the Davis-Bacon law for D.C. school construction projects. This repeal will not improve the District's crumbling schools but will discriminate against the District's construction workers. These workers deserve to earn a decent wage. A recent study, in fact, comparing school construction costs in five States with State prevailing wage laws and four States without such laws found that costs were actually lower in those States governed by State prevailing wages.

If those on the other side really care about the District's crumbling schools, they should support H.R. 1104, the Partnership to Rebuild America's Schools, which would provide the District with $15 million to rebuild its schools and $5 billion nationwide.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I do not have a lot of time to reserve.

The CHAIRMAN. The gentleman from Virginia has 15 seconds remaining.

Mr. MORAN of Virginia. Mr. Chairman, with that amount of time I really ought to reserve for rebuttal, would be my preference. Perhaps the gentleman from North Carolina would like to conclude or at least to use up a little more of his.

Mr. TAYLOR of North Carolina. Mr. Chairman, we have one remaining speaker to close. We have the right to close, I believe, do we not?

The CHAIRMAN. The gentleman from North Carolina has the right to close. The gentleman from Virginia, Mr. Moran, has used approximately 15 seconds to announce that he would like to say something else. The gentleman has 4 seconds remaining.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would urge my colleagues to support the substitute amendment which gives us the Senate bill. The Senate bill means that we will have an enacted bill, we will do the right thing by the citizens of the District of Columbia and, in my opinion, the right thing by the Congress of the United States.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. WALSH], the former chairman of the subcommittee.

Mr. WALSH. Mr. Chairman, I thank the distinguished gentleman from North Carolina [Mr. TAYLOR], chairman of the Subcommittee on the District of Columbia, and the gentleman from Virginia [Mr. MORAN], the ranking member, for their hard work.

Mr. Chairman, when the gentleman from North Carolina took over this responsibility, I urged him to be bold, and he has been bold. This city needs dramatic attention, and this bill provides attention and it provides solutions to many of the problems.

Mr. Chairman, I would like to dedicate my time at the podium to talk about this D.C. Opportunity Scholarships Program. Whether we call them scholarships or we call them vouchers, they are a lifeline to the poor kids in this city and their families.

Mr. Chairman, I would like to tell my colleagues a little bit about my hometown in Syracuse, where I was first married and raised my kids in a strong middle-class neighborhood in Syracuse. There were two schools, a private school, a parochial school, and public school.

Mr. Chairman, these two schools competed with each other for the kids. The PTO's from each school would go up and down the street knocking on doors, encouraging young parents to send their kids to their schools. Both schools taught kids, rich and poor and middle-class.

The public school had eminently better facilities. They had better bonding. They had better gyms. They had better science labs and all kinds of better facilities. The Catholic school provided more nurturing and discipline. Kids in trouble in one school could leave that school and go to the other, and vice versa. All of the kids were served. It was great for the kids.

Mr. Chairman, I am convinced, I am absolutely convinced, that we cannot have good public schools if we do not have good private schools.

□ 1400

We cannot have good private schools if we do not have good public schools. In that middle class neighborhood, that worked. In the poor neighborhoods, the choice was not there because the poor people could not afford the private schools. This will give them that opportunity in this city.

This is not a union vote or an anti-union vote. We have the highest respect for teachers. They are a national treasure. They take all of society's ills upon their shoulders and try to help these kids to get through what otherwise would be a difficult, difficult existence. This is not anti-teacher. This is pro-teacher. The teachers need help. Go to the inner city schools, go to the public schools, ask the teachers, they are stressed out. They are burned out. This will help them. This will make their schools better. It will make the entire educational system of this country better.

Specifically, though, we are talking about the District of Columbia. The

teachers want better schools as much as the parents do, if not more so, and they are fighting a losing battle. Poor families should have choices like moderate income and wealthy families do.

In Syracuse, our public school superintendent sends his child to a private school; so do some of the Members of the school board. They do it for the right reasons; that is a good decision. Why? Because they could get the education that they want at those schools. In Washington, DC, the President of the United States made a decision to send his daughter to a private school. Why? I do not care why. That is his decision. But he has the resources to do that.

Why should not poor families have that choice? There is no ideological or philosophical argument. There is no argument. To argue to the contrary is hypocrisy. There is no solid, firm standing to argue for public schools, against vouchers, when they are sending their kids to private schools.

Let us do this for the children. Forget about ideology, forget about union or nonunion. This is not that issue. This is about breaking the cycle of poverty and violence for the kids in our cities, especially this city, this city which we have so much love for and respect for and compassion for.

I do not understand it, Mr. Chairman. I do not understand how anyone could argue against this simple program to help some kids in this great city.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the amendment printed in part I of House report 105–315 is adopted and the bill is considered read for the amendment under the 5-minute rule.

The text of H.R. 2607, as amended by part I of House Report 105–315, is as follows:

H.R. 2607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—FISCAL YEAR 1998 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE NATION'S CAPITAL

For a Federal contribution to the District of Columbia towards the costs of the operation of the government of the District of Columbia, $180,000,000; as authorized by section 11601 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

OFFICE OF THE INSPECTOR GENERAL

For the Office of the Inspector General, $2,000,000, to prevent and detect fraud, waste, and abuse in the programs and operations of all functions, activities, and entities within the government of the District of Columbia.

METROPOLITAN POLICE DEPARTMENT

For the Metropolitan Police Department, $5,400,000, for a 5 percent pay increase for sworn officers who perform primarily nonadministrative public safety services and are certified by the Chief of Police as having met certain minimum standards referred to in section 148 of this Act.

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

For the Fire and Emergency Medical Services Department, $2,600,000, for a 5 percent pay increase for uniformed fire fighters.

FEDERAL CONTRIBUTION TO PUBLIC SCHOOLS

For the public schools of the District of Columbia, $1,000,000, which shall be paid to the District Education and Learning Technologies Advancement (DELTA) Council established by section 2604 of the District of Columbia School Reform Act of 1995, Public Law 104–134, within 10 days of the effective date of the appointment of a majority of the Council's members.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For payment to the District of Columbia Corrections Trustee for the administration and operation of correctional facilities, $169,000,000, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE FOR CORRECTIONAL FACILITIES, CONSTRUCTION AND REPAIR

For payment to the District of Columbia Corrections Trustee for Correctional Facilities, $302,000,000, to remain available until expended, of which not less than $294,900,000 is available for transfer to the Federal Prison System, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997; and $7,100,000 shall be for security improvements and repairs at the Lorton Correctional Complex.

EXECUTIVE OFFICE OF THE PRESIDENT

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

CRIMINAL JUSTICE SYSTEM

(INCLUDING TRANSFER OF FUNDS)

Pursuant to the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33) $146,000,000 for the Office of Management and Budget, of which: (1) not to exceed $121,000,000 shall be transferred to the Joint Committee on Judicial Administration in the District of Columbia for operation of the District of Columbia Courts; (2) not to exceed $2,000,000 shall be transferred to the District of Columbia Truth in Sentencing Commission to implement section 11211 of the National Capital Revitalization and Self-Government Improvement Act of 1997; (3) not to exceed $22,200,000 shall be transferred to the Pretrial Services, Defense Services, Parole, Adult Probation, and Offender Supervision Trustee for expenses relating to pretrial services, defense services, parole, adult probation and offender supervision in the District of Columbia, and for operating expenses of the Trustee; and (4) not to exceed $800,000 shall be transferred to the United States Parole Commission to implement section 11231 of the National Capital Revitalization and Self-Government Improvement Act of 1997.

UNITED STATES PARK POLICE

For payment to the United States Park Police for policing services performed within the District of Columbia, $12,500,000.

FEDERAL CONTRIBUTION TO THE DISTRICT OF COLUMBIA SCHOLARSHIP FUND

For the District of Columbia Scholarship Fund, $7,000,000, as authorized by section 342 of this Act for scholarships to students of low-income families in the District of Columbia to enable them to have educational choice.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

DISTRICT OF COLUMBIA TAXPAYERS RELIEF FUND

For the District of Columbia Taxpayers Relief Fund, an amount equal to the difference between the amount of District of Columbia local revenues provided under this Act and the actual amount of District of Columbia local revenues generated during fiscal year 1998 (as determined and certified by the Chief Financial Officer of the District of Columbia): *Provided,* That such amount shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor, or such other District official as the Authority may deem appropriate, in amounts and in a manner consistent with the requirements of this Act: *Provided further,* That these funds shall only be used to offset reductions in District of Columbia local revenues as a result of reductions in District of Columbia taxes or fees enacted by the Council of the District of Columbia (based upon the recommendations of the District of Columbia Tax Revision Commission and the Business Regulatory Reform Commission) and effective no later than October 1, 1998.

DISTRICT OF COLUMBIA DEFICIT REDUCTION FUND

For the District of Columbia Deficit Reduction Fund, $200,000,000, to be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor, or such other District official as the Authority may deem appropriate, at such intervals and in accordance with such terms and conditions as the Authority considers appropriate: *Provided,* That an additional amount shall be deposited into the Fund each month equal to the amount saved by the District of Columbia during the previous month as a result of cost-saving initiatives of the Mayor of the District of Columbia (described in the fiscal year 1998 budget submission of June 1997), as determined and certified by the Chief Financial Officer of the District of Columbia: *Provided further,* That the District government shall make every effort to implement such cost-saving initiatives so that the total amount saved by the District of Columbia during all months of fiscal year 1998 as a result of such initiatives is equal to or greater than $100,000,000: *Provided further,* That the Chief Financial Officer shall submit a report to Congress not later than January 1, 1998, on a timetable for the implementation of such initiatives under which all such initiatives shall be implemented by not later than September 30, 1998: *Provided further,* That amounts in the Fund shall only be used for reduction of the accumulated general fund deficit existing as of September 30, 1997.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $119,177,000 and 1,479 full-time equivalent positions (including $98,316,000, and 1,400 full-time equivalent positions from local funds, $14,013,000 and 9 full-time equivalent positions from Federal funds, and $6,848,000 and 70 full-time equivalent positions from other funds): *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be

available from this appropriation for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further,* That $240,000 shall be available for citywide special elections: *Provided further,* That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $120,072,000 and 1,283 full-time equivalent positions (including $40,377,000 and 561 full-time equivalent positions from local funds, $42,065,000 and 526 full-time equivalent positions from Federal funds, and $25,630,000 and 196 full-time equivalent positions from other funds and $12,000,000 collected in the form of Business Improvement Districts tax revenue collected by the District of Columbia on behalf of business improvement districts pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.) and the Business Improvement Districts Temporary Amendment Act of 1997 (Bill 12–230).

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $502,970,000 and 9,719 full-time equivalent positions (including $483,557,000 and 9,642 full-time equivalent positions from local funds, $13,519,000 and 73 full-time equivalent positions from Federal funds, and $5,894,000 and 4 full-time equivalent positions from other funds): *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That the District of Columbia Fire Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the District of Columbia Fire Department's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the District of Columbia Fire Department to submit to any other procurement review or contract approval process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved*: Provided further,* That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further,* That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further,* That $100,000 shall be available for inmates released on medical and geriatric parole: *Provided further,* That not less than $2,254,754 shall be available to support a pay raise for uniformed firefighters, when authorized by the District of Columbia Council and the District of Columbia Financial Responsibility and Management Assistance Authority, which funding will be made available as savings are achieved through actions within the appropriated budget: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, Sec. 16–2304), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: *Provided further,* That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $673,444,000 and 11,314 full-time equivalent positions (including $531,197,000 and 9,595 full-time equivalent positions from local funds, $112,806,000 and 1,424 full-time equivalent positions from Federal funds, and $29,441,000 and 295 full-time equivalent positions from other funds), to be allocated as follows: $560,114,000 and 9,979 full-time equivalent positions (including $456,128,000 and 8,623 full-time equivalent positions from local funds, $98,491,000 and 1,251 full-time equivalent positions from Federal funds, and $5,495,000 and 105 full-time equivalent positions from other funds), for the public schools of the District of Columbia; $5,250,000 (including $300,000 for the Public Charter School Board) from local funds for public charter schools: *Provided,* That if the entirety of this allocation has not been provided as payments to one or more public charter schools by May 15, 1998, and remains unallocated, the funds will revert to the general fund of the District of Columbia in accordance with section 2403(a)(2)(D) of the District of Columbia School Reform Act of 1995 (Public Law 104–134); $8,900,000 from local funds for the District of Columbia Teachers' Retirement Fund; $1,000,000 from local funds for the District Education and Learning Technologies Advancement (DELTA) Council to be paid to the Council within 10 days of the effective date of the appointment of a majority of the Council's members; $70,687,000 and 872 full-time equivalent positions (including $37,126,000 and 562 full-time equivalent positions from local funds, $12,804,000 and 156 full-time equivalent positions from Federal funds, and $20,757,000 and 154 full-time equivalent positions from other funds) for the University of the District of Columbia (excluding the U.D.C. School of Law); $3,400,000 and 45 full-time equivalent positions (including $665,000 and 10 full-time equivalent positions from local funds and $2,735,000 and 35 full-time equivalent positions from other funds) for the U.D.C. School of Law; $22,036,000 and 409 full-time equivalent positions (including $20,424,000 and 398 full-time equivalent positions from local funds, $1,158,000 and 10 full-time equivalent positions from Federal funds, and $454,000 and 1 full-time equivalent position from other funds) for the Public Library; $2,057,000 and 9 full-time equivalent positions (including $1,704,000 and 2 full-time equivalent positions from local funds and $353,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further,* That not less than $1,200,000 shall be available for local school allotments in a restricted line item: *Provided further,* That not less than $4,500,000 shall be available to support kindergarten aides in a restricted line item: *Provided further,* That not less than $2,800,000 shall be available to support substitute teachers in a restricted line item: *Provided further,* That not less than $1,788,000 shall be available in a restricted line item for school counselors: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further,* That not less than

$584,000 shall be available to support high school dropout prevention programs: *Provided further,* That not less than $295,000 shall be available for youth leadership and conflict resolution programs: *Provided further,* That not less than $10,000,000 shall be available to support a pay raise for principals and assistant principals and for teachers of the schools of the District of Columbia Public Schools with valid teaching credentials who are primarily engaged in classroom instruction during the SY 1997–1998: *Provided further,* That not less than $250,000 shall be available to support Truancy Prevention Programs: *Provided further,* That by the end of fiscal year 1998, the District of Columbia Schools shall designate at least 2 or more District of Columbia Public School buildings as ''Community Hubs'' which, in addition to serving as educational facilities, shall serve as multi-purpose centers that provide opportunities to integrate support services and enable inter-generational users to meet the lifelong learning needs of community residents, and may support the following activities: before and after school care; counseling; tutoring; vocational and career training; art and sports programs; housing assistance; family literacy; health and nutrition programs; parent education; employment assistance; adult education; and access to state-of-the art technology.

HUMAN SUPPORT SERVICES

Human support services, $1,718,939,000 and 6,096 full-time equivalent positions (including $789,350,000 and 3,583 full-time equivalent positions from local funds, $886,702,000 and 2,444 full-time equivalent positions from Federal funds, and $42,887,000 and 69 full-time equivalent positions from other funds): *Provided,* That $21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That a Peer Review Committee shall be established to review medical payments and the type of service received by a disability compensation claimant: *Provided further,* That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles $241,934,000 and 1,292 full-time equivalent positions (including $227,983,000 and 1,162 full-time equivalent positions from local funds, $3,350,000 and 51 full-time equivalent positions from Federal funds, and $10,601,000 and 79 full-time equivalent positions from other funds): *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business*: Provided further,* That $3,000,000 shall be available for the lease financing, operation, and maintenance of two mechanical street sweepings, one flusher truck, 5 packer trucks, one front-end loader, and various public litter containers: *Provided further,* That $2,400,000 shall be available for recycling activities.

WASHINGTON CONVENTION CENTER FUND TRANSFER PAYMENT

For payment to the Washington Convention Center Enterprise Fund, $5,400,000 from local funds.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $366,976,000 from local funds.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,020,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $12,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,923,000.

HUMAN RESOURCES DEVELOPMENT

For Human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, $6,000,000.

MANAGEMENT REFORM AND PRODUCTIVITY FUND

For the Management Reform and Productivity Fund, $5,000,000, to improve management and service delivery in the District of Columbia.

CRITICAL IMPROVEMENTS AND REPAIRS TO SCHOOL FACILITIES AND STREETS

For expenditures for immediate, one-time critical improvements and repairs to school facilities (including roof, boiler, and chiller renovation or replacement) and for neighborhood and other street repairs, to be completed not later than August 1, 1998, $30,000,000, to be derived from current local general fund operating revenues, to be expended on a pay-as-you-go basis.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,220,000.

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For the Water and Sewer Authority and the Washington Aqueduct, $297,310,000 from other funds (including $263,425,000 for the Water and Sewer Authority and $33,885,000 for the Washington Aqueduct) of which $41,423,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $213,500,000 and 100 full-time equivalent positions (including $7,850,000 and 100 full-time equivalent positions for administrative expenses and $205,650,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: *Provided,* That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,467,000 and 8 full-time equivalent positions (including $2,135,000 and 8 full-time equivalent positions from local funds and $332,000 from other funds).

PUBLIC SERVICE COMMISSION

For the Public Service Commission, $4,547,000 (including $4,250,000 from local funds, $117,000 from Federal funds, and $180,000 for other funds).

OFFICE OF THE PEOPLE'S COUNSEL

For the Office of the People's Counsel, $2,428,000 from local funds.

DEPARTMENT OF INSURANCE AND SECURITIES REGULATION

For the Department of Insurance and Securities Regulation, $5,683,000 and 89 full-time equivalent positions from other funds.

OFFICE OF BANKING AND FINANCIAL INSTITUTIONS

For the Office of Banking and Financial Institutions, $600,000 (including $100,000 from local funds and $500,000 from other funds).

STARPLEX FUND

For the Starplex Fund, $5,936,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided,* That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order

No. 57 of the Board of Commissioners, effective August 15, 1953, $103,934,000 of which $44,335,000 shall be derived by transfer from the general fund and $59,599,000 shall be derived from other funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $4,898,000 and 8 full-time equivalent positions from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $3,332,000 and 50 full-time equivalent positions from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $46,400,000 of which $5,400,000 shall be derived by transfer from the general fund.

CAPITAL OUTLAY

For construction projects, $269,330,000 (including $105,485,000 from local funds, $31,100,000 from the highway trust fund, and $132,745,000 in Federal funds), as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided,* That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1999, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1999: *Provided further,* That upon expiration of any such project authorization the funds provided herein for the project shall lapse: *Provided further,* That the District has approved projects to finance capital related items, such as vehicles and heavy equipment, through a master lease purchase program. The District will finance $13,052,000 of its equipment needs up to a 5 year-period. The fiscal year 1998 operating budget includes a total of $3,741,000 for the debt associated with the lease purchase.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided,* That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided,* That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provision of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided,* That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): *Provided,* That for the fiscal year ending September 30, 1998 the above shall apply except as modified by Public Law 104–8.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection

Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided,* That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) Notwithstanding section 422(7) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for Level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided,* That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), based upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1998, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1998 revenue estimates as of the end of the first quarter of fiscal year 1998. These estimates shall be used in the budget request for the fiscal year ending September 30, 1999. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Emergency Transitional Education Board of Trustees rules and procedures.

SEC. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided,* That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided,* That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 126. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4–42; D.C. Code, secs. 1–299.1 to 1–299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council of the required reorganization plans.

SEC. 127. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided,* That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 128. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 129. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

PROHIBITION ON DOMESTIC PARTNERS ACT

SEC. 130. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis as such benefits are extended to legally married couples.

MONTHLY REPORTING REQUIREMENTS—PUBLIC SCHOOLS

SEC. 131. The Emergency Transitional Education Board of Trustees shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

MONTHLY REPORTING REQUIREMENTS

UNIVERSITY OF THE DISTRICT OF COLUMBIA

SEC. 132. The University of the District of Columbia shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen,

broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(5) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

ANNUAL REPORTING REQUIREMENTS

SEC. 133. (a) IN GENERAL.—The Emergency Transitional Education Board of Trustees of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1996, fiscal year 1997, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

ANNUAL BUDGETS AND BUDGET REVISIONS

SEC. 134. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1998, whichever occurs later, and each succeeding year, the Emergency Transitional Education Board of Trustees and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Emergency Transitional Education Board of Trustees and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

EDUCATIONAL BUDGET APPROVAL

SEC. 135. The Emergency Transitional Education Board of Trustees, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

PUBLIC SCHOOL EMPLOYEE EVALUATIONS

SEC. 136. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 137. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

MISCELLANEOUS PROVISIONS RELATING TO DISTRICT OF COLUMBIA EMPLOYEES

SEC. 138. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—(1) None of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except in the case of a police officer who resides in the District of Columbia).

(2) The Chief Financial Officer of the District of Columbia shall submit, by December 15, 1997, an inventory, as of September 30, 1997, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

(b) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 1998 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(c) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), as amended by section 140(b) of the District of Columbia Appropriations Act, 1997 (Public Law 104–194), is amended by adding at the end the following new section:

''SEC. 2408. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1998.

''(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1998, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

''(b) Prior to February 1, 1998, each personnel authority (other than a personnel authority of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997) shall make a final determination that a position within the personnel authority is to be abolished.

''(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

''(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

''(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the United States Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

''(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

''(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except that—

''(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977 (D.C. Code, sec. 1–2543); and

''(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) were not properly applied.

''(h) An employee separated pursuant to this section shall be entitled to severance

pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

''(1) four years for an employee who qualified for veterans preference under this Act, and

''(2) three years for an employee who qualified for residency preference under this Act.

''(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

''(j) With respect to agencies which are not subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1998 or upon the delivery of termination notices to individual employees.

''(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this Act shall not be deemed negotiable.

''(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1998, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section.

''(m) In the case of an agency which is subject to a management reform plan under subtitle B of title XI of the Balanced Budget Act of 1997, the authority provided by this section shall be exercised to carry out the agency's management reform plan, and this section shall otherwise be implemented solely in a manner consistent with such plan.''.

(d) RESTRICTING PROVIDERS FROM WHOM EMPLOYEES MAY RECEIVE DISABILITY COMPENSATION SERVICES.—

(1) IN GENERAL.—Section 2303(a) of the District of Columbia Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–624.3(a)) is amended by striking paragraph (3) and all that follows and inserting the following:

''(3) By or on the order of the District of Columbia government medical officers and hospitals, or by or on the order of a physician or managed care organization designated or approved by the Mayor.''.

(2) SERVICES FURNISHED.—Section 2303 of such Act (D.C. Code, sec. 1–624.3) is amended by adding at the end the following new subsection:

''(c)(1) An employee to whom services, appliances, or supplies are furnished pursuant to subsection (a) shall be provided with such services, appliances, and supplies (including reasonable transportation incident thereto) by a managed care organization or other health care provider designated by the Mayor, in accordance with such rules, regulations, and instructions as the Mayor considers appropriate.

''(2) Any expenses incurred as a result of furnishing services, appliances, or supplies which are authorized by the Mayor under paragraph (1) shall be paid from the Employees' Compensation Fund.

''(3) Any medical service provided pursuant to this subsection shall be subject to utilization review under section 2323.''.

(3) REPEAL PENALTY FOR DELAYED PAYMENT OF COMPENSATION.—Section 2324 of such Act (D.C. Code, sec. 1–624.24) is amended by striking subsection (c).

(4) DEFINITIONS.—Section 2301 of such Act (D.C. Code, sec. 1–624.1) is amended—

(A) in the first sentence of subsection (c), by inserting ''and as designated by the Mayor to provide services to injured employees'' after ''State law''; and

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

''(r)(1) The term 'managed care organization' means an organization of physicians and allied health professionals organized to and capable of providing systematic and comprehensive medical care and treatment of injured employees which is designated by the Mayor to provide such care and treatment under this title.

''(2) The term 'allied health professional' means a medical care provider (including a nurse, physical therapist, laboratory technician, X-ray technician, social worker, or other provider who provides such care within the scope of practice under applicable law) who is employed by or affiliated with a managed care organization.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services, supplies, or appliances furnished under title XXIII of the District of Columbia Merit Personnel Act of 1978 on or after the date of the enactment of this Act.

(e) APPLICATION OF BINDING ARBITRATION PROCEDURES UNDER NEW PERSONNEL RULES.—

(1) IN GENERAL.—Section 11105(b)(3) of the Balanced Budget Act of 1997 is amended in the matter preceding subparagraph (A) by striking ''pursuant'' and inserting ''in accordance with binding arbitration procedures in effect under a collective bargaining agreement, or pursuant''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

CEILING ON OPERATING EXPENSES AND DEFICIT

SEC. 139. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1998 under the caption ''DIVISION OF EXPENSES'' may not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year less $192,741,000; or

(B) $4,493,375,000 (excluding intra-District funds of $118,269,000) of which $2,655,232,000 is from local funds; $1,072,572,000 is from Federal grants; and $765,571,000 in private and other funds.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as the ''Authority'') shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning or reprogramming by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1998, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

(c) PROHIBITING USE OF NON-APPROPRIATED FUNDS BY CERTAIN ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the District of Columbia Financial Responsibility and Management Assistance Authority and the District of Columbia Water and Sewer Authority may not obligate or expend any funds during fiscal year 1998 or any succeeding fiscal year without approval by Act of Congress.

(2) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than November 15, 1997, the District of Columbia Financial Responsibility and Management Assistance Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority at any time prior to October 1, 1997. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

(3) EFFECT OF EXPENDITURE OF NON-APPROPRIATED FUNDS.—Any obligation of funds by any officer or employee of the District of Columbia government (including any member, officer or employee of the District of Columbia Financial Responsibility and Management Assistance Authority) in violation of the fourth sentence of section 446 of the District of Columbia Home Rule Act shall have no legal effect, and the officer or employee involved shall be removed from office and personally liable for any amounts owed as a result of such obligation.

POWERS AND DUTIES OF CHIEF FINANCIAL OFFICER

SEC. 140. (a) CLARIFICATION OF AUTHORITY OVER FINANCIAL PERSONNEL.—

(1) IN GENERAL.—Section 424(a) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–317.1) is amended—

(A) in paragraph (2), by striking '', who shall be appointed'' and all that follows through ''direction and control''; and

(B) by striking paragraph (4) and inserting the following:

''(4) AUTHORITY OVER FINANCIAL PERSONNEL.—

''(A) IN GENERAL.—Notwithstanding any other provision of law or regulation (including any law or regulation providing for collective bargaining or the enforcement of any

collective bargaining agreement), the heads and all personnel of the offices described in subparagraph (B), together with all other District of Columbia accounting, budget, and financial management personnel (including personnel of independent agencies but not including personnel of the legislative or judicial branches of the District government) shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer, and shall be considered at-will employees not covered by the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

''(B) OFFICES DESCRIBED.—The offices referred to in this subparagraph are as follows:

''(i) The Office of the Treasurer (or any successor office).

''(ii) The Controller of the District of Columbia (or any successor office).

''(iii) The Office of the Budget (or any successor office).

''(iv) The Office of Financial Information Services (or any successor office).

''(v) The Department of Finance and Revenue (or any successor office).

''(vi) During a control year, the District of Columbia Lottery and Charitable Games Control Board (or any successor office).

''(C) REMOVAL OF PERSONNEL BY AUTHORITY.—In addition to the power of the Chief Financial Officer to remove any of the personnel covered under this paragraph, the Authority may remove any such personnel for cause, after written consultation with the Mayor and the Chief Financial Officer.''.

(2) CONFORMING AMENDMENTS.—(A) Section 152(a) of the District of Columbia Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321-102) is hereby repealed.

(B) Section 142(a) of the District of Columbia Appropriations Act, 1997 (Public Law 104–194; 110 Stat. 2375) is hereby repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 1996, except that the amendment made by paragraph (2)(B) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 1997.

(b) PERSONNEL AUTHORITY UNDER MANAGEMENT REFORM PLANS.—

(1) IN GENERAL.—Section 11105(b) of the Balanced Budget Act of 1997 is amended—

(A) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''; and

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

''(4) EXCEPTION FOR PERSONNEL UNDER DIRECTION AND CONTROL OF CHIEF FINANCIAL OFFICER.—This subsection shall not apply with respect to any personnel who are appointed by, serve at the pleasure of, and act under the direction and control of the Chief Financial Officer of the District of Columbia pursuant to section 424(a)(4) of the District of Columbia Home Rule Act.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 11105(b) of the Balanced Budget Act of 1997.

(c) MONTHLY REPORTS ON REVENUES AND EXPENDITURES; INCLUSION OF INFORMATION ON ALL ENTITIES OF DISTRICT GOVERNMENT.—Section 424(d) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–317.4) is amended by adding at the end the following new paragraphs:

''(8) Preparing monthly reports containing the following information (and submitting such reports to Congress, the Council, the Mayor, and the Authority not later than the 21st day of the month following the month covered by the report):

''(A) The cash flow of the District government, including a statement of funds received and disbursed for all standard categories of revenues and expenses.

''(B) The revenues and expenditures of the District government, including a comparison of the amounts projected for such revenues and expenditures in the annual budget for the fiscal year involved with actual revenues and expenditures during the month.

''(C) The obligations of funds made by or on behalf of the District government, together with a statement of accounts payable and the disbursements paid towards such accounts during the month and during the fiscal year involved.

''(9) Ensuring that any regular report on the status of the funds of the District government prepared by the Chief Financial Officer includes information on the funds of all entities within the District government (including funds in any accounts of the Authority and interest earned on such accounts).''.

(d) CLARIFICATION OF GROUNDS FOR REMOVAL FROM OFFICE.—Section 424(b)(2) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–317.2(2)) is amended by adding at the end the following new subparagraph:

''(C) CONSULTATION WITH CONGRESS.—The Authority or the Mayor (whichever is applicable) may not remove the Chief Financial Officer under this paragraph unless the Authority or the Mayor (as the case may be) has consulted with Congress prior to the removal. Such consultation shall include at a minimum the submission of a written statement to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, explaining the factual circumstances involved.''.

POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS

SEC. 141. (a) DETERMINATIONS OF DISABILITY STATUS.—Notwithstanding any other provisions of the District of Columbia Retirement Reform Act or any other law, rule, or regulation, for purposes of any retirement program of the District of Columbia for teachers, members of the Metropolitan Police Department, or members of the Fire Department, no individual may have disability status unless the determination of the individual's disability status is made by a single entity designated by the District to make such determinations (or, if the determination is made by any other person, if such entity approves the determination).

(b) ANALYSIS BY ENROLLED ACTUARY OF IMPACT OF DISABILITY RETIREMENTS.—Not later than January 1, 1998, and every 6 months thereafter, the Mayor of the District of Columbia shall engage an enrolled actuary (to be paid by the District of Columbia Retirement Board) to provide an analysis of the actuarial impact of disability retirements occurring during the previous 6-month period on the police and fire fighter retirement programs of the District of Columbia.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

BUDGETS OF DEPARTMENTS OR AGENCIES SUBJECT TO COURT-APPOINTED ADMINISTRATOR

SEC. 143. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 1998 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act, the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

''SPECIAL MASTERS' BUDGETS

''SEC. 445B. All Special Masters appointed by the District of Columbia Superior Court or the United States District Court for the District of Columbia to any agency of the District of Columbia government shall prepare and annually submit to the District of Columbia Financial Responsibility and Management Assistance Authority, for inclusion in the annual budget, annual estimates of expenditures and appropriations. Such annual estimates shall be approved by the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia pursuant to section 202 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart 1 of part D of title IV of the District of Columbia Home Rule Act is amended by inserting after the item relating to section 445A the following new item:

''Sec. 445B. Special masters' budgets.''.

COMMENCING OF ADVERSE ACTIONS FOR POLICE

SEC. 144. Section 1601(b–1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–617.1(b–1)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase ''Except as provided in paragraph (2)'' and inserting the phrase ''Except as provided in paragraphs (2) and (3)'' in its place.

(b) A new paragraph (3) is added to read as follows:

''(3) Except as provided in paragraph (2) of this subsection, for members of the Metropolitan Police Department, no corrective or adverse action shall be commenced pursuant to this section more than 120 days, not including Saturdays, Sundays, or legal holidays, after the date that the agency knew or should have known of the act or occurrence allegedly constituting cause, as that term is defined in subsection (d) of this section.''.

NOTICE TO POLICE OFFICERS FOR OUT-OF-SERVICE ASSIGNMENTS

SEC. 145. (a) Notwithstanding any other provision of law or collective bargaining agreement, the Metropolitan Police Department shall change the advance notice that is required to be given to officers for out-of-schedule assignments from 28 days to 14 days.

(b) No officer shall be entitled to overtime for out-of-regular schedule assignments if the Metropolitan Police Department provides the officer with notice of the change in assignment at least 14 days in advance.

SEC. 146. Except as provided in this Act under the heading ''DISTRICT OF COLUMBIA TAXPAYERS RELIEF FUND'', any unused surplus as of the end of the fiscal year shall be used to reduce the District's outstanding accumulated deficit.

RETIREMENT PROGRAMS

SEC. 147. (a) CAP ON STIPENDS OF RETIREMENT BOARD MEMBERS.—Section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking the period at the end and inserting the following: '', and the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000.''.

(b) RESUMPTION OF CERTAIN TERMINATED ANNUITIES PAID TO CHILD SURVIVORS OF DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS.—

(1) IN GENERAL.—Subsection (k)(5) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–622(e)) is amended by adding at the end the following new subparagraph:

''(D) If the annuity of a child under subparagraph (A) or subparagraph (B) terminates because of marriage and such marriage ends, the annuity shall resume on the first day of the month in which it ends, but only if the individual is not otherwise ineligible for the annuity.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any termination of marriage taking effect on or after November 1, 1993, except that benefits shall be payable only with respect to amounts accruing for periods beginning on the first day of the month beginning after the later of such termination of marriage or such date of enactment.

PREMIUM PAY FOR CERTAIN POLICE OFFICERS

SEC. 148. Effective for the first full pay period following the date of the enactment of this Act, the salary of any sworn officer of the Metropolitan Police Department shall be increased by 5 percent if—

(1) the officer performs primarily nonadministrative public safety services; and

(2) the officer is certified by the Chief of the Department as having met the minimum ''Basic Certificate'' standards transmitted by the District of Columbia Financial Responsibility and Management Assistance Authority to Congress by letter dated May 19, 1997, or (if applicable) the minimum standards under any physical fitness and performance standards developed by the Department in consultation with the Authority.

PROHIBITING INCREASE IN WELFARE PAYMENTS

SEC. 149. (a) IN GENERAL.—The Council of the District of Columbia shall have no authority to enact any act, resolution, or rule during a fiscal year which increases the amount of payment which may be for any individual under the Temporary Assistance for Needy Families Program to an amount greater than the amount provided under such program under the District of Columbia Public Assistance Act of 1982, as in effect on the day after the effective date of the Public Assistance Temporary Amendment Act of 1997.

(b) EFFECTIVE DATE.—Subsection shall apply with respect to fiscal year 1998 and each succeeding fiscal year.

SEC. 150. Effective as if included in the enactment of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, section 517 of such Act (110 Stat. 1321–248) is amended by striking ''October 1, 1991'' and inserting ''the date of the enactment of this Act''.

LIENS OF WATER AND SEWER AUTHORITY

SEC. 151. (a) REQUIRING IMPOSITION OF LIEN FOR UNPAID BILLS.—The District of Columbia Water and Sewer Authority shall take action to impose a lien against each commercial property with respect to which any payment owed to the Authority is past due in an aggregate amount equal to or greater than $3,000, but only if the payment is past due for 120 or more consecutive days.

(b) DISPOSITION OF LIENS THROUGH PRIVATE SOURCES.—Beginning January 31, 1998, the District of Columbia Water and Sewer Authority shall dispose of all pending liens imposed for the collection of amounts owned to the Authority by assigning the right to collect under such liens to a private entity in exchange for a cash payment, or by issuing securities secured by such liens.

DEEMED APPROVAL OF CONTRACTS BY AUTHORITY

SEC. 152. Section 203(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Code, sec. 47–392.3(b)), as amended by section 5203(d) of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–1456), is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) DEEMED APPROVAL.—

''(A) IN GENERAL.—If the Authority does not notify the Mayor (or the appropriate officer or agent of the District government) that it has determined that a contract or lease submitted under this subsection is consistent with the financial plan and budget or is not consistent with the financial plan and budget during the 30-day period (or, if the Authority meets the requirements of subparagraph (B), such alternative period as the Authority may elect, not to exceed 60 days) which begins on the first day after the Authority receives the contract or lease, the Authority shall be deemed to have determined that the contract or lease is consistent with the financial plan and budget.

''(B) ELECTION OF LONGER PERIOD BY AUTHORITY.—The Authority meets the requirements of this subparagraph if, prior to the expiration of the 30-day period described in subparagraph (A), the Authority provides a notice to the Mayor (or the appropriate officer or agent of the District government) and Congress which describes the period elected by the Authority, together with an explanation of the Authority's decision to elect an alternative period.''.

FINANCIAL MANAGEMENT SYSTEM

SEC. 153. (a) IN GENERAL.—The Chief Financial Officer of the District of Columbia shall enter into a contract with a private entity under which the entity shall carry out the following activities (by contract or otherwise) on behalf of the District of Columbia:

(1) In accordance with the requirements of subsection (b), the establishment and operation of an update of the present financial management system for the government of the District of Columbia by not later than June 30, 1998, to provide for the complete, accurate, and timely input and processing of financial data and the generation of reliable output reports for financial management purposes.

(2) To execute a process in accordance with ''best practice'' procedures of the information technology industry to determine the need, if any, of further improving the updated financial management system in subsection (a).

(b) SPECIFICATIONS FOR SHORT-TERM FINANCIAL MANAGEMENT SYSTEM IMPROVEMENTS.—For purposes of subsection (a)(1), the requirements of this subsection are as follows:

(1) A qualified vendor, in accordance with Office of Management and Budget standards, shall update the District of Columbia government's financial management system in use as of October 1, 1996.

(2) An information technology vendor shall operate the financial data center environment of the District government to ensure that its equipment and operations are compatible with the updated financial management system.

(3) A financial consulting vendor shall carry out an assessment of the District government employees who work with the financial management system, provide training in the operation of the updated system for those who are capable of effectively using the system, and provide recommendations to the Chief Financial Officer regarding those who are not capable of effectively using the system, including recommendations for reassignment or for separation from District government employment.

(c) CERTIFICATION OF POLICIES AND PROCEDURES FOR ACQUISITION OF LONG-TERM FINANCIAL MANAGEMENT SYSTEM IMPROVEMENTS.—

(1) IN GENERAL.—The Chief Financial Officer of the District of Columbia shall enter into a contract with a private entity under which the entity shall conduct an independent assessment to certify whether the District government (including the District of Columbia Financial Responsibility and Management Assistance Authority) has established and implemented policies and procedures that will result in a disciplined approach to the acquisition of a financial management system for the District government, including policies and procedures with respect to such items as—

(A) software acquisition planning,

(B) solicitation,

(C) requirements, development, and management,

(D) project office management,

(E) contract tracking and oversight,

(F) evaluation of products and services provided by the contractor, and

(G) the method that will be used to carry out a successful transition to the delivered system by its users.

(2) MODEL FOR ASSESSMENT.—The independent assessment shall be performed based on the Software Acquisition Capability Maturity Model developed by the Software Engineering Institute or a comparable methodology.

(3) REVIEW OF ASSESSMENT.—A copy of the independent assessment shall be provided to the Comptroller General, the Director of the Office of Management and Budget, and the Inspector General of the District of Columbia, who shall review and prepare a report on the assessment.

(d) RESTRICTIONS ON SPENDING FOR OTHER FINANCIAL MANAGEMENT SYSTEM PROCUREMENT AND DEVELOPMENT.—

(1) IN GENERAL.—None of the funds made available under this or any other Act may be used to improve or replace the financial management system of the government of the District of Columbia (including the procuring of hardware and installation of new software, conversion, testing, and training) until the expiration of the 30-day period which begins on the date the Comptroller General, Director of the Office of Management and Budget, and Inspector General of the District of Columbia submit a report under subsection (c)(3) to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Governmental Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, which certifies that the District government has established and implemented the policies and procedures described in subsection (c)(1).

(2) EXCEPTIONS.—Paragraph (1) shall not apply to funds used to carry out subsection (a) or to carry out the contract described in subsection (c).

POWERS AND DUTIES OF INSPECTOR GENERAL

SEC. 154. (a) CLARIFICATION OF AUTHORITY TO CONDUCT AUDITS.—

(1) EXCLUSIVE AUTHORITY TO CONTRACT FOR INDEPENDENT ANNUAL AUDIT.—None of the funds made available under this Act or any other Act may be used to carry out any contract to conduct the annual audit of the complete financial statement and report of the activities of the District government for fiscal year 1997 or any succeeding fiscal year unless the contract is entered into by the Inspector General of the District of Columbia.

(2) SCOPE OF AUDITS.—Section 208(a) the District of Columbia Procurement Practices Act of 1985 (sec. 1–1182.8(a), D.C. Code) is amended by adding at the end the following new paragraph:

''(5) The Inspector General may include in any audits conducted pursuant to this subsection (by contract or otherwise) of the activities of the District government such audits of the activities of the Authority as the Inspector General considers appropriate.''.

(6) CLARIFICATION OF GROUNDS FOR REMOVAL FROM OFFICE.—Section 208(a)(1) of such Act (sec. 1–1182.8(a)(1), D.C. Code), as amended by subsection (b), is further amended by adding at the end the following new subparagraph:

''(G) The Authority or the Mayor (whichever is applicable) may not remove the Inspector General under this paragraph unless the Authority or the Mayor (as the case may be) has consulted with Congress prior to the removal. Such consultation shall include at a minimum the submission of a written statement to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, explaining the factual circumstances involved.''.

(c) REQUIRING PLACEMENT OF INSPECTOR GENERAL HOTLINE ON PERMIT AND LICENSE APPLICATION FORMS.—

(1) IN GENERAL.—Each District of Columbia permit or license application form printed after the expiration of the 30-day period which begins on the date of the enactment of this Act shall include the telephone number established by the Inspector General of the District of Columbia for reporting instances of waste, fraud, and abuse, together with a brief description of the uses and purposes of such number.

(2) QUARTERLY REPORTS ON USE OF NUMBER.—Not later than 10 days after the end of such calendar quarter of each fiscal year (beginning with fiscal year 1998), the Inspector General of the District of Columbia shall submit a report to Congress on the number and nature of the calls received through the telephone number described in paragraph (1) during the quarter and on the waste, fraud, and abuse detected as a result of such calls.

REQUIRING USE OF DIRECT DEPOSIT OR MAIL FOR ALL PAYMENTS

SEC. 155. (a) IN GENERAL.—Notwithstanding any other provision of law (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement) or collective bargaining agreement, any payment made by the District of Columbia after the expiration of the 45-day period which begins on the date of the enactment of this Act to any person shall be made by—

(1) direct deposit through electronic funds transfer to a checking, savings, or other account designated by the person; or

(2) a check delivered through the United States Postal Service to the person's place of residence or business.

(b) REGULATIONS.—The Chief Financial Officer of the District of Columbia is authorized to issue rules to carry out this section.

REVISION OF CERTAIN AUDITING REQUIREMENTS

SEC. 156. (a) INFORMATION INCLUDED IN INDEPENDENT ANNUAL AUDIT.—Effective with respect to fiscal year 1997 and each succeeding fiscal year, the independent annual audit of the government of the District of Columbia conducted for a fiscal year pursuant to section 4(a) of Public Law 94–399 (D.C. Code, sec. 47–119(a)) shall include the following information in the Comprehensive Annual Financial Report:

(1) An audited budgetary statement comparing actual revenues and expenditures during the fiscal year with the amounts appropriated in the annual appropriations act for the entire District government and for each fund of the District government (and each appropriation account with each such fund as a supplemental schedule) for the fiscal year, together with the revenue projections on which the appropriations are based, to determine the surplus or deficit thereof.

(2) An unaudited statement of monthly cash flows (on a fund-by-fund basis) showing projected and actual receipts and disbursements (with variances) by category.

(3) A discussion and analysis of the financial condition and results of operations of the District government prepared by the independent auditor.

(b) AUDIT OF FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—

(1) IN GENERAL.—Section 106 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Code, sec. 47–304.1), as amended by section 11711(a) of the Balanced Budget Act of 1997, is amended by adding at the end the following new subsection:

''(e) ANNUAL FINANCIAL AUDIT.—

''(1) IN GENERAL.—For each fiscal year (beginning with fiscal year 1997), the Authority shall enter into a contract, using annual appropriations to the Authority, with an auditor who is a certified public accountant licensed in the District of Columbia to conduct an audit of the Authority's financial statements for the fiscal year, in accordance with generally accepted government auditing standards, and the financial statements shall be prepared in accordance with generally accepted accounting principles.

''(2) CONTENTS.—The auditor shall include in the audit conducted under this subsection the following information:

''(A) An audited budgetary statement comparing gross actual revenues and expenditures of the Authority during the fiscal year with amounts appropriated, together with the revenue projections on which the appropriations are based, to determine the surplus or deficit thereof.

''(B) An unaudited statement of monthly cash flows, showing projected and actual receipts and disbursements by category (with variances).

''(C) A discussion and analysis of the financial condition and results of operations of the Authority prepared by the independent auditor.

''(3) SUBMISSION.—The Authority shall submit the audit reports and financial statements conducted under this subsection to Congress, the President, the Comptroller General, the Council, and the Mayor.''.

(2) RESPONSIBILITIES OF AUTHORITY.—The District of Columbia Financial Responsibility and Management Assistance Authority shall—

(A) with respect to the annual budget of the Authority for fiscal year 1999 and each succeeding fiscal year, provide the Mayor of the District of Columbia (prior to the transmission of the budget by the Mayor to the President and Congress under section 446 of the District of Columbia Home Rule Act) with an item-by-item accounting of the planned uses of appropriated and non-appropriated funds (including all projected revenues) of the Authority under the budget for such fiscal year; and

(B) with respect to the annual budget of the Authority for fiscal year 1997 and each succeeding fiscal year, provide the person conducting the independent annual audit of the government of the District of Columbia pursuant to section 4(a) of Public Law 94-399 (D.C. Code, sec. 47–119(a)) (prior to the completion of the audit) with the actual uses of all appropriated and non-appropriated funds of the Authority under the budget for such fiscal year.

(3) INCLUSION IN INDEPENDENT ANNUAL AUDIT.—For purposes of the independent annual audit of the government of the District of Columbia conducted pursuant to section 4(a) of Public Law 94-399 (D.C. Code, sec. 47–119(a)) for fiscal year 1997 and each succeeding fiscal year, the District of Columbia Financial Responsibility and Management Assistance Authority shall be considered to be an entity within the government of the District of Columbia accountable for appropriated funds in the District of Columbia annual budget, and included as such in the District of Columbia government's Comprehensive Annual Financial Report.

TREATMENT OF UNCLAIMED PROPERTY

SEC. 157. (a) DEFINITIONS OF CERTAIN TERMS.—Section 102 of the Uniform Disposition of Unclaimed Property Act of 1980 (D.C. Code, sec. 42–202) is amended—

(1) by amending paragraph (4) to read as follows:

''(4) 'Business association' means a corporation, joint stock company, investment company, partnership, unincorporated association, joint venture, limited liability, business trust, trust company, financial organization, insurance company, mutual fund, utility, or other business entity consisting of one or more persons, whether or not for profit.''; and

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

''(18) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

''(19) 'Property' means a fixed and certain interest in or right in property that is held, issued, or owed in the course of a holder's business, or by a government or governmental entity, and all income or increments therefrom, including an interest referred to as or evidenced by any of the following:

''(A) Money, check, draft, deposit, interest, dividend, and income.

''(B) Credit balance, customer overpayment, gift certificate, security deposit, refund, credit memorandum, unpaid wage, unused airline ticket, unused ticket, mineral proceed, and unidentified remittance and electronic fund transfer.

''(C) Stock or other evidence of ownership of an interest in a business association.

''(D) Bond, debenture, note, or other evidence of indebtedness.

''(E) Money deposited to redeem stocks, bonds, coupons, or other securities or to make distributions.

''(F) An amount due and payable under the terms of an insurance policy, including policies providing life insurance, property and casualty insurance, workers compensation insurance, or health and disability benefits insurance.

''(G) An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.''.

(b) SHORTENING PERIOD FOR PRESUMPTION OF ABANDONMENT.—

(1) IN GENERAL.—Section 103(a) of such Act (D.C. Code, sec. 42–203(a)) is amended by striking ''5 years'' and inserting ''3 years''.

(2) BANK DEPOSITS AND FUNDS IN FINANCIAL ORGANIZATIONS.—Section 106 of such Act (D.C. Code, sec. 42–206) is amended by striking ''5 years'' each place it appears in subsections (a) and (d) and inserting ''3 years''.

(3) FUNDS HELD BY LIFE INSURANCE COMPANIES.—Section 107 of such Act (D.C. Code, sec. 42–207) is amended by striking ''5 years'' each place it appears in subsections (a) and (c)(2)(C) and inserting ''3 years''.

(4) DEPOSITS AND REFUNDS HELD BY UTILITIES.—Section 108 of such Act (D.C. Code, sec. 42–208) is amended by striking ''5 years'' each place it appears and inserting ''1 year''.

(5) STOCK AND OTHER INTANGIBLE INTERESTS IN BUSINESS ASSOCIATIONS.—Section 109 of such Act (D.C. Code, sec. 42–209) is amended—

(A) by striking ''5 years'' each place it appears in subsections (a) and (b)(1) and inserting ''3 years''; and

(B) in subsection (b)(2), by striking ''5-year'' and inserting ''3-year''.

(6) PROPERTY HELD BY FIDUCIARIES.—Section 111(a) of such Act (D.C. Code, sec. 42–211(a)) is amended by striking ''5 years'' and inserting ''3 years''.

(7) PROPERTY HELD BY PUBLIC OFFICERS AND AGENCIES.—Section 112 of such Act (D.C. Code, sec. 42–212) is amended by striking ''2 years'' and inserting ''1 year''.

(8) EMPLOYEE BENEFIT TRUST DISTRIBUTIONS.—Section 113 of such Act (D.C. Code, sec. 42–213) is amended by striking ''5 years'' and inserting ''3 years''.

(9) CONTENTS OF SAFE DEPOSIT BOX.—Section 115 of such Act (D.C. Code, sec. 42–215) is amended by striking ''5 years'' and inserting ''3 years''.

(c) CRITERIA FOR PRESUMPTION OF ABANDONMENT.—

(1) IN GENERAL.—Section 103 of such Act (D.C. Code, sec. 42–203) is amended by adding at the end the following new subsection:

''(d) A record of the issuance of a check, draft, or similar instrument by a holder is prima facie evidence of property held or owed to a person other than the holder. In claiming property from a holder who is also the issuer, the Mayor's burden of proof as to the existence and amount of the property and its abandonment is satisfied by showing issuance of the instrument and passage of the requisite period of abandonment. Defenses of payment, satisfaction, discharge, and want of consideration are affirmative defenses that may be established by the holder.''.

(2) SPECIAL RULES REGARDING STOCK AND OTHER INTANGIBLE INTERESTS IN BUSINESS ASSOCIATIONS.—Section 109 of such Act (D.C. Code, sec. 42–209) is amended by adding at the end the following new subsections:

''(d) For purposes of subsection (b), the return of official shareholder notifications or communications by the postal service as undeliverable shall be evidence that the association does not know the location of the owner.

''(e) In the case of property consisting of stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distribution, or other sums payable as a result of the interest, the property may not be presumed to be abandoned under this section unless either of the following applies:

''(1) The records available to the administrator of the plan show, with respect to any intangible ownership interest not enrolled in the reinvestment plan, that the owner has not within 3 years communicated in any manner described in subsection (a).

''(2) 3 years have elapsed since the location of the owner became unknown to the association, as evidenced by the return of official shareholder notifications or by the postal service as undeliverable, and the owner has not within those 3 years communicated in any manner described in subsection (a). The 3-year period from the return of official shareholder notifications or communications shall commence from the earlier of the return of the second such mailing or the time the holder discontinues mailings to the shareholder.''.

(3) SPECIAL RULE REGARDING PROPERTY DISTRIBUTED THROUGH LITIGATION OR SETTLEMENT OF DISPUTE.—Section 110 of such Act (D.C. Code, sec. 42–210) is amended—

(A) by striking ''All intangible'' and inserting ''(a) All intangible''; and

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

''(b) All intangible property payable or distributable to a member or participant in a class action suit, either one allowed by the court to be maintained as such or one essentially handled as a class action suit and remaining for more than one year after the time for the final payment or distribution is presumed abandoned, unless within the preceding one year, there has been a communication between the member or participant and the holder concerning the property. Intangible property payable or distributable as the result of litigation or settlement of a dispute before a judicial or administrative body and remaining unclaimed for more than one year after the time for the final distribution is presumed abandoned.''.

(d) REQUIREMENTS FOR PERSONS HOLDING PROPERTY PRESUMED ABANDONED.—

(1) DEADLINE FOR FILING REPORT WITH MAYOR.—Section 117(d) of such Act (D.C. Code, sec. 42–217(d)) is amended to read as follows:

''(d)(1) The report as of the prior June 30th must be filed before November 1st of each year, but a report with respect to a life insurance company must be filed before May 1st of each year as of the prior December 31. The Mayor may postpone the reporting date upon written request by any person required to file a report.

''(2) In calendar year 1998, a report concerning all property presumed to be abandoned as of October 31, 1997, must be filed no later than January 2, 1998.''.

(2) NOTIFICATION OF OWNER.—Section 117(e) of such Act (D.C. Code, sec. 42–217(e)) is amended to read as follows:

''(e) Not earlier than 120 days prior to filing the report required under this section (and not later than 60 days prior to filing such report), the holder of property presumed abandoned shall send written notice to the apparent owner of the property stating that the holder is in possession of property subject to this Act, but only if—

''(1) the holder has in its records an address for the apparent owner, unless the holder's records indicate that such address is not accurate; and

''(2) the value of the property is at least $50.''.

(3) PAYMENT OR DELIVERY OF PROPERTY TO MAYOR.—Section 119 of such Act (D.C. Code, sec. 42–219) is amended by striking subsections (a), (b), and (c) and inserting the following:

''(a) Upon the filing of the report required under section 117 with respect to property presumed abandoned, the holder of the property shall pay or deliver (or cause to be paid or delivered) to the Mayor the property described in the report as abandoned, except that—

''(1) in the case of property consisting of an automatically renewable deposit for which a penalty or forfeiture in the payment of interest would result if payment were made to the Mayor at such time, the holder may delay the payment or delivery of the property to the Mayor until such time as the penalty or forfeiture will not occur; and

''(2) in the case of tangible property held in a safe deposit box or other safekeeping depository, the holder shall pay or deliver (or cause to be paid or delivered) the property to the Mayor upon the expiration of the 120-day period which begins on the date the holder files the report required under section 117.

''(b) If the Mayor postpones the reporting date with respect to the property under section 117(d), the holder, upon receipt of the extension, may make an interim payment under this section on the amount the holder estimates will ultimately be due.''.

(4) CLARIFICATION OF USE OF ESTIMATED PAYMENTS AND REPORTS.—Section 130(d) of such Act (D.C. Code, sec. 42–230(d)) is amended to read as follows:

''(d) If a holder fails to maintain the records required by section 132 and the records of the holder available for the periods for which this Act applies to the property involved are insufficient to permit the preparation of a report and delivery of the property, the holder shall be required to report and pay such amounts as may reasonably be estimated from any available records.''.

(5) RETENTION OF RECORDS.—Section 132(a) of such Act (D.C. Code, sec. 42–232(a)) is amended to read as follows:

''(a) Except as provided in subsection (b) and unless the Mayor provides otherwise by rule, every holder required to file a report under section 117 shall retain all books, records, and documents necessary to establish the accuracy of such report and the compliance of the report with the requirements of this Act for 10 years after the property becomes reportable, together with a record of the name and address of the owner of the property in the case of any property for which the holder has obtained the last known address of the owner.''.

(e) DUTIES AND POWERS OF MAYOR.—

(1) INFORMATION INCLUDED IN PUBLISHED NOTICE OF ABANDONED PROPERTY.—Section 118(b)(3) of such Act (D.C. Code, sec. 42–218(b)(3)) is amended to read as follows:

''(3) A statement that property of the owner is presumed to be abandoned and has been taken into the protective custody of the Mayor, except in the case of property described in section 119(a)(1) which is not paid or delivered to the Mayor pursuant to such section.''.

(2) INFORMATION INCLUDED IN MAILED NOTICE.—Section 118(e)(3) of such Act (D.C.

Code, sec. 42–218(e)(3)) is amended to read as follows:

''(3) A statement explaining that property of the owner is presumed to be abandoned, the property has been taken into the protective custody of the Mayor (other than property described in section 119(a)(1) which is not paid or delivered to the Mayor pursuant to such section), and information about the property and its return to the owner is available to a person having a legal or beneficial interest in the property, upon request to the Mayor.''.

(3) TRANSITION RULE FOR 1997.—Section 118(g) of such Act (D.C. Code, sec. 42–218(g)) is amended to read as follows:

''(g) With respect to property reported and delivered on or before January 2, 1998, pursuant to section 117(d)(2), the Mayor shall cause the newspaper notice required by subsection (a) and the notice mailed under subsection (d) to be completed no later than May 1, 1998.''.

(4) IMPOSITION OF ONE-YEAR WAITING PERIOD FOR SALE OF PROPERTY.—The first sentence of section 122(a) of such Act (D.C. Code, sec. 42–222(a)) is amended by striking ''may be sold'' and inserting the following: ''which remains unclaimed one year after the delivery to the Mayor may be sold''.

(5) SPECIAL RULE FOR SALE OF PROPERTY CONSISTING OF SECURITIES.—Section 122 of such Act (D.C. Code, sec. 42–222) is amended by adding at the end the following new subsection:

''(d)(1) Notwithstanding subsection (a), abandoned property consisting of securities delivered to the Mayor under this Act may not be sold under this section until the expiration of the 3-year period which begins on the date the property is delivered to the Mayor, except that the Mayor may sell the property prior to the expiration of such period if the Mayor finds that sale at such time is in the best interests of the District of Columbia.

''(2) If the Mayor sells any property described in paragraph (1) prior to the expiration of the 3-year period described in such paragraph, any person making a claim with respect to the property pursuant to this Act prior to the expiration of such period is entitled to either the proceeds of the sale of the securities or the market value of the securities at the time the claim is made, whichever is greater, less any deduction for fees pursuant section 123(c). If the Mayor does not sell any such property prior to the expiration of such 3-year period, a person may make a claim with respect to the property in accordance with section 124 and other applicable provisions of this Act.''.

(6) STATUTE OF LIMITATIONS.—Section 129(b) of such Act (D.C. Code, sec. 42–229(b)) is amended to read as follows:

''(b) No action or proceeding may be commenced by the Mayor to enforce any provision of this Act with respect to the reporting, delivery, or payment of property more than 10 years after the holder specifically identified the property in a report filed with the Mayor or gave express notice to the Mayor of a dispute regarding the property. The period of limitation shall be tolled in the absence of such a report or other express notice, or by the filing of a report that is fraudulent.''.

(f) INTEREST AND PENALTIES.—

(1) IN GENERAL.—Section 135 of such Act (D.C. Code, sec. 42–235) is amended by striking subsections (b), (c), and (d) and inserting the following:

''(b) Except as otherwise provided in subsection (c), a person who fails to report, pay, or deliver property within the time prescribed under this Act, or fails to perform other duties imposed by this Act, shall pay (in addition to the interest required under subsection (a)) a civil penalty of $200 for each day the report, payment, or delivery is withheld or the duty is not performed, up to a maximum of $10,000.

''(c) A person who willfully fails to report, pay, or deliver property within the time prescribed under this Act, or fails to perform other duties imposed by this Act, shall pay (in addition to the interest required under subsection (a)) a civil penalty of $1,000 for each day the report, payment, or delivery is withheld or the duty is not performed, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been paid or delivered.

''(d) The Mayor may waive the imposition of any interest or penalty (or any part thereof) against any person under subsection (b) or (c) if the person's failure to pay or deliver property is satisfactorily explained to the Mayor and if the failure has resulted from a mistake by the person in understanding or applying the law or the facts involved.''.

(2) FAILURE OF HOLDER TO EXERCISE DUE DILIGENCE WITH RESPECT TO ITEMS SUBJECT TO REPORTING.—Section 135 of such Act (D.C. Code, sec. 42–235) is amended by adding at the end the following new subsection:

''(f) A holder who fails to exercise due diligence with respect to information required to be reported under section 117 shall pay (in addition to any other interest or penalty which may be imposed under this section) a penalty of $10 with respect to each item involved.''.

(g) MISCELLANEOUS REVISIONS.—

(1) RESTRICTION ON AMOUNT CHARGED FOR HOLDING CERTAIN BANK DEPOSITS AND FUNDS.—(A) Section 106(e) of such Act (D.C. Code, sec. 42–206(e)) is amended by adding at the end the following new paragraph:

''(4) The amount of the deduction is limited to an amount that is not unconscionable.''.

(B) Section 106(f) of such Act (D.C. Code, sec. 42–206(f)) is amended by adding at the end the following new paragraph:

''(3) The amount of the deduction is limited to an amount that is not unconscionable.''.

(2) CLARIFICATION OF APPLICATION OF LAW TO WAGES AND OTHER COMPENSATION.—Section 116 of such Act (D.C. Code, sec. 42–216) is amended by striking ''Unpaid wages or outstanding payroll checks'' and inserting ''Wages or other compensation for personal services''.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSITION RULE.—In the case of any property which is presumed to be abandoned under the Uniform Disposition of Unclaimed Property Act of 1980 (as amended by this Act) during the 6-month period which begins on the date of the enactment of this Act and which would not be presumed to be abandoned under such Act during such period but for the amendments made by this Act, the property may not be presumed to be abandoned under such Act prior to the expiration of such period.

RESTRICTIONS ON BORROWING

SEC. 158. (a) PROHIBITING USE OF BORROWING TO FINANCE OR REFUND ACCUMULATED GENERAL FUND DEFICIT.—None of the funds made available in this Act or in any other Act may be used by the District of Columbia (including the District of Columbia Financial Responsibility and Management Assistance Authority) at any time before, on, or after the date of the enactment of this Act to obtain borrowing to finance or refund the accumulated general fund deficit of the District of Columbia existing as of September 30, 1997.

(b) RESTRICTIONS ON USE OF FUNDS FOR DEBT RESTRUCTURING.—None of the funds made available in this Act or in any other Act may be used by the District of Columbia (including the District of Columbia Financial Responsibility and Management Assistance Authority) during fiscal year 1998 or any succeeding fiscal year to obtain borrowing (including borrowing through the issuance of any bonds, notes, or other obligations) to repay any other borrowing of funds or issuance of bonds, notes, or other obligations unless—

(1) the aggregate cost to the District of the new borrowing or issuance does not exceed the aggregate cost of the original borrowing or issuance; and

(2) the date provided for the final repayment of the new borrowing or issuance is not later than the date provided for the final repayment of the original borrowing or issuance.

(2) CLERICAL AMENDMENT.—The table of sections for subpart 1 of part E of title IV of the District of Columbia Home Rule Act is amended by adding at the end the following new item:

''Sec. 468. Restrictions on restructuring of debt.''.

(c) PROHIBITING USE OF FUNDS FOR PRIVATE BOND SALES.—None of the funds made available in this Act or in any other Act may be used by the District of Columbia (including the District of Columbia Financial Responsibility and Management Assistance Authority) during fiscal year 1998 or any succeeding fiscal year to sell any bonds at a private sale.

REOPENING OF PENNSYLVANIA AVENUE

SEC. 159. Notwithstanding any other provision of law or any other rule or regulation, beginning January 1, 1998, the portion of Pennsylvania Avenue in front of the White House shall be reopened to regular vehicular traffic.

INDEPENDENCE IN CONTRACTING FOR CHIEF FINANCIAL OFFICER AND INSPECTOR GENERAL

SEC. 160. (a) IN GENERAL.—Notwithstanding any other provision of law, neither the Mayor of the District of Columbia or the District of Columbia Financial Responsibility and Management Assistance Authority may enter into any contract with respect to any authority or activity under the jurisdiction of the Chief Financial Officer or Inspector General of the District of Columbia without the consent and approval of the Chief Financial Officer or Inspector General (as the case may be).

(b) EFFECT ON OTHER POWERS AND DUTIES OF AUTHORITY.—Nothing in this section may be construed—

(1) to affect the ability of the District of Columbia Financial Responsibility and Management Assistance Authority to remove the Chief Financial Officer or Inspector General of the District of Columbia from office during a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and management Assistance Act of 1995); or

(2) to exempt any contracts entered into by the Chief Financial Officer or Inspector General from review by the Authority under section 203(b) of such Act.

MISCELLANEOUS PROVISIONS

SEC. 161. (a) DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.—

(1) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by section 11601(b)(2) of the Balanced Budget Act of 1997, is amended by inserting after section 204 the following new section:

''SEC. 205. DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION WITH AUTHORITY.

''(a) IN GENERAL.—

''(1) DEPOSIT INTO ESCROW ACCOUNT.—In the case of a fiscal year which is a control year, the Secretary of the Treasury shall deposit any Federal contribution to the District of Columbia for the year authorized under section 11601(c)(2) of the Balanced Budget Act of 1997 into an escrow account held by the Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year. In establishing such terms and conditions, the Authority shall give priority to using the Federal contribution for cash flow management and the payment of outstanding bills owed by the District government.

''(2) EXCEPTION FOR AMOUNTS WITHHELD FOR ADVANCES.—Paragraph (1) shall not apply with respect to any portion of the Federal contribution which is withheld by the Secretary of the Treasury in accordance with section 605(b)(2) of title VI of the District of Columbia Revenue Act of 1939 to reimburse the Secretary for advances made under title VI of such Act.

''(b) EXPENDITURE OF FUNDS FROM ACCOUNT IN ACCORDANCE WITH AUTHORITY INSTRUCTIONS.—Any funds allocated by the Authority to the Mayor from the escrow account described in paragraph (1) may be expended by the Mayor only in accordance with the terms and conditions established by the Authority at the time the funds are allocated.''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 204 the following new item:

''Sec. 205. Deposit of annual Federal contribution with Authority.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

(b) DISHONORED CHECK COLLECTION.—The Act entitled ''An Act to authorize the Commissioners of the District of Columbia to prescribe penalties for the handling and collection of dishonored checks'', approved September 28, 1965 (D.C. Code, sec. 1–357) is amended—

(1) in subsection (a) by inserting after the third sentence the following: ''The Mayor may enter into a contract to collect the amount of the original obligation.''; and

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

''(c) In a case in which the amount of a dishonored or unpaid check is collected as a result of a contract, the Mayor shall collect any costs or expenses incurred to collect such amount from such person who gives or causes to be given, in payment of any obligation or liability due the government of the District of Columbia, a check which is subsequently dishonored or not duly paid. In a case in which the amount of a dishonored or unpaid check is collected as a result of an action at law or in equity, such costs and expenses shall include litigation expenses and attorney's fees.

''(d) An action at law or in equity for the recovery of any amount owed to the District as a result of subsection (c), including any litigation expenses or attorney's fees may be initiated—

''(1) by the Corporation Counsel of the District of Columbia; or

''(2) in a case in which the Corporation Counsel does not exercise his or her authority, by the person who provides collection services as a result of a contract with the Mayor.

''(e) Nothing in this section may be construed to eliminate the Mayor's exclusive authority with respect to any obligations and liabilities of the District of Columbia.''.

(c) REQUIRING DISTRICT GOVERNMENT OFFICIALS TO PROVIDE INFORMATION UPON REQUEST TO CONGRESSIONAL COMMITTEES.—Notwithstanding any provision of law or any other rule or regulation, during fiscal year 1998 and each succeeding fiscal year, at the request of the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Government Reform and Oversight of the House of Representatives, or the Committee on Governmental Affairs of the Senate, any officer or employee of the District of Columbia government (including any officer or employee of the District of Columbia Financial Responsibility and Management Assistance Authority) shall provide the Committee with such information and materials as the Committee may require, within such deadline as the Committee may require.

(d) PROHIBITING CERTAIN HELICOPTER FLIGHTS OVER DISTRICT.—None of the funds made available in this Act or in any other Act may be used by the District of Columbia to grant a permit or license to any person for purposes of any business in which the person provides tours of any portion of the District of Columbia by helicopter.

(e) CONFORMING REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Section 4(28A) of the District of Columbia Income and Franchise Act of 1947 (D.C. Code, sec. 47–1801.4(28A)) is amended to read as follows:

''(28A) The term 'Internal Revenue Code of 1986' means the Internal Revenue Code of 1986 (100 Stat. 2085; 26 U.S.C. 1 et seq.), as amended through August 20, 1996. The provisions of the Internal Revenue Code of 1986 shall be effective on the same dates that they are effective for Federal tax purposes.''.

(f) STANDARD FOR REVIEW OF RECOMMENDATIONS OF BUSINESS REGULATORY REFORM COMMISSION IN REVIEW OF REGULATIONS BY AUTHORITY.—Section 11701(a)(1) of the Balanced Budget Act of 1997 is amended by striking the second sentence and inserting the following: ''In carrying out such review, the Authority shall include an explicit reference to each recommendation made by the Business Regulatory Reform Commission pursuant to the Business Regulatory Reform Commission Act of 1994 (D.C. Code, sec. 2–4101 et seq.), together with specific findings and conclusions with respect to each such recommendation.''.

(g) TECHNICAL CORRECTIONS RELATING TO BALANCED BUDGET ACT OF 1997.—(1) Effective as if included in the enactment of the Balanced Budget Act of 1997, section 453(c) of the District of Columbia Home Rule Act (D.C. Code, sec. 47–304.1(c)), as amended by section 11243(d) of the Balanced Budget Act of 1997, is amended to read as follows:

''(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the Council, the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, or the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996.''.

(2) Section 11201(g)(2)(A)(ii) of the Balanced Budget Act of 1997 is amended—

(A) in the heading, by striking ''DEPARTMENT OF PARKS AND RECREATION'' and inserting ''PARKS AUTHORITY''; and

(B) by striking ''Department of Parks and Recreation'' and inserting ''Parks Authority''.

(h) REPEAL OF PRIOR NOTICE REQUIREMENT FOR FEDERAL ACTIVITIES AFFECTING REAL PROPERTY IN DISTRICT OF COLUMBIA.—Effective October 1, 1997, the Balanced Budget Act of 1997 (Public Law 105–33) is amended by striking section 11715.

This title may be cited as the ''District of Columbia Appropriations Act, 1998''.

TITLE II—DISTRICT OF COLUMBIA MEDICAL LIABILITY REFORM

Subtitle A—Standards for Health Care Liability Actions and Claims in the District of Columbia

SEC. 201. SHORT TITLE.

This title may be cited as the ''District of Columbia Medical Liability Reform Act of 1997''.

SEC. 202. STATUTE OF LIMITATIONS.

A District of Columbia health care liability action may not be brought after the expiration of the 2-year period that begins on the date on which the alleged injury that is the subject of the action was discovered or should reasonably have been discovered, but in no case after the expiration of the 5-year period that begins on the date the alleged injury occurred.

SEC. 203. TREATMENT OF NONECONOMIC DAMAGES.

(a) LIMITATION ON NONECONOMIC DAMAGES.—The total amount of noneconomic damages that may be awarded to a claimant for losses resulting from the injury which is the subject of a District of Columbia health care liability action may not exceed $250,000, regardless of the number of parties against whom the action is brought or the number of actions brought with respect to the injury.

(b) JOINT AND SEVERAL LIABILITY.—In any District of Columbia health care liability action, a defendant shall be liable only for the amount of noneconomic damages attributable to such defendant in direct proportion to such defendant's share of fault or responsibility for the claimant's actual damages, as determined by the trier of fact. In all such cases, the liability of a defendant for noneconomic damages shall be several and not joint.

SEC. 204. CRITERIA FOR AWARDING OF PUNITIVE DAMAGES; LIMITATION ON AMOUNT AWARDED.

(a) IN GENERAL.—Punitive damages may, to the extent permitted by applicable District of Columbia law, be awarded in any District of Columbia health care liability action if the claimant establishes by clear and convincing evidence that the harm suffered was the result of—

(1) conduct specifically intended to cause harm, or

(2) conduct manifesting a conscious, flagrant indifference to the rights or safety of others.

(b) PROPORTIONAL AWARDS.—The amount of punitive damages that may be awarded in any District of Columbia health care liability action may not exceed 3 times the amount of damages awarded to the claimant for economic loss, or $250,000, whichever is greater. This subsection shall be applied by the court and shall not be disclosed to the jury.

(c) APPLICABILITY.—This subsection shall apply to any District of Columbia health care liability action brought on any theory under which punitive damages are sought. This subsection does not create a cause of action for punitive damages. This subsection does not preempt or supersede any law to the extent that such law would further limit the award of punitive damages.

(d) BIFURCATION.—At the request of any party, the trier of fact shall consider in a separate proceeding whether punitive damages are to be awarded and the amount of such award. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable District of Columbia law, shall be inadmissible in any proceeding to determine whether actual damages are to be awarded.

SEC. 205. TREATMENT OF PUNITIVE DAMAGES IN ACTIONS RELATING TO DRUGS OR MEDICAL DEVICES.

(a) PROHIBITING AWARD OF PUNITIVE DAMAGES WITH RESPECT TO CERTAIN APPROVED DRUGS AND DEVICES.—

(1) IN GENERAL.—In any District of Columbia health care liability action, punitive damages may not be awarded against a manufacturer or product seller of a drug or medical device which caused the claimant's harm if—

(A) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm, or the adequacy of the packaging or labeling of such drug or device which caused the harm, and such drug, device, packaging, or labeling was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

(2) EXCEPTION.—Paragraph (1) shall not apply in any case in which the defendant, before or after premarket approval of a drug or device—

(A) intentionally and wrongfully withheld from or misrepresented to the Food and Drug Administration information concerning such drug or device required to be submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and relevant to the harm suffered by the claimant, or

(C) made an illegal payment to an official or employee of the Food and Drug Administration for the purpose of securing or maintaining approval of such drug or device.

(b) SPECIAL RULE REGARDING CLAIMS RELATING TO PACKAGING.—In a District of Columbia health care liability action relating to the adequacy of the packaging or labeling of a drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the court by clear and convincing evidence to be substantially out of compliance with such regulations.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) DRUG.—The term ''drug'' has the meaning given such term in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)).

(2) MEDICAL DEVICE.—The term ''medical device'' has the meaning given such term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(3) PRODUCT SELLER.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''product seller'' means a person who, in the course of a business conducted for that purpose—

(i) sells, distributes, rents, leases, prepares, blends, packages, labels, or is otherwise involved in placing, a product in the stream of commerce, or

(ii) installs, repairs, or maintains the harm-causing aspect of a product.

(B) EXCLUSION.—Such term does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor.

SEC. 206. PERIODIC PAYMENTS FOR FUTURE LOSSES.

(a) IN GENERAL.—In any District of Columbia health care liability action in which the damages awarded for future economic and noneconomic loss exceeds $50,000, a person shall not be required to pay such damages in a single, lump-sum payment, but shall be permitted to make such payments periodically based on when the damages are found likely to occur, as such payments are determined by the court.

(b) FINALITY OF JUDGMENT.—The judgment of the court awarding periodic payments under this section may not, in the absence of fraud, be reopened at any time to contest, amend, or modify the schedule or amount of the payments.

(c) LUMP-SUM SETTLEMENTS.—This section may not be construed to preclude a settlement providing for a single, lump-sum payment.

SEC. 207. TREATMENT OF COLLATERAL SOURCE PAYMENTS.

(a) INTRODUCTION INTO EVIDENCE.—In any District of Columbia health care liability action, any defendant may introduce evidence of collateral source payments. If any defendant elects to introduce such evidence, the claimant may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the claimant to secure the right to such collateral source payments.

(b) NO SUBROGATION.—No provider of collateral source payments may recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated the right of the claimant in a District of Columbia health care liability action.

(c) APPLICATION TO SETTLEMENTS.—This section shall apply to an action that is settled as well as an action that is resolved by a fact finder.

(d) COLLATERAL SOURCE PAYMENTS DEFINED.—In this section, the term ''collateral source payments'' means any amount paid or reasonably likely to be paid in the future to or on behalf of a claimant, or any service, product, or other benefit provided or reasonably likely to be provided in the future to or on behalf of a claimant, as a result of an injury or wrongful death, pursuant to—

(1) any State or Federal health, sickness, income-disability, accident or workers' compensation Act;

(2) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(3) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(4) any other publicly or privately funded program.

SEC. 208. APPLICATION OF STANDARDS TO CLAIMS RESOLVED THROUGH ALTERNATIVE DISPUTE RESOLUTION.

(a) IN GENERAL.—Any alternative dispute resolution system used to resolve a District of Columbia health care liability action or claim shall contain provisions relating to statute of limitations, non-economic damages, joint and several liability, punitive damages, collateral source rule, and periodic payments which are identical to the provisions relating to such matters in this title.

(b) ALTERNATIVE DISPUTE RESOLUTION SYSTEM DEFINED.—In this title, the term ''alternative dispute resolution system'' means a system that provides for the resolution of District of Columbia health care liability claims in a manner other than through District of Columbia health care liability actions.

Subtitle B—General Provisions

SEC. 211. GENERAL DEFINITIONS.

(a) DISTRICT OF COLUMBIA HEALTH CARE LIABILITY ACTION.—

(1) IN GENERAL.—In this title, the term ''District of Columbia health care liability action'' means a civil action brought against a health care provider, an entity which is obligated to provide or pay for health benefits under any health benefit plan (including any person or entity acting under a contract or arrangement to provide or administer any health benefit), or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, in which the claimant alleges a claim (including third party claims, cross claims, counter claims, or distribution claims) based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product within the District of Columbia, regardless of the theory of liability on which the claim is based or the number of plaintiffs, defendants, or causes of action.

(2) HEALTH BENEFIT PLAN.—The term ''health benefit plan'' means—

(A) a hospital or medical expense incurred policy or certificate,

(B) a hospital or medical service plan contract,

(C) a health maintenance subscriber contract, or

(D) a Medicare+Choice plan (as described in section 1859(b)(1) of the Social Security Act),

that provides benefits with respect to health care services.

(3) HEALTH CARE PROVIDER.—The term ''health care provider'' means any person that is engaged in the delivery of health care services in the District of Columbia and that is required by the laws or regulations of the District of Columbia to be licensed or certified to engage in the delivery of such services in the District of Columbia, and includes an employee of the government of the District of Columbia (including an independent agency of the District of Columbia).

(b) DISTRICT OF COLUMBIA HEALTH CARE LIABILITY CLAIM.—The term ''District of Columbia health care liability claim'' means a claim in which the claimant alleges that injury was caused by the provision of (or the failure to provide) health care services within the District of Columbia.

(c) OTHER DEFINITIONS.—As used in this title:

(1) ACTUAL DAMAGES.—The term ''actual damages'' means damages awarded to pay for economic loss.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a District of Columbia health care liability action and any person on whose behalf such an action is brought. If such action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) CLEAR AND CONVINCING EVIDENCE.—The term ''clear and convincing evidence'' is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. Such measure or degree of proof is more than that required under preponderance of the evidence but less than that required for proof beyond a reasonable doubt.

(4) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting

from injury (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities), to the extent recovery for such loss is allowed under applicable District of Columbia law.

(5) HARM.—The term ''harm'' means any legally cognizable wrong or injury for which punitive damages may be imposed.

(6) HEALTH CARE SERVICE.—The term ''health care service'' means any service for which payment may be made under a health benefit plan including services related to the delivery or administration of such service.

(7) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages paid to an individual for pain and suffering, inconvenience, emotional distress, mental anguish, loss of consortium, injury to reputation, humiliation, and other nonpecuniary losses.

(8) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(9) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded against any person not to compensate for actual injury suffered, but to punish or deter such person or others from engaging in similar behavior in the future.

SEC. 212. NONAPPLICATION TO CERTAIN ACTIONS; PREEMPTION.

(a) APPLICABILITY.—This title shall not apply to—

(1) an action for damages arising from a vaccine-related injury or death to the extent that title XXI of the Public Health Service Act applies to the action, or

(2) an action under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(b) PREEMPTION.—This title shall preempt any District of Columbia law to the extent such law is inconsistent with the limitations contained in this title. This title shall not preempt any District of Columbia law that provides for defenses or places limitations on a person's liability in addition to those contained in this title or otherwise imposes greater restrictions than those provided in this title.

(c) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE OF LAW OR VENUE.—Nothing in this title may be construed to—

(1) waive or affect any defense of sovereign immunity asserted by the District of Columbia under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976;

(4) preempt any choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(5) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

SEC. 213. RULES OF CONSTRUCTION REGARDING JURISDICTION OF FEDERAL COURTS.

(a) AMOUNT IN CONTROVERSY.—In an action to which this title applies and which is brought under section 1332 of title 28, United States Code, the amount of noneconomic damages or punitive damages, and attorneys' fees or costs, shall not be included in determining whether the matter in controversy exceeds the sum or value of $50,000.

(b) FEDERAL COURT JURISDICTION NOT ESTABLISHED ON FEDERAL QUESTION GROUNDS.—Nothing in this title shall be construed to establish any jurisdiction in the district courts of the United States over District of Columbia health care liability actions on the basis of section 1331 or 1337 of title 28, United States Code.

Subtitle C—Effective Date

SEC. 221. EFFECTIVE DATE.

This title shall apply to any District of Columbia health care liability action and to any District of Columbia health care liability claim subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that any such action or claim arising from an injury occurring prior to such date shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

TITLE III—DISTRICT OF COLUMBIA EDUCATION REFORM ACT OF 1997

Subtitle A—Amendments to District of Columbia School Reform Act of 1995

SEC. 301. SHORT TITLE.

This title may be cited as the ''District of Columbia Education Reform Amendments Act of 1997''.

SEC. 302. GENERAL EFFECTIVE DATE.

Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–112; D.C. Code §31–2851) is amended by striking ''shall be effective'' and all that follows through the period at the end and inserting ''shall take effect on the date of the enactment of this Act.''.

SEC. 303. TIMETABLE FOR APPROVAL OF PUBLIC CHARTER SCHOOL PETITIONS.

Section 2203(i)(2)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–504; D.C. Code §31–2853.13(i)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—

''(i) ANNUAL LIMIT.—Subject to subparagraph (B) and clause (ii), during calendar year 1997, and during each subsequent calendar year, each eligible chartering authority shall not approve more than 10 petitions to establish a public charter school under this subtitle.

''(ii) TIMETABLE.—Any petition approved under clause (i) shall be approved during an application approval period that terminates on April 1 of each year. Such an approval period may commence before or after January 1 of the calendar year in which it terminates, except that any petition approved at any time during such an approval period shall count, for purposes of clause (i), against the total number of petitions approved during the calendar year in which the approval period terminates.''.

SEC. 304. INCREASE IN PERMITTED NUMBER OF TRUSTEES OF PUBLIC CHARTER SCHOOL.

Section 2205(a) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–122; D.C. Code §31–2853.15(a)) is amended by striking ''7,'' and inserting ''15,''.

SEC. 305. LEASE TERMS FOR PERSONS OPERATING CHARTER SCHOOLS.

(a) LEASING FORMER OR UNUSED PUBLIC SCHOOL PROPERTIES.—

(1) IN GENERAL.—Section 2209(b)(1)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–505; D.C. Code §31–2853.19(b)(1)(A)) is amended to read as follows:

''(A) IN GENERAL.—Notwithstanding any other provision of law relating to the disposition of a facility or property described in subparagraph (C), the Mayor and the District of Columbia Government—

''(i) subject to clause (ii), shall give preference to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, with respect to the purchase of a facility or property described in subparagraph (C), if doing so will not result in a significant loss of revenue that might be obtained from other dispositions or uses of the facility or property; and

''(ii) shall lease a facility or property described in subparagraph (C), at an annual rate of $1, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, if—

''(I) the eligible applicant or Board of Trustees requests a lease pursuant to this paragraph for the purpose of operating the facility or property as a public charter school under this subtitle; and

''(II) the facility or property is not yet otherwise disposed of (by sale, lease, or otherwise).''.

(2) TERMINATION OF LEASE.—Section 2209(b)(1) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–505; D.C. Code §31–2853.19(b)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

''(B) TERMINATION OF LEASE.—Any lease entered into pursuant to this paragraph with respect to a public charter school shall be deemed to terminate—

''(i) upon the denial of an application to renew the charter granted to the school under section 2212, or, in a case where judicial review of the denial is sought under section 2212(d)(6), upon the entry of an order, not subject to further review, upholding a decision to deny such an application, whichever occurs later;

''(ii) upon the revocation of the charter granted to the school under section 2213, or, in a case where judicial review of the revocation is sought under section 2213(c)(6), upon the entry of an order, not subject to further review, upholding the revocation, whichever occurs later; or

''(iii) in the case of a lease to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), upon the termination of such conditional approval by reason of the applicant's failure timely to submit the identification and information described in section 2202(6)(B)(i).''.

(3) CONFORMING AMENDMENT.—Section 225(d) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 110 Stat. 3009–508; D.C. Code §47–392.25(d)) is amended by striking ''section 2209(b)(1)(B) of the District of Columbia School Reform Act of 1995'' and inserting ''section 2209(b)(1)(C) of the District of Columbia School Reform Act of 1995, other than a facility or real property that is subject to a lease under section 2209(b)(1)(A)(ii) of such Act,''.

(b) CONVERSIONS OF PUBLIC SCHOOLS.—Section 2209(b) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–505; D.C. Code §31–2853.19(b)) is amended by adding at the end the following:

''(3) SPECIAL RULE FOR PERSONS CONVERTING PUBLIC SCHOOL INTO CHARTER SCHOOL.—

''(A) IN GENERAL.—Notwithstanding any other provision of law relating to the disposition of a facility or property described in this paragraph, the Mayor and the District of Columbia Government shall lease a facility or property, at an annual rate of $1, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, if—

''(i) the facility or property is under the jurisdiction of the Board of Education;

''(ii) the eligible applicant or Board of Trustees requests a lease pursuant to this paragraph for the purpose of operating the facility or property as a public charter school under this subtitle; and

''(iii) immediately prior to the date of such request, the facility or property—

''(I) was operated as a District of Columbia public school, and the requirements of section 2202(a) were met; or

''(II) was operated as a public charter school under this subtitle.

''(B) TERMINATION OF LEASE.—Any lease entered into pursuant to this paragraph with respect to a public charter school shall be deemed to terminate—

''(i) upon the denial of an application to renew the charter granted to the school under section 2212, or, in a case where judicial review of the denial is sought under section 2212(d)(6), upon the entry of an order, not subject to further review, upholding a decision to deny such an application, whichever occurs later;

''(ii) upon the revocation of the charter granted to the school under section 2213, or, in a case where judicial review of the revocation is sought under section 2213(c)(6), upon the entry of an order, not subject to further review, upholding the revocation, whichever occurs later; or

''(iii) in the case of a lease to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), upon the termination of such conditional approval by reason of the applicant's failure timely to submit the identification and information described in section 2202(6)(B)(i).''.

(c) LEASING CURRENT PUBLIC SCHOOL PROPERTIES.—

(1) IN GENERAL.—Section 2209(b)(2)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–506; D.C. Code §31–2853.19(b)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—Notwithstanding any other provision of law relating to the disposition of a facility or property described in subparagraph (C), but subject to paragraph (3), the Mayor and the District of Columbia Government shall lease a facility or property described in subparagraph (C), at an annual rate of $1, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, if the eligible applicant or Board of Trustees requests a lease pursuant to this paragraph for the purpose of—

''(i) operating the facility or property as a public charter school under this subtitle; or

''(ii) using the facility or property for a purpose directly related to the operation of a public charter school under this subtitle.''.

(2) TERMINATION OF LEASE.—Section 2209(b)(2) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–506; D.C. Code §31–2853.19(b)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

''(B) TERMINATION OF LEASE.—Any lease entered into pursuant to this paragraph with respect to a public charter school shall be deemed to terminate—

''(i) upon the denial of an application to renew the charter granted to the school under section 2212, or, in a case where judicial review of the denial is sought under section 2212(d)(6), upon the entry of an order, not subject to further review, upholding a decision to deny such an application, whichever occurs later;

''(ii) upon the revocation of the charter granted to the school under section 2213, or, in a case where judicial review of the revocation is sought under section 2213(c)(6), upon the entry of an order, not subject to further review, upholding the revocation, whichever occurs later; or

''(iii) in the case of a lease to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), upon the termination of such conditional approval by reason of the applicant's failure timely to submit the identification and information described in section 2202(6)(B)(i).''.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC CHARTER SCHOOL BOARD.

Section 2214(g) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–133; D.C. Code §31–2853.24(g)) is amended by inserting ''to the Board'' after ''appropriated''.

SEC. 307. ADJUSTMENT OF ANNUAL PAYMENT FOR RESIDENTIAL SCHOOLS.

Section 2401(b)(3)(B) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code §31–2853.41(b)(3)(B)) is amended—

(1) in clause (i), by striking ''or'';

(2) in clause (ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) to whom the school provides room and board in a residential setting.''.

SEC. 308. ADJUSTMENT OF ANNUAL PAYMENT FOR FACILITIES COSTS.

Section 2401(b)(3) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code §31–2853.41(b)(3)) is amended by adding at the end the following:

''(C) ADJUSTMENT FOR FACILITIES COSTS.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment for a public charter school to take into account leases or purchases of, or improvements to, real property, if the school, not later than April 1 of the fiscal year preceding the payment, requests such an adjustment.''.

SEC. 309. PAYMENTS TO NEW CHARTER SCHOOLS.

(a) IN GENERAL.—Section 2403(b) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–140; D.C. Code §31–2853.43(b)) is amended to read as follows:

''(b) PAYMENTS TO NEW SCHOOLS.—

''(1) ESTABLISHMENT OF FUND.—There is established in the general fund of the District of Columbia a fund to be known as the 'New Charter School Fund'.

''(2) CONTENTS OF FUND.—The New Charter School Fund shall consist of—

''(A) unexpended and unobligated amounts appropriated from local funds for public charter schools for fiscal year 1997 that reverted to the general fund of the District of Columbia;

''(B) amounts credited to the fund in accordance with this subsection upon the receipt by a public charter school described in paragraph (5) of its first initial payment under subsection (a)(2)(A) or its first final payment under subsection (a)(2)(B); and

''(C) any interest earned on such amounts.

''(3) EXPENDITURES FROM FUND.—

''(A) IN GENERAL.—Not later than June 1, 1998, and not later than June 1 of each year thereafter, the Chief Financial Officer of the District of Columbia shall pay, from the New Charter School Fund, to each public charter school described in paragraph (5), an amount equal to 25 percent of the amount yielded by multiplying the uniform dollar amount used in the formula established under section 2401(b) by the total anticipated enrollment as set forth in the petition to establish the public charter school.

''(B) PRO RATA REDUCTION.—If the amounts in the New Charter School Fund for any year are insufficient to pay the full amount that each public charter school described in paragraph (5) is eligible to receive under this subsection for such year, the Chief Financial Officer of the District of Columbia shall ratably reduce such amounts for such year on the basis of the formula described in section 2401(b).

''(C) FORM OF PAYMENT.—Payments under this subsection shall be made by electronic funds transfer from the New Charter School Fund to a bank designated by a public charter school.

''(4) CREDITS TO FUND.—Upon the receipt by a public charter school described in paragraph (5) of—

''(A) its first initial payment under subsection (a)(2)(A), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 75 percent of the amount paid to the school under paragraph (3); and

''(B) its first final payment under subsection (a)(2)(B), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 25 percent of the amount paid to the school under paragraph (3).

''(5) SCHOOLS DESCRIBED.—A public charter school described in this paragraph is a public charter school that—

''(A) did not enroll any students during any portion of the fiscal year preceding the most recent fiscal year for which funds are appropriated to carry out this subsection; and

''(B) operated as a public charter school during the most recent fiscal year for which funds are appropriated to carry out this subsection.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out this subsection for each fiscal year.''.

(b) REDUCTION OF ANNUAL PAYMENT.—

(1) INITIAL PAYMENT.—Section 2403(a)(2)(A) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code §31–2853.43(a)(2)(A)) is amended to read as follows:

''(A) INITIAL PAYMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2401(b) to a bank designated by such school.

''(ii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 75 percent of the amount of the payment under subsection (b).''.

(2) FINAL PAYMENT.—Section 2403(a)(2)(B) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code §31–2853.43(a)(2)(B)) is amended—

(A) in clause (i)—

(i) by inserting ''IN GENERAL.—'' before ''Except''; and

(ii) by striking ''clause (ii),'' and inserting ''clauses (ii) and (iii),'';

(B) in clause (ii), by inserting ''ADJUSTMENT FOR ENROLLMENT.—'' before ''Not later than March 15, 1997,''; and

(C) by adding at the end the following:

''(iii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 25 percent of the amount of the payment under subsection (b).''.

SEC. 310. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

Section 2603 of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–144; D.C. Code §31–2853.63) is amended to read as follows:

''SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

''A private, nonprofit corporation shall be eligible to receive a grant under section 2602 if the corporation is a business organization incorporated in the District of Columbia, that—

''(1) has a board of directors which includes members who are also executives of technology-related corporations involved in education and workforce development issues;

''(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

''(3) has experience in working with State and local educational agencies with respect to the integration of academic studies with workforce preparation programs; and

''(4) has a structure through which additional resources can be leveraged and innovative practices disseminated.''.

Subtitle B—Student Opportunity Scholarships

SEC. 341. DEFINITIONS.

As used in this subtitle—

(1) the term ''Board'' means the Board of Directors of the Corporation established under section 342(b)(1);

(2) the term ''Corporation'' means the District of Columbia Scholarship Corporation established under section 342(a);

(3) the term ''eligible institution''—

(A) in the case of an eligible institution serving a student who receives a tuition scholarship under section 343(d)(1), means a public, private, or independent elementary or secondary school; and

(B) in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 343(d)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student's achievement through activities described in section 343(d)(2);

(4) the term ''parent'' includes a legal guardian or other person standing in loco parentis; and

(5) the term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 342. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the ''District of Columbia Scholarship Corporation'', which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this subtitle, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this subtitle, and, to the extent consistent with this subtitle, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $7,000,000 for fiscal year 1998;

(ii) $8,000,000 for fiscal year 1999; and

(iii) $10,000,000 for each of fiscal years 2000 through 2002.

(B) LIMITATION.—Not more than 7.5 percent of the amount appropriated to carry out this subtitle for any fiscal year may be used by the Corporation for salaries and administrative costs.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this subtitle as the ''Board''), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this paragraph.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such

other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this subtitle.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 350(c).

(f) RESPONSIBILITIES OF THE CORPORATION.—

(1) APPLICATION SCHEDULE AND PROCEDURES FOR CERTIFICATION.—Not later than 60 days after the Board has been appointed, the Corporation shall implement a schedule and procedures for processing applications for awarding student scholarships under this subtitle that includes a list of certified eligible institutions, distribution of information to parents and the general public (including through a newspaper of general circulation), and deadlines for steps in the scholarship application and award process.

(2) APPLICATION.—An eligible institution that desires to participate in the scholarship program under this subtitle shall file an application with the Corporation for certification for participation in the scholarship program under this subtitle which shall—

(A) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subsection (c);

(B) contain an assurance that the eligible institution will comply with all applicable requirements of this subtitle;

(C) contain an annual statement of the eligible institution's budget; and

(D) describe the eligible institution's proposed program, including personnel qualifications and fees.

(3) CERTIFICATION.—

(A) IN GENERAL.—Not later than 60 days after receipt of an application in accordance with paragraph (2), the Corporation shall certify an eligible institution to participate in the scholarship program under this subtitle.

(B) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with paragraph (5).

(4) NEW ELIGIBLE INSTITUTION.—

(A) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this subtitle for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(i) a list of the eligible institution's board of directors;

(ii) letters of support from not less than 10 members of the community served by such eligible institution;

(iii) a business plan;

(iv) an intended course of study;

(v) assurances that the eligible institution will begin operations with not less than 25 students;

(vi) assurances that the eligible institution will comply with all applicable requirements of this subtitle; and

(vii) a statement that satisfies the requirements of paragraphs (2) and (4) of subsection (a).

(B) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in paragraph (2), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this subtitle unless the Corporation determines that good cause exists to deny certification.

(C) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under subparagraph (A) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this subtitle unless the Corporation finds—

(i) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in paragraph (6)(A); or

(ii) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(D) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this paragraph is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(5) REVOCATION OF ELIGIBILITY.—

(A) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this subtitle for a year succeeding the year for which the determination is made for—

(i) good cause, including a finding of a pattern of violation of program requirements described in paragraph (6)(A); or

(ii) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(B) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of its decision to such eligible institution and require a pro rata refund of the payments received under this subtitle.

(6) PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

(A) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this subtitle shall—

(i) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

(ii) charge a student that receives a scholarship under this subtitle not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(B) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon an eligible institution as a condition of participation in the scholarship program under this subtitle.

SEC. 343. SCHOLARSHIPS AUTHORIZED.

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (d)(1) and enhanced achievement scholarships under subsection (d)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) SCHOLARSHIP PRIORITY.—

(1) FIRST.—The Corporation shall first award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia kindergarten, except that this subparagraph shall apply only for academic years 1997, 1998, and 1999; or

(B) have received a scholarship from the Corporation in the year preceding the year for which the scholarship is awarded.

(2) SECOND.—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students described in subsection (a) who are not described in paragraph (1).

(c) RANDOM SELECTION.—Except as provided in subsections (a) and (b), if there are more applications to participate in the scholarship program than there are spaces available, a student shall be admitted using a random selection process.

(d) USE OF SCHOLARSHIP.—

(1) TUITION SCHOLARSHIPS.—A tuition scholarship may be used for the payment of the cost of the tuition and mandatory fees at a public, private, or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition and mandatory fees at a public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; Fairfax City, Virginia; or Fairfax County, Virginia.

(2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may be used only for the payment of the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program.

(e) NOT SCHOOL AID.—A scholarship under this subtitle shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

SEC. 344. SCHOLARSHIP AWARDS.

(a) AWARDS.—From the funds made available under this subtitle, the Corporation

shall award a scholarship to a student and make payments in accordance with section 345 on behalf of such student to a participating eligible institution chosen by the parent of the student.

(b) NOTIFICATION.—Each eligible institution that accepts a student who has received a scholarship under this subtitle shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this subtitle is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this subtitle, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this subtitle is refused admission, of the reasons for such a refusal.

(c) TUITION SCHOLARSHIP.—

(1) EQUAL TO OR BELOW POVERTY LINE.—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $3,200 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(2) ABOVE POVERTY LINE.—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 75 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) $2,400 for fiscal year 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

(d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An enhanced achievement scholarship may not exceed the lesser of—

(1) the costs of tuition and mandatory fees for, or transportation to attend, a program of instruction at an eligible institution; or

(2) $500 for 1998, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1999 through 2002.

SEC. 345. SCHOLARSHIP PAYMENTS.

(a) DISBURSEMENT OF SCHOLARSHIPS.—The funds may be distributed by check or another form of disbursement which is issued by the Corporation and made payable directly to a parent of a student participating in the scholarship program under this subtitle. The parent may use such funds only as payment for tuition, mandatory fees, and transportation costs associated with attending or obtaining services from a participating eligible institution.

(b) PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.—

(1) BEFORE PAYMENT.—If a student receiving a scholarship withdraws or is expelled from an eligible institution before a scholarship payment is made, the eligible institution shall receive a pro rata payment based on the amount of the scholarship and the number of days the student was enrolled in the eligible institution.

(2) AFTER PAYMENT.—If a student receiving a scholarship withdraws or is expelled after a scholarship payment is made, the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any scholarship payment received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

SEC. 346. CIVIL RIGHTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this subtitle shall not engage in any practice that discriminates on the basis of race, color, national origin, or sex.

(b) EXCEPTION.—Nothing in this Act shall be construed to prevent a parent from choosing or an eligible institution from offering, a single-sex school, class, or activity.

(c) REVOCATION.—Notwithstanding section 342(f), if the Corporation determines that an eligible institution participating in the scholarship program under this title is in violation of any of the laws listed in subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

SEC. 347. CHILDREN WITH DISABILITIES.

Nothing in this subtitle shall affect the rights of students, or the obligations of the District of Columbia public schools, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. 348. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this Act shall be construed to bar any eligible institution which is operated, supervised, or controlled by, or in connection with, a religious organization from limiting employment, or admission to, or giving preference to persons of the same religion as is determined by such institution to promote the religious purpose for which it is established or maintained.

(b) SECTARIAN PURPOSES.—Nothing in this Act shall preclude the use of funds authorized under this Act for sectarian educational purposes or to require an eligible institution to remove religious art, icons, scripture, or other symbols.

SEC. 349. REPORTING REQUIREMENTS.

(a) IN GENERAL.—An eligible institution participating in the scholarship program under this subtitle shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) CONFIDENTIALITY.—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

SEC. 350. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for an independent evaluation of the scholarship program under this subtitle, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(3) the satisfaction of parents of scholarship students with the scholarship program; and

(4) the impact of the scholarship program on the District of Columbia public schools, including changes in the public school enrollment, and any improvement in the academic performance of the public schools.

(b) PUBLIC REVIEW OF DATA.—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate committees of Congress. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) AUTHORIZATION.—There are authorized to be appropriated for the study described in subsection (a), $250,000, which shall remain available until expended.

SEC. 351. JUDICIAL REVIEW.

(a) IN GENERAL.—The United States District Court for the District of Columbia shall have jurisdiction in any action challenging the scholarship program under this subtitle and shall provide expedited review.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States.

SEC. 352. EFFECTIVE DATE.

This subtitle shall be effective for each of the fiscal years 1998 through 2002.

Subtitle C—Other Education Reforms

SEC. 361. REDUCTION IN ADMINISTRATIVE STAFF.

At any time after June 30, 1998, the total number of full-time-equivalent employees of the District of Columbia Public Schools whose principal duty is not classroom instruction may not exceed the number of such full-time-equivalent employees as of September 30, 1997, reduced by 200.

SEC. 362. DEVELOPMENT OF PERFORMANCE CRITERIA FOR TEACHERS.

The District of Columbia Public Schools shall develop and implement performance benchmarks for teachers, based on the ability of students to improve by at least one grade level each year in performance on standardized tests, and shall establish incentives to encourage teachers to meet such benchmarks.

SEC. 363. PERMITTING WAIVER OF CERTAIN CONTRACTING REQUIREMENTS FOR SCHOOL CONSTRUCTION AND REPAIR.

In carrying out any construction or repair project for the District of Columbia Public Schools, the Contracting Officer for the District of Columbia Public Schools may waive any statutory requirements referred to under the headings 'Davis-Bacon Act' and 'Copeland Act' in the document entitled

''District of Columbia Public Schools Standard Contract Provisions'' (as such document was in effect on November 2, 1995 and including any revisions or modifications to such document) published by the District of Columbia public schools for use with construction or maintenance projects, except that nothing in this section may be construed to permit the waiver of any requirements under Executive Order 11246 or other civil rights standards.

SEC. 364. REPEAL OF TAX EXEMPTION FOR LABOR ORGANIZATIONS.

(a) IN GENERAL.—Notwithstanding any provision of any Federally-granted charter or any other provision of law, the real property of any labor organization located in the District of Columbia shall be subject to taxation by the District of Columbia in the same manner as any similar organization.

(b) LABOR ORGANIZATION DEFINED.—In subsection (a), the term ''labor organization'' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

SEC. 365. TREATMENT OF SUPERVISORY PERSONNEL AS AT-WILL EMPLOYEES.

Notwithstanding any other provision of law or regulation (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement), all supervisory personnel of the District of Columbia Public Schools shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Emergency Transitional Education Board of Trustees, and shall be considered at-will employees not covered by the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

SEC. 366. DETERMINATION OF NUMBER OF STUDENTS ENROLLED.

Not later than 30 days after the date of the enactment of this Act, and not later than 30 days after the beginning of each semester which begins after such date, the District of Columbia Auditor shall submit a report to Congress, the Mayor, the Council, the Chief Financial Officer of the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority providing the most recent information available on the number of students enrolled in the District of Columbia Public Schools and the average daily attendance of such students.

SEC. 367. BUDGETING ON SCHOOL-BY-SCHOOL BASIS.

(a) PREPARATION OF INITIAL BUDGETS.—Not later than 30 days after the date of the enactment of this Act, the District of Columbia Public Schools shall prepare and submit to Congress a budget for each public elementary and secondary school for fiscal year 1998 which describes the amount expected to be expended with respect to the school for salaries, capital, and other appropriate categories of expenditures.

(b) USE OF BUDGETS FOR FUTURE AGGREGATE BUDGET.—The District of Columbia Public Schools shall use the budgets prepared for individual schools under subsection (a) to prepare the overall budget for the Schools for fiscal year 1999.

SEC. 368. REQUIRING PROOF OF RESIDENCY FOR INDIVIDUALS ATTENDING SCHOOLS AND SCHOOL CHILD CARE PROGRAMS.

None of the funds made available in this Act or any other Act may be used by the District of Columbia Public Schools in fiscal year 1998 or any succeeding fiscal year to provide classroom instruction or child care services to any minor whose parent or guardian does not supply the Schools with proof of the State of the minor's residence.

SEC. 369. DISTRICT OF COLUMBIA SCHOOL OF LAW.

(a) REQUIRING FULL ACCREDITATION.—

(1) IN GENERAL.—If the District of Columbia School of Law is not fully, unconditionally accredited by the American Bar Association as of at its midyear meeting in February 1998 none of the funds made available in this Act or any other Act may be expended for or on behalf of the School except for purposes of providing assistance to assist students enrolled at the School as of such date who are residents of the District of Columbia in paying the tuition for enrollment at other law schools in the Washington Metropolitan Area, in accordance with a plan submitted to Congress.

(2) RESTRICTIONS ON USE OF FUNDS PRIOR TO ACCREDITATION.—None of the funds made available in this Act or any other Act may be used by or on behalf of the District of Columbia School of Law for recruiting or capital projects until the School is fully, unconditionally accredited by the American Bar Association.

(b) NO OTHER SOURCE OF FUNDING PERMITTED.—None of the funds made available in this Act or any other Act for the use of any entity (including the University of the District of Columbia) other than the District of Columbia School of Law may be transferred to, made available for, or expended for or on behalf of the District of Columbia School of Law.

SEC. 370. WAIVER OF LIABILITY IN PRO BONO ARRANGEMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any rule or regulation—

(1) any person who voluntarily provides goods or services to or on behalf of the District of Columbia Public Schools without the expectation of receiving or intending to receive compensation shall be immune from civil liability, both personally and professionally, for any act or omission occurring in the course of providing such goods or services (except as provided in subsection (b)); and

(2) the District of Columbia (including the District of Columbia Public Schools) shall be immune from civil liability for any act or omission of any person voluntarily providing goods or services to or on behalf of the District of Columbia Public Schools.

(b) EXCEPTION FOR INTENTIONAL ACTS OR ACTS OF GROSS NEGLIGENCE.—Subsection (a)(1) shall not apply with respect to any person if the act or omission involved—

(1) constitutes gross negligence;

(2) constitutes an intentional tort; or

(3) is criminal in nature.

(c) EFFECTIVE DATE.—This section shall apply with respect to the provision of goods and services occurring during fiscal year 1998 or any succeeding fiscal year.

This Act may be cited as the ''District of Columbia Appropriations, Medical Liability Reform, and Education Reform Act of 1998''.

The CHAIRMAN pro tempore. No further amendment shall be in order except those printed in House Report 105–315, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debated for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any proposed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in part II of House Report 105–315.

AMENDMENT NO. 1 OFFERED BY MR. SABO

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SABO:

Page 173, strike line 21 and all that follows through page 174, line 9 (and redesignate the succeeding sections accordingly).

The CHAIRMAN pro tempore. Pursuant to House Resolution 264, the gentleman from Minnesota [Mr. SABO] and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. SABO].

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

Mr. Chairman, over 65 years ago, Davis-Bacon passed the Congress, named after a Republican Member of the House and a Republican Secretary of Labor. It has served good public policy for 65 years. Some want to change it. I would simply say to those who want to change it, go through the committees, bring it to the floor and let us debate it on its merits. We cannot do that in 10 minutes today.

What does this bill do? It suspends Davis-Bacon in the District of Columbia on certain construction contracts subject to the desire of the contracting officer. Let me say that again. We are going to change 65 years of public policy in this country subject to the desires and whims of a contracting officer in the District of Columbia; not any elected body, not even the control board, but a contracting officer. What a horrendous way to run this place. This provision does not belong in this bill. Let us take it out.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, today there are several Washington, DC schools that are still closed due to construction problems. Earlier this year there were many that were delayed most of September because of construction problems. We need to not prescribe Davis-Bacon because it is expensive and it is an accounting nightmare. These schools need to stretch their construction money so that they can deal with the construction problems they have.

This is not about fair labor rates. The fact is, this is about taking advantage of working Americans and the

taxes they pay all across this country to subsidize labor rates to extraordinarily high levels. My taxpayers in Kentucky are paid far less than the wages we would prescribe. We have factory workers, policemen, teachers, gas station attendants, hair stylists, lots of people that go to work every day, and pay their taxes. We are asking them to subsidize wages at much higher rates. Their Federal tax money should not be wasted on these extraordinarily high rates. We should have the Government able to bid for these jobs just like we do everything else the Government purchases.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I rise this afternoon in support of the Sabo amendment. As we consider this amendment this afternoon I want to point out to my colleagues three quick points.

First of all, this is not the way that we should be altering a very significant Federal law. If we are interested in looking into the effects of Davis-Bacon on construction costs, we should conduct hearings, we should have a fair and open debate and then we should do it the right way and not legislate on appropriations.

Second, Davis-Bacon simply ensures that wages and working conditions at a given locality are observed on federally funded construction programs. It does not require a payment of a minimum wage.

Thirdly, if the prevailing wage laws are repealed, it would in essence allow contractors to use the vast procurement power of the Federal Government to depress wages of construction workers and then cut those wages to win the Federal projects that they desire.

In closing, I would ask our colleagues to protect construction workers this afternoon. Do not circumvent the legislative process by legislating through appropriations, and vote ''yes'' on the Sabo amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT], a member of the subcommittee.

Mr. TIAHRT. Mr. Chairman, I rise to oppose this motion to strike the Davis-Bacon waiver. This is not a repeal of Davis-Bacon. This is a waiver.

Last March, TV ads were aired in Wichita. Let me quote them. They said: ''My son's school is literally falling apart, plaster is falling from the ceiling. It is just not safe. Millions of kids go to school each day in buildings that are aging, crumbling, even unsafe, but instead of spending our money to fix America's schools, Washington gives it away. Call Congressman Tiahrt, tell him to protect our kids, not special interests.'' Paid for by the AFL–CIO.

This very provision would strike the waiver for Davis-Bacon. This means that only union workers can work on the schools in the District of Columbia. Americans all know that this will be limiting competition, that it will be driving up repair costs, that it will be hurting the children in the District of Columbia, at the expense of the children, so that we could favor special interests.

It will protect special interests, special interests of the AFL–CIO, of the labor unions, at the cost of better schools for District of Columbia children. Exactly opposite of what the ad that was run by the AFL–CIO. Yet the ads which appeared in my district were paid for by the same group, the AFL–CIO.

They are asking to protect, asking us to protect special interests instead of our children here in the District of Columbia. Let us not protect the special interests. As the ad says, instead of spending our money to fix American schools, let us protect the kids and not special interests. Let us use this money more efficiently by waiving the Davis-Bacon provisions, by protecting our children, by giving them better schools, and do so by voting against the Sabo provision and by continuing to vote for this bill.

Mr. SABO. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of this amendment. Repealing the Davis-Bacon law for D.C. school construction projects will not improve the district's crumbling schools. It will discriminate against the District's construction workers. These workers deserve to earn a decent wage. In fact, a recent study found that school construction costs were actually lower in those States governed by State Davis-Bacon laws.

The Federal Government has a responsibility to help our local communities address the crisis of crumbling schools, but not by denying hard-working construction workers and their families a decent wage. The Members who support this Davis-Bacon repeal say they want to help the District's crumbling schools. If they really care about crumbling schools, support my bill that would provide $5 billion nationwide and $15 million to rebuild the schools in the D.C. school district.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, we have a simple choice today. We can vote to support schools and public education or we can vote to support corruption and Washington union bosses.

Let there be no mistake about this amendment. This is an amendment that protects Davis-Bacon, which is a giveaway to Washington union bosses. Precious education dollars are being siphoned off from classrooms, from supplies and other needed repairs. They cannot even open the schools in Washington. All because big labor wants to get their pound of flesh.

I have got to tell my colleagues, Mr. Chairman, essentially Davis-Bacon requirements result in wasted dollars, reduced funds for students and fewer job opportunities. I do not see any reason why we should not give local officials the option to waive these onerous requirements. A vote for this amendment is a vote against the children of Washington, DC and a vote to pad the pockets of Washington union bosses.

Mr. SABO. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, Davis-Bacon is one of the finest laws we have on the books. Davis and Bacon were both leading Republicans in the Congress of 1931. We faced the same thing now that they faced then, people coming in undercutting the prevailing wage rate.

That is what it is all about. It is about fairness. It is about helping our neighbors who are electricians and plumbers and masons and ironworkers. That is what it is about. We should not tamper with Davis-Bacon. It is a good law. Let us keep it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. OWENS].

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

Mr. OWENS. Mr. Chairman, this Sabo amendment will save the District of Columbia from being another experimental ground for a bad piece of legislation. Davis-Bacon saves money. There is a study by Peter Phillips, a professor of the University of Utah, which showed that Davis-Bacon actually saves money on school construction.

Davis-Bacon has many other benefits. Davis-Bacon provides programs for apprentices and training in a way that no other construction programs do. Davis-Bacon has been around for a long time. It operates to the benefit of construction industry workers.

I submit this for the RECORD to answer the lies about Davis-Bacon:

DISTRICT OF COLUMBIA APPROPRIATIONS BILL
DAVIS-BACON ACT PROVISIONS

Section 363 of the D.C. Appropriations bill would allow the D.C. Contracting Officer for Public Schools to waive Davis-Bacon prevailing wages for workers on school construction and repair projects. Despite a 1995 Congressional Budget Office scoring indicating that repealing Davis-Bacon would not produce sizable savings, opponents continue to assert that if you do away with labor protections on school construction projects, the taxpayer will save money on construction costs.

Repealing or waiving Davis-Bacon will not save money on school construction. Peter Phillips, a professor in the university of Utah Economics Department has prepared a report for the legislative Education Study Committee of the New Mexico State Legislature which tests the proposition that eliminating state prevailing wage laws will lower school construction costs.

For the period of 1992–1994, he compares the average square foot cost of construction for elementary, middle and high schools in 9

Intermountain and Southwestern states—5 states with prevailing wage laws (New Mexico, Texas, Oklahoma, Wyoming and Nevada) to 4 states without prevailing wage laws (Utah, Colorado and Idaho). These results show that if anything, square foot construction costs are lower in states with prevailing wage laws to those without these laws: for elementary schools, average square foot new construction costs are $67 in the states with prevailing wage laws and $73 per square foot in the 4 states without prevailing wage laws—a real difference of $6; the 76 middle schools built in the prevailing wage law states cost an average of $66 per square foot while the 28 middle schools built in the 4 states without prevailing wage laws cost an average of $77 per square foot; and similarly, the 31 high schools built in the prevailing wage law states cost an average $70 while the 22 schools in states without prevailing wage laws cost an average of $81.

Furthermore, more new public construction took place in the 5 states with state prevailing wage law compared to the 4 states without prevailing wage laws during the period under study (1992–1994).

There will be long-run cost to the construction industry. The basic conclusion of this study is that there is no evidence to suggest that the repeal of the state's prevailing wage law would save substantial costs in the construction of public schools. Lower wage rates for construction workers will not reduce costs, particularly in the long run. Peter Phillips finds that prevailing wage laws encourage the apprenticeship and training programs that have created the skilled construction workforce that has resulted in higher labor productivity. In the long run, repealing state prevailing wage laws will result in a migration of trained workers out of construction and a decline in the training of new construction workers leading to lower productivity, thereby canceling out any savings from lower wages. It is clear that without Davis-Bacon the use of low-wage untrained workers will degrade the quality of public construction.

Section 363 will discriminate against D.C. construction workers. Allowing prevailing wages to be waived on school construction and repair projects in D.C. construction workers who are largely minority. Workers on school construction projects in Maryland, for example, will continue to be paid the prevailing wage. The inequity will also invite fly-by-night contractors from other areas to come into D.C., using lowered wage for construction workers to ''low-ball'' school construction contracts in the District.

Mr. SABO. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. LOBIONDO].

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Mr. LOBIONDO. Mr. Chairman, since I have become a Member of Congress, and I am sure well before that, some in Congress have called for the repeal of Davis-Bacon. I have opposed these efforts and will continue to oppose any weakening of this important law.

As an operator of a small business, with unionized workers, for years before I entered public life, I learned that in general you truly do get what you pay for. It is not as simple as some claim, that there would be a major cost saving by eliminating this requirement. Studies have been shown that prove differently.

I support Davis-Bacon. I will vote for the gentleman's amendment, and I urge all of my colleagues to vote for the gentleman's amendment.

Mr. SABO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

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

Mr. BOEHLERT. Mr. Chairman, I rise in support of the amendment of the gentleman from Minnesota, and I support Davis-Bacon.

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

Mr. Chairman, a 65-year policy should not be reversed by the choice of a contracting officer in the District of Columbia. Davis-Bacon is not about union bosses; it is about being sure that people who build our buildings and construct our roads are paid a fair price and we get quality in return.

Mr. Chairman, let us remove this inappropriate rider from this bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I wish to thank the gentleman from Minnesota [Mr. SABO], and I agree that we need more than 5 minutes to discuss this issue. It is a very important issue.

Sixty-five years is too long. That is what this House is about, taking antiquated wasteful spending out. If we look at Florida, Kentucky, Ohio, Montgomery, Preston County, all of them have saved money. The one institution of Utah, the study was paid for by the unions. All other studies show that Davis-Bacon inflates costs.

A poll, this is Washington, DC, 65 percent support the bill of local option, Davis-Bacon, to a take it out. Sixty percent of Democrats agree. Sixty-eight percent agree that it is more important to create entry level jobs than to have Davis-Bacon. Seventy-two percent agree that the law should be changed to permit volunteers to take part in construction and repair work, which Davis-Bacon prevents.

We are trying to get the most amount of money to fix schools that are 86 years old. It is a sad day, Mr. Chairman, when special interests, when we talk about campaign finance reform, stops good legislation.

Mr. RIGGS. Mr. Speaker, the Early Childhood, Youth, and Families Subcommittee urges you to support an important initiative to help children in the District of Columbia. Just yesterday, a District school was ordered closed by the D.C. fire marshal because of roof leaks—the second school violation in 2 days.

Education dollars should not have to be diverted away from needed facility repairs or away from the classroom because of outdated Federal laws that inflate the cost of school construction. Local school districts need the flexibility to appropriately spend their educational resources. Valuable funds should not have to go toward inflated construction costs, when they could instead go toward additional repairs and facility improvements, books, computers, and other educational services that actually improve classroom learning and benefit school children.

The Appropriations Committee has recognized this and has included a voluntary waiver of Davis-Bacon for school construction in Washington, DC, in the fiscal year 1998 District of Columbia appropriations bill. By allowing District facility contracting officers the opportunity to waive Davis-Bacon when appropriate for school projects, the District could gain more construction for the dollar and be able to allocate more resources to better meet students' needs.

Additionally, Davis-Bacon Act regulations prevent entry-level workers from gaining employment and on-the-job-training on federally funded projects. Because the regulations do not allow the use of helpers, contractors are limited in employing local, low-skilled workers. Thus, lifting Davis-Bacon requirements would not only stretch educational dollars farther, it would also help provide job opportunities for entry-level workers in the District to gain valuable job experience in their community.

Congress can take an important step to help local school children by allowing D.C. officials the authority to choose to waive restrictive Davis-Bacon Act requirements for school construction and repairs. It will provide the local control necessary to award contracts based on quality and cost, guarantee more construction for the dollar, and help ensure Federal funds are not diverted away from the classroom.

The CHAIRMAN pro tempore [Mr. LAHOOD]. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. SABO].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 188, not voting 11, as follows:

[Roll No. 511]

AYES—234

Abercrombie	Davis (FL)	Gilman
Ackerman	Davis (IL)	Gordon
Allen	DeFazio	Green
Andrews	DeGette	Hall (OH)
Baesler	Delahunt	Hamilton
Baldacci	DeLauro	Harman
Barcia	Dellums	Hastings (FL)
Barrett (WI)	Deutsch	Hill
Becerra	Diaz-Balart	Hinchey
Bentsen	Dicks	Hinojosa
Berry	Dingell	Holden
Bilbray	Dixon	Hooley
Bishop	Doggett	Horn
Blagojevich	Dooley	Houghton
Blumenauer	Doyle	Hoyer
Boehlert	Edwards	Jackson (IL)
Bonior	Engel	Jackson-Lee
Borski	English	(TX)
Boswell	Eshoo	Jefferson
Boucher	Etheridge	Johnson (CT)
Boyd	Evans	Johnson (WI)
Brown (CA)	Ewing	Johnson, E. B.
Brown (OH)	Farr	Kanjorski
Capps	Fattah	Kaptur
Cardin	Fazio	Kelly
Carson	Filner	Kennedy (MA)
Clay	Flake	Kennedy (RI)
Clayton	Foglietta	Kennelly
Clement	Forbes	Kildee
Clyburn	Ford	Kilpatrick
Condit	Fox	Kind (WI)
Conyers	Frank (MA)	King (NY)
Costello	Franks (NJ)	Kleczka
Coyne	Frost	Klink
Cramer	Furse	Kucinich
Cummings	Gejdenson	LaFalce
Danner	Gephardt	LaHood

Lampson	Nadler	Sherman
Lantos	Neal	Shimkus
LaTourette	Ney	Sisisky
Lazio	Oberstar	Skaggs
Levin	Obey	Skelton
Lewis (CA)	Olver	Slaughter
Lewis (GA)	Ortiz	Smith (NJ)
Lipinski	Owens	Smith, Adam
LoBiondo	Pallone	Smith, Linda
Lofgren	Pappas	Snyder
Lowey	Pascrell	Spratt
Luther	Pastor	Stabenow
Maloney (CT)	Payne	Stark
Maloney (NY)	Pelosi	Stokes
Manton	Peterson (MN)	Strickland
Markey	Petri	Stupak
Martinez	Pickett	Tanner
Mascara	Pomeroy	Tauscher
Matsui	Poshard	Thompson
McCarthy (MO)	Price (NC)	Thurman
McCarthy (NY)	Quinn	Tierney
McDade	Rahall	Torres
McDermott	Rangel	Towns
McGovern	Regula	Traficant
McHale	Reyes	Turner
McHugh	Rivers	Velazquez
McIntyre	Rodriguez	Vento
McKinney	Roemer	Visclosky
McNulty	Rothman	Walsh
Meehan	Roukema	Waters
Meek	Roybal-Allard	Watt (NC)
Menendez	Rush	Waxman
Metcalf	Sabo	Weldon (PA)
Millender-McDonald	Sanchez	Weller
	Sanders	Wexler
Miller (CA)	Sandlin	Weygand
Minge	Sawyer	Wise
Mink	Saxton	Woolsey
Moakley	Schumer	Wynn
Mollohan	Scott	Yates
Moran (VA)	Serrano	Young (AK)
Murtha	Shays	

NOES—188

Aderholt	Ehrlich	McCollum
Archer	Emerson	McCrery
Armey	Ensign	McInnis
Bachus	Everett	McIntosh
Baker	Fawell	McKeon
Ballenger	Foley	Mica
Barr	Fowler	Miller (FL)
Barrett (NE)	Frelinghuysen	Moran (KS)
Bartlett	Gallegly	Morella
Barton	Ganske	Myrick
Bass	Gekas	Nethercutt
Bateman	Gibbons	Neumann
Bereuter	Gilchrest	Northup
Bilirakis	Gillmor	Norwood
Bliley	Goode	Nussle
Blunt	Goodlatte	Oxley
Boehner	Goodling	Packard
Bonilla	Goss	Parker
Bono	Graham	Paul
Brady	Granger	Paxon
Bryant	Greenwood	Pease
Bunning	Gutknecht	Peterson (PA)
Burr	Hall (TX)	Pickering
Burton	Hansen	Pitts
Buyer	Hastert	Pombo
Callahan	Hayworth	Porter
Calvert	Hefley	Portman
Camp	Herger	Pryce (OH)
Campbell	Hilleary	Radanovich
Canady	Hobson	Ramstad
Cannon	Hoekstra	Redmond
Castle	Hostettler	Riggs
Chabot	Hulshof	Riley
Chenoweth	Hunter	Rogan
Christensen	Hutchinson	Rogers
Coble	Hyde	Rohrabacher
Coburn	Inglis	Ros-Lehtinen
Collins	Istook	Royce
Combest	Jenkins	Ryun
Cook	John	Salmon
Cooksey	Johnson, Sam	Sanford
Cox	Jones	Scarborough
Crane	Kasich	Schaefer, Dan
Crapo	Kim	Schaffer, Bob
Cubin	Kingston	Sensenbrenner
Cunningham	Klug	Sessions
Davis (VA)	Knollenberg	Shadegg
Deal	Kolbe	Shaw
DeLay	Largent	Shuster
Dickey	Latham	Skeen
Doolittle	Leach	Smith (MI)
Dreier	Linder	Smith (OR)
Duncan	Livingston	Smith (TX)
Dunn	Lucas	Snowbarger
Ehlers	Manzullo	Souder
Spence	Taylor (NC)	Watts (OK)
Stearns	Thomas	Weldon (FL)
Stenholm	Thornberry	White
Stump	Thune	Whitfield
Sununu	Tiahrt	Wicker
Talent	Upton	Wolf
Tauzin	Wamp	Young (FL)
Taylor (MS)	Watkins	

NOT VOTING—11

Berman	Gutierrez	Lewis (KY)
Brown (FL)	Hastings (WA)	Schiff
Chambliss	Hefner	Solomon
Gonzalez	Hilliard	

□ 1437

The Clerk announced the following pair:

On this vote:

Mr. Berman for, with Mr. Chambliss against.

Messrs. BARRETT of Nebraska, PORTMAN, HERGER, and HASTERT changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore [Mr. LAHOOD]. It is now in order to consider amendment No. 2 printed in part II of House Report 105–315.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment No. 2 in the nature of a substitute offered by Mr. MORAN of Virginia:

Strike all after the enacting clause and insert the following:

That, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1998, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR MANAGEMENT REFORM

For payment to the District of Columbia, as authorized by section 11103(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33, $8,000,000, to remain available until September 30, 1999, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8 (109 Stat. 131), and shall be disbursed from such escrow account pursuant to the instructions of the Authority only for a program of management reform pursuant to sections 11101–11106 of the District of Columbia Management Reform Act of 1997, Public Law 105–33.

FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE NATION'S CAPITAL

For a Federal contribution to the District of Columbia toward the costs of the operation of the government of the District of Columbia, $190,000,000: *Provided,* That these funds may be used by the District of Columbia for the costs of advances to the District government as authorized by section 11402 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33: *Provided further,* That not less than $30,000,000 shall be used by the District of Columbia to repay the accumulated general fund deficit.

METROPOLITAN POLICE DEPARTMENT

For the Metropolitan Police Department, $5,400,000, for a 5 percent pay increase for sworn officers who perform primarily non-administrative public safety services and are certified by the Chief of Police as having met the minimum ''Basic Certificate'' standards transmitted by the District of Columbia Financial Responsibility and Management Assistance Authority to Congress by letter dated May 19, 1997, or (if applicable) the minimum standards under any physical fitness and performance standards developed by the Department in consultation with the Authority.

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

For the Fire and Emergency Medical Services Department, $2,600,000, for a 5 percent pay increase for uniformed fire fighters.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For payment to the District of Columbia Corrections Trustee, $169,000,000 for the administration and operation of correctional facilities, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE FOR CORRECTIONAL FACILITIES, CONSTRUCTION AND REPAIR

For payment to the District of Columbia Corrections Trustee for Correctional Facilities, $302,000,000, to remain available until expended, of which not less than $294,900,000 is available for transfer to the Federal Prison System, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

Notwithstanding any other provision of law, $116,000,000, for the Administrative Office of the United States Courts, to be available only for obligation by the Joint Committee on Judicial Administration in the District of Columbia for operation of the District of Columbia Courts, of which not to exceed $750,000 shall be available for establishment and operations of the District of Columbia Truth in Sentencing Commission as authorized by section 11211 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33.

Notwithstanding any other provision of law, for an additional amount, $30,000,000, for the Administrative Office of the United States Courts, to be available only for obligation by the Offender Supervision Trustee, for Pretrial Services, Defense Services, Parole, Adult Probation, and administrative operating costs of the Office of the Offender Supervision Trustee, of which not to exceed $800,000 shall be transferred to the United States Parole Commission to implement section 11231 of the National Capital Revitalization and Self-Government Improvement Act of 1997.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $105,177,000 (including $84,316,000, from local funds, $14,013,000 from Federal funds, and $6,848,000 from other funds): *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further,*

That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further,* That $240,000 shall be available for citywide special elections: *Provided further,* That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $120,072,000 (including $40,377,000 from local funds, $42,065,000 from Federal funds, and $37,630,000 from other funds), together with $12,000,000 collected in the form of BID tax revenue collected by the District of Columbia on behalf of business improvement districts pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (Bill 12–230).

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $529,739,000 (including $510,326,000 from local funds, $13,519,000 from Federal funds, and $5,894,000 from other funds): *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further,* That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further,* That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further,* That $100,000 shall be available for inmates released on medical and geriatric parole: *Provided further,* That not less than $2,254,754 shall be available to support a pay raise for uniformed firefighters, when authorized by the District of Columbia Council and the District of Columbia Financial Responsibility and Management Assistance Authority, which funding will be made available as savings achieved through actions within the appropriated budget: *Provided further,* That, commencing on December 31, 1997, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $672,444,000 (including $530,197,000 from local funds, $112,806,000 from Federal funds, and $29,441,000 from other funds), to be allocated as follows: $564,129,000 (including $460,143,000 from local funds, $98,491,000 from Federal funds, and $5,495,000 from other funds), for the public schools of the District of Columbia; $1,235,000 from local funds for public charter schools: *Provided,* That if the entirety of this allocation has not been provided as payments to one or more public charter schools by May 1, 1998, and remains unallocated, the funds will revert to the general fund of the District of Columbia in accordance with section 2403(a)(2)(D) of the District of Columbia School Reform Act of 1995 (Public Law 104–134); $74,087,000 (including $37,791,000 from local funds, $12,804,000 from Federal funds, and $23,492,000 from other funds) for the University of the District of Columbia; $22,036,000 (including $20,424,000 from local funds, $1,158,000 from Federal funds, and $454,000 from other funds) for the Public Library; $2,057,000 (including $1,704,000 from local funds and $353,000 from Federal funds) for the Commission on the Arts and Humanities: *Provided further,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further,* That not less than $1,200,000 shall be available for local school allotments in a restricted line item: *Provided further,* That not less than $4,500,000 shall be available to support kindergarten aides in a restricted line item: *Provided further,* That not less than $2,800,000 shall be available to support substitute teachers in a restricted line item: *Provided further,* That not less than $1,788,000 shall be available in a restricted line item for school counselors: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1998, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,718,939,000 (including $789,350,000 from local funds, $886,702,000 from Federal funds, and $42,887,000 from other funds): *Provided,* That $21,089,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: *Provided further,* That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles $241,934,000 (including $227,983,000 from local funds, $3,350,000 from Federal funds, and $10,601,000 from other funds): *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further,* That $3,000,000 shall be available for the lease financing, operation, and maintenance of two mechanical street sweepers, one flusher truck, five packer trucks, one front-end loader, and various public litter containers: *Provided further,* That $2,400,000 shall be available for recycling activities.

FINANCING AND OTHER USES

Financing and other uses, $454,773,000 (including for payment to the Washington Convention Center, $5,400,000 from local funds; reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648), section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219), section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515), and sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby,

$384,430,000 from local funds; for the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,020,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)(1); for payment of interest on short-term borrowing, $12,000,000 from local funds; for lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,923,000 from local funds; for human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, $6,000,000 from local funds); for equipment leases, the Mayor may finance $13,127,000 of equipment cost, plus cost of issuance not to exceed two percent of the par amount being financed on a lease purchase basis with a maturity not to exceed five years: *Provided,* That $75,000 is allocated to the Department of Corrections, $8,000,000 for the Public Schools, $50,000 for the Public Library, $260,000 for the Department of Human Services, $244,000 for the Department of Recreation and Parks, and $4,498,000 for the Department of Public Works.

ENTERPRISE FUNDS

ENTERPRISE AND OTHER USES

Enterprises and other uses, $15,725,000 (including for the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,467,000 (including $2,135,000 from local funds and $332,000 from other funds); for the Public Service Commission, $4,547,000 (including $4,250,000 from local funds, $117,000 from Federal funds, and $180,000 from other funds), for the Office of the People's Counsel, $2,428,000 from local funds; for the Office of Banking and Financial Institutions, $600,000 (including $100,000 from local funds and $500,000 from other funds); for the Department of Insurance and Securities Regulation, $5,683,000 from other funds.

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For the Water and Sewer Authority and the Washington Aqueduct, $297,310,000 from other funds (including $263,425,000 for the Water and Sewer Authority and $33,885,000 for the Washington Aqueduct) of which $41,423,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES CONTROL BOARD

For the Lottery and Charitable Games Control Board, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $213,500,000: *Provided,* That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

STARPLEX FUND

For the Starplex Fund, $5,936,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided,* That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $97,019,000, of which $44,335,000 shall be derived by transfer from the general fund and $52,684,000 shall be derived from other funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $16,762,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $46,400,000, of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,220,000.

CAPITAL OUTLAY

For construction projects, $269,330,000 (including $31,100,000 for the highway trust fund, $105,485,000 from local funds, and $132,745,000 in Federal funds), to remain available until expended: *Provided,* That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1999, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1999: *Provided further,* That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

DEFICIT REDUCTION AND REVITALIZATION

For deficit reduction and revitalization, $201,090,000, to be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority (Authority), which shall allocate the funds to the Mayor, or such other District official as the Authority may deem appropriate, at such intervals and in accordance with such terms and conditions as the Authority considers appropriate: *Provided,* That these funds shall only be used for reduction of the accumulated general fund deficit; capital expenditures, including debt service; and management and productivity improvements, as allocated by the Authority: *Provided further,* That no funds may be obligated until a plan for their use is approved by the Authority: *Provided further,* That the Authority shall inform the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform and Oversight of the House of Representatives of the approved plans.

GENERAL PROVISIONS

SECTION 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided,* That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided,* That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the

District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided,* That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): *Provided,* That for the fiscal year ending September 30, 1998 the above shall apply except as modified by Public Law 104–8.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided,* That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for Level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1997 shall be deemed to be the rate of pay payable for that position for September 30, 1997.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided,* That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), based upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1998, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1998 revenue estimates as of the end of the first quarter of fiscal year 1998. These estimates shall be used in the budget request for the fiscal year ending September 30, 1999. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided,* That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided,* That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided,* That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 126. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4–42; D.C. Code, secs. 1–299.1 to 1–299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council of the required reorganization plans.

SEC. 127. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1998 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided,* That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 128. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 129. The University of the District of Columbia shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 130. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 131. Funds authorized or appropriated to the government of the District of Columbia by this or any other act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 132. Section 456 of the District of Columbia Self-Government and Governmental Reorganization Act (secs. 47–231 et seq., D.C. Code) is amended—

(1) in subsection (a)(1), by—

(A) striking ''1995'' and inserting ''1998'';

(B) striking ''Mayor'' and inserting ''District of Columbia Financial Management and Assistance Authority''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(2) in subsection (b)(1), by—

(A) striking ''1997'' and inserting ''1999'';

(B) striking ''Mayor'' and inserting ''Authority''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(3) in subsection (b)(3), by striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(4) in subsection (c)(1), by—

(A) striking ''1995'' and inserting ''1997'';

(B) striking ''Mayor'' and inserting ''Chief Financial Officer''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(5) in subsection (c)(2)(A), by—

(A) striking ''1997'' and inserting ''1999'';

(B) striking ''Mayor'' and inserting ''Chief Financial Officer''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight'';

(6) in subsection (c)(2)(B), by striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight''; and

(7) in subsection (d)(1), by—

(A) striking ''1994'' and inserting ''1997'';

(B) striking ''Mayor'' and inserting ''Chief Financial Officer''; and

(C) striking ''Committee on the District of Columbia'' and inserting ''Committee on Government Reform and Oversight''.

SEC. 133. For purposes of the appointment of the head of a department of the government of the District of Columbia under section 11105(a) of the National Capital Revitalization and Self-Improvement Act of 1997, Public Law 105–33, the following rules shall apply:

(1) After the Mayor notifies the Council under paragraph (1)(A)(ii) of such section of the nomination of an individual for appointment, the Council shall meet to determine whether to confirm or reject the nomination.

(2) If the Council fails to confirm or reject the nomination during the 7-day period described in paragraph (1)(A)(iii) of such section, the Council shall be deemed to have confirmed the nomination.

(3) For purposes of paragraph (1)(B) of such section, if the Council does not confirm a nomination (or is not deemed to have confirmed a nomination) during the 30-day period described in such paragraph, the Mayor shall be deemed to have failed to nominate an individual during such period to fill the vacancy in the position of the head of the department.

SEC. 134. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 135. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

SEC. 136. The Emergency Transitional Education Board of Trustees shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 137. (a) IN GENERAL.—The Emergency Transitional Education Board of Trustees of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1996, fiscal year 1997, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by

control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 138. (a) No later than October 1, 1997, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1998, whichever occurs later, and each succeeding year, the Emergency Transitional Education Board of Trustees and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Emergency Transitional Education Board of Trustees and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

SEC. 139. The Emergency Transitional Education Board of Trustees, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 140. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1998 under the caption ''Division of Expenses'' shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,166,304,000 (of which $129,946,000 shall be from intra-District funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; and

(ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and which are approved by the District of Columbia Financial Responsibility and Management Assistance.

(C) to the extent that the sum of the total revenues of the District of Columbia for such fiscal year exceed the total amount provided for in subsection (B) above, the Chief Financial Officer of the District of Columbia, with the approval of the District of Columbia Financial Responsibility and Management Assistance Authority, may credit up to ten percent (10%) of the amount of such difference, not to exceed $3,300,000, to a reserve fund which may be expended for operating purposes in future fiscal years, in accordance with the financial plans and budgets for such years.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1998.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor in consultation with the Chief Financial Officer of the District of Columbia during a control year, as defined in section 305(4) of Public Law 104–8, as amended, 109 Stat. 152, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the District of Columbia Financial Responsibility and Management Assistance Authority established by Public Law 104–8 (109 Stat. 97) a report setting forth detailed information regarding such grant; and

(B) the District of Columbia Financial Responsibility and Management Assistance Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of Public Law 104–8, as amended, the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

SEC. 141. Section 145(a)(2) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 882; D.C. Code 1–725(a)(2)) is amended by adding subsections (a)(2)(A) and (a)(2)(B) to read as follows:

''(A) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1998 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1–725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

''(B) The Mayor, within 30 days after the enactment of this provision, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96–122, approved November 17, 1979; D.C. Code, secs. 1–722(d) and 1–724(d)).''.

SEC. 142. The District of Columbia Emergency Transitional Education Board of Trustees shall, subject to the contract approval provisions of Public Law 104–8—

(A) develop a comprehensive plan to identify and accomplish energy conservation measures to achieve maximum cost-effective energy and water savings;

(B) enter into innovative financing and contractual mechanisms including, but not limited to, utility demand-side management programs and energy savings performance contracts and water conservation performance contracts: *Provided,* That the terms of such contracts do not exceed twenty-five years; and

(C) permit and encourage each department or agency and other instrumentality of the District of Columbia to participate in programs conducted by any gas, electric or water utility of the management of electricity or gas demand or for energy or water conservation.

SEC. 143. The District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 774; D.C. Code, sec. 1–201 et seq.), is amended by adding a new section 445a to read as follows:

''SEC. 445a. SPECIAL MASTERS' BUDGETS.

''All Special Masters appointed by the District of Columbia Superior Court or the United States District Court for the District of Columbia Circuit to any agency of the District of Columbia government shall prepare and annually submit to the District of Columbia Financial Responsibility and Management Assistance Authority, for inclusion in the annual budget, annual estimates of expenditures and appropriations. Such annual estimates shall be approved by the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia pursuant to section 202 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Code, sec. 47–392.2).''

SEC. 144. (a) Notwithstanding the provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056, note) in carrying out the protection of the President and Vice President of the United States, pursuant to section 3056(a) of Title 18 of the United States Code, the Secretary of the Treasury is authorized to reimburse the District of Columbia government for the utilization of law enforcement services, personnel, equipment, and facilities of the District of Columbia in furtherance of such protection. All claims for such reimbursement by the District of Columbia government will be submitted to the Secretary of the Treasury on a quarterly basis.

(b) Section 1537 of Title 31 of the United States Code is repealed.

SEC. 145. In addition to amounts appropriated or otherwise made available, $5,000,000 is hereby appropriated to the National Park Service and shall be available

only for the United States Park Police operations in the District of Columbia.

SEC. 146. The District government shall maintain for fiscal year 1998 the same funding levels as provided in fiscal year 1997 for homeless services in the District of Columbia.

SEC. 147. The District of Columbia Financial Responsibility and Management Assistance Authority and the Chief Executive Officer of the District of Columbia public schools are hereby directed to report to the Appropriations Committees of the Senate and the House of Representatives, the Senate Committee on Governmental Affairs and the Committee on Government Reform and Oversight of the House of Representatives not later than April 1, 1998, on all measures necessary and steps to be taken to ensure that the District's public schools open on time to begin the 1998–99 academic year.

This Act may be cited as the ''District of Columbia Appropriations Act, 1998''.

The CHAIRMAN. Pursuant to House Resolution 264, the gentleman from Virginia [Mr. MORAN] and a Member opposed each will control 45 minutes.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very simple amendment. It simply substitutes the Senate version of the District of Columbia Appropriations Act for the bill that is being considered today on the House floor.

There is one important exception. The substitute retains the language in the House bill that provides federally funded premium pay for District of Columbia police officers and fire fighters.

This substitute amendment, Mr. Chairman, is not my creation, it is not that of the gentleman from Wisconsin [Mr. OBEY], it is not that of the gentleman from Missouri [Mr. GEPHARDT], or that of any other Democratic Member. This substitute amendment was drafted by the Republican Senator from North Carolina, who is chairman of the Senate District of Columbia Appropriations Subcommittee.

Mr. Chairman, as I was saying, the substitute that we are offering is the very same as the Senate bill that Mr. FAIRCLOTH and the Senate sponsored and which passed, just passed, the Senate floor. It was created by the congressionally created District of Columbia Control Board, working with the District of Columbia's mayor and the D.C. City Council. It was a consensus budget, and it was in accordance with all of the procedures that this Congressman stated be followed.

The substitute balances the District's budget 1 year ahead of schedule. Think of that. The substitute we are asking for balances the District of Columbia's budget 1 year ahead of schedule. We cannot do that for ourselves. And it dedicates $201 million toward deficit reduction.

Would it not be nice if we could do that? But the D.C. government is going to reduce its deficit by $200 million, balance its budget a year ahead of schedule. And that is what we are asking this House to agree to.

The substitute provides money for charter schools. It prohibits the District of Columbia from using Federal and local funds to pay for abortions or to allow individuals to include domestic partners on their health insurance policies. This is not the kind of bill that we would generally favor, but we want the District of Columbia citizens to get the money that they need and to get it now, when they need it.

My substitute, however, does not embroil the Congress and the District of Columbia in a number of very unnecessary and ancillary controversies that will prevent this bill from being enacted into law. If this substitute is not passed, this bill will not be enacted into law.

The substitute will eliminate the need for this Congress, thus, to pass another continuing resolution and to further delay the necessary budget and management reforms from being implemented in the District of Columbia.

Our reforms will not be implemented if we do not pass the substitute. It will eliminate more than 50 legislative provisions that are contained in this D.C. Appropriations Act. And it will shrink this bill, it will save hundreds of trees, it will shrink this bill by about 100 pages.

One hundred pages will not be necessary of extraneous provisions if we agree to this substitute. These include provisions on school vouchers, Davis-Bacon, medical malpractice, welfare caps, prohibiting helicopter flights, restricting the use of automobiles, school leases, cutting school administrators, closing Pennsylvania Avenue, repealing the NEA tax exemption, restricting the ability to fire the Chief Financial Officer and Inspector General, and on, and on, and on.

Finally, the bill would order the Control Board to aggregate a critical contract to provide a new financial management system.

□ 1445

Of all the issues we talked about, this may be the most important.

The District desperately needs a new financial management system. When this bill orders an end to the financial management system contract, Chairman Arthur Brimmer, the chairman of our created control board, said it would force the control board into a sole-source contract that we would never otherwise agree to, and it will force them to upgrade the current, the failing system, by the very company that installed the failing system, a company that does not even want the contract. It requires that a contract be given to a company that does not want it and who did not win it. But it would force it upon them through a sole-source contract. Is this what we want to pass?

The District's current financial management system is more than 18 years old. The original system was installed after a study showed that the District's financial systems and policies were in disarray. It was created to eliminate the manual operations then used by the government and to adopt a standard modern fiscal reporting procedure that was necessary to improve financial and program management.

It sounded great, but the system never worked, Mr. Chairman. The necessary subsystems that were to coordinate the flow of data were never installed. The training necessary to enable District employees to properly use the system was never conducted.

Numerous studies and outside experts agreed that the District is saddled with a system that cannot provide accurate and timely reports about the city spending and tax budget. We demand the reports, but they cannot give them to us, on how their money is being spent. Everyone agreed it needed to be replaced. This bill, if we do not pass this amendment, will prevent it from being replaced, will continue the old system.

As part of its effort to reform the District's finances, the control board, along with the chief financial officer, a panel of the highest level of public and private sector advisors, began a procurement effort, began an effort that we wanted them to do, and they purchased and implemented a new financial management system that would rein in the District's out-of-control budget. That was their intent. It was done through a competitive process, a process we insisted upon.

The control board received bids from three firms and following all the proper procedures, they awarded a $26 million contract to Peat Marwick, which is an accounting consulting firm, a large Washington office, we are familiar with them. The financial management system did not even submit a bid for the new contract, and yet we would force it upon them.

This new system that this substitute will provide for will greatly improve the District's financial management and will enable the District of Columbia for the first time to cross-reference rent income, tax receipts, comparative cash balances, to actually ensure that the District's tax assessments and tax returns are accurate. It will enable the District, for the first time, to measure the performance of public services. We have been asking them to do this year in and year out. They will do it if we allow them to, and it will ensure that they are not only doing the job they are supposed to, but doing it within the congressionally appropriated budget levels.

We all know how much technology has changed over the last 20 years. A new financial management system for the District will enable the city to take advantage of the technology revolution, use it to its benefit. In the words of the control board chairman, the subcommittee's efforts, in other words, if we do not pass this amendment, it will force the city to upgrade its old financial system just in the same way that we would ask IBM to upgrade manual typewriters instead of

replacing them with computers. It is comparable to that. That is why we cannot let it happen. Without buying a modern financial system, the chairman of the control board said, the board will not be able to fulfill its congressional mandate.

We cannot require it to do something and then take from them the means to accomplish what we forced them, Mr. Chairman, to do. We have to approve financial accountability in the city, and that is why, as important as any other reason, that is why we need the substitute amendment.

We created the board to reform the District's financial management. We created the chief financial officer to rein in their spending. Both entities that we created are unequivocally opposed to this bill. They unequivocally support what we are trying to do with the substitute amendment, which is the Senate bill.

My substitute amendment will ensure that they can do their jobs, and that, as much as anything else, is a compelling reason to vote for the substitute amendment. If we fail to pass it, the D.C. appropriations bill will not be enacted before the continuing resolution expires. It will not. It will not be enacted before Congress adjourns in November, and this will mean that Congress must pass a long-term CR for the District that is comparable to the 6-month continuing resolution in 1995, which wreaked havoc, havoc that we are still paying a price for.

This continuing resolution will prevent the District from entering into long-term contracts. It is going to cost us millions of dollars, wasted money. It will delay the implementation of the management reforms that we have been begging the District and the control board to undertake. It will further delay the day when the District stops being the whipping boy of the Nation and begins to fundamentally restructure and improve its operations. That is what we want. That is what we said we have got to have. Do not deny them the means to accomplish it.

The District of Columbia needs us to pass this substitute. Pass this appropriations bill, have it signed into law, begin the step-by-step process of turning the Capital City around, turning it into a capital of which we can all be proud. That is why I urge my colleagues to vote for the Moran substitute.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). Does the gentleman from North Carolina seek the time in opposition?

Mr. TAYLOR of North Carolina. I do, Mr. Chairman.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

First of all the Moran amendment in effect, could be called the Rubber Stamp Act of 1997, because we would be merely putting forth what the Senate put forth, and we found a number of deficits.

I outlined in my early comments that there are many things that our bill does that the Senate bill does not do, and we are going to have folks to explain that during our 45 minutes. But to mention one of the areas that the gentleman from Virginia [Mr. MORAN] just spoke about, we do differ about the FMS.

There was $31 million to be spent on the FMS. Now, our committee did not arbitrarily say we are going to prevent this from happening. We investigated. We got reports from the GAO, we got reports from our S&I staff, and I have the essence of those reports. One of them says, after going through a list of reasons why we should not spend that $31 million—they conclude by saying that, ''This acquisition should be considered premature and would only result in continued system inaccuracies and rising costs.''

One of the other reports says that, ''We believe there is a higher risk that the District will be driven by its ambitious acquisition schedule and will not allow itself time to develop the kind of quality analysis that it must have in order to manage this important project, which is so critical to the District's financial recovery.''

What they said was that it is much better for us to hire professional staff to augment what we have in the District of Columbia, and to produce an honest, clear, accounting, and until we do that, we should not be spending $31 million and getting the same inaccurate analysis and reports that we have had in the past.

So if we want to rely on GAO, S&I, and other testimony we had in the Committee, then we should not be spending $31 million of the taxpayers' funds in this manner. We have not been disputed in this during any of the hearings, and that is one of the reasons that we held this position. We believe that we should spend that money only when we are absolutely sure that we are getting adequate accounting, and not just because there is some reason to spend $31 million.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield 1½ 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. Chairman, I thank the gentleman for yielding to me and for his hard work, and I thank the gentleman from California [Mr. DIXON] for his leadership. I rise to support the Moran substitute.

I do want to acknowledge the chairman, because I think it is important that we pay District of Columbia fire fighters and police, that is a good thing in this bill. But I cannot be as appreciative of the rest of the aspects of this bill, because the Republican carpetbaggers are here in Washington, DC with their bag of tricks, to gut home rule for their citizens.

This is a plantation mentality. This is also a clear showing of disrespect for the financial control board that this Congress set up to implement a cooperative relationship with an oversight board and the local government of the city of Washington, DC. This legislation is a striking undermining of the rights of taxpaying residents and saying that they are not in charge, but this Republican Congress is in charge.

This legislation refers to helicopters flying in the District of Columbia. It also includes the issue of limiting medical malpractice lawsuits. It cuts positions in public schools. It puts in school vouchers. A clear denunciation of public school education, and a misleading attempt to bribe poorer D.C. residents who want a better education. Vouchers will not do that. And, unfortunately, though we do not have the amendment of the gentlewoman from Florida [Mrs. MEEK], regarding saving the U.D.C. Law School the Moran substitute does save the University of the District of Columbia School of law for the hundreds of law students training to be lawyers to serve their community.

The Moran substitute is the right approach that will recognize that the District of Columbia does deserve to have home rule, can rule itself and institute a balanced budget and protects public education. Let us get rid of this plantation mentality; let us send the Republican carpetbaggers with their bag of tricks home. There is good leadership in this city and they do have the ability to educate their children with strong support from the Congress of public school education.

Vouchers are not the right way. Ditching the work force and eliminating the Davis-Bacon Act was not the right way. We must have the Moran substitute. This Congress must return home rule to the District of Columbia. This is not a time for politeness, I am outraged at how the majority is treating the residents of the District of Columbia.

Mr. Chairman, I believe that the responsibility to effectively manage the practical and fiscal concerns of our Capital is one that should not be taken lightly by the Congress. To this regard, I am asking this House to vote in favor of the Moran substitute to the D.C. appropriations bill for fiscal year 1998.

Frankly, as it stands, this legislation leaves many relevant areas of concerns for the residents of the District of Columbia in a state of total disarray. The bill needs further reproof and correction, of which, I believe the Moran substitute is the best available option. The Moran substitute would do the service to the residents of the District of Columbia of removing over 60 controversial policy riders attached to this legislation. First of all, these riders have no place in an appropriations bill, and second, they create a poorer quality of life, with a few notable exceptions like the pay raise for D.C. classroom teachers, for the citizens of the District.

There are two points of concern, for myself, and many other members of this body with regard to H.R. 2607, one, is the school scholarship or vouchers provision included in subtitle

B of title III of the bill, commonly referred to as the District of Columbia Education Reform Act of 1997, and, two, the policy rider that would eliminate funding for the University of the District of Columbia Law School. First, I will discuss the voucher provision.

This provision would authorize the distribution of scholarships of up to $3,200 to the District of Columbia resident students in grades K–12 from low to moderate income families to attend public or private schools in the District or nearby suburbs or to pay the costs of supplementary academic programs outside regular school hours for students attending D.C. public schools. However, only 2,000 students will receive tuition scholarships, and possibly another 2,000 D.C. students will receive achievement scholarship moneys.

This legislative initiative could obviously set a dangerous precedent from this body as to the course of public education in America for decades to come. If the U.S. Congress abandons public education in the District, and sends that message to localities nationwide, a fatal blow could be struck to public schooling. The impetus behind this legislative agenda is clearly suspect. Instead of using these funds to improve the quality of public education for all D.C. residents, a number of 78,000 D.C. public school students, this policy initiative enriches fiscally successful, local private and public institutions. Furthermore, if this policy initiative is so desirable, why are 76,000 D.C. students left behind? Can this plan be a solution. I would assert that it can not. Unless all of our children are helped, what value does this grand political experiment have?

I see this initiative as a small step in trying to position the Government behind private elementary and secondary schools. The ultimate question is why do those in this body who continue to support public education with their lipservice, persist in trying to slowly erode the acknowledged sources of funding for our public schools? Public education, and its future, is an issue of the first magnitude. One that affects the constituency of every member of this House, and thus deserves full and open consideration.

School vouchers, have not been requested by public mandate from the Congress, actually, they have failed every time they have been offered on a State ballot by 65 percent or greater. If a piece of legislation proposes to send our taxpayer dollars, whether in the District of Columbia, or elsewhere, to private or religious schools, the highest levels of scrutiny are in order, and an amendment that may correct such a provision is unquestionably germane. Nine out of ten American children attend public schools, we must not abandon them, their reform is our hope.

As for the D.C. School of Law, I believe that it is a place of opportunity for the residents of this city who wish to gain a legal education, but often can not afford to receive that education elsewhere. The removal of this school's funding is a blatant attack on the course of public professional education in the District. The majority of the students in the U.D.C. Law School are African-American, as are a vast majority of the residents of the District of Columbia, plainly stated, these are the people that will be hurt by the removal of these vital funds.

In light of these facts, I must support the Moran amendment to restore funding to the U.D.C. Law School, and ask that it receive the full support of this House. The statement that this action makes to the people of the District, is that the House, is not in favor of affordable and accessible public legal education for its citizen. Are the citizens of this city any less deserving of a legal education than other Americans? I say that they are not. I agree that the U.D.C. Law School needs improvement, it needs to strengthen its accreditation, but the answers to these problems is not the removal of the school's funding.

I believe that the best hope for the District of Columbia is a fully funded and stabilized U.D.C. Law School, because the school is simply too valuable to the community and its citizens. For these reasons, I ask this body to support the Moran substitute to the D.C. appropriations bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, this is an incredible debate. As I sat here listening to the debate it was obvious to me that this is a defining issue between liberals and conservatives. This debate is about empowering the people of the District of Columbia and parents or empowering bureaucrats.

If we listen to the words of the gentleman from Virginia and the gentlewoman from Texas, just listen to what they are saying: Let the Democrats work. Let the bureaucrats make the decision. Keep the power in the hands of the bureaucrats. Do not let people in D.C. make these decisions, do not let parents decide what schools their children would go to.

So I rise in opposition to this amendment, which strikes a number of very important reforms in this bill, but the one I want to focus on that is defining in this debate is the fact that this Moran amendment strips the ability of D.C. parents to choose where their children should go to school.

Now, I ask my colleagues, what are they afraid of when it comes to school choice for parents in D.C.? The D.C. school system has failed. Those bureaucrats have failed. It has failed to provide the children of this city the kind of education that will help them succeed. It has failed to provide its students an atmosphere where they can learn. Those bureaucrats have failed to prepare the students of this city for the future. The system has failed, the bureaucrats have failed, and we need to change the system.

But some of my colleagues do not want any change. They want to protect that status quo. They have those bureaucrats aboard, in place, and they have done a wonderful job getting those bureaucrats there. They want the money to continue to flow to a bureaucracy that continues to waste money.

Since 1979, the D.C. school system has lost 33,000 students, but the bureaucracy has doubled in that period of time.

□ 1500

In 1996, the Board of Education allocated $1.4 million for itself. That is more than five times the amount Fairfax County's board has spent, and more than twice the amount that Montgomery County's board has spent, the two counties right next-door to Washington, DC.

Over and over again the school officials have broken the law in order to save their jobs. They are paying tens of millions of dollars to administrators who have been ordered to be laid off by these bureaucrats. They keep paying them. What have the residents of Washington, DC, gained with all this bigger bureaucracy and this wonderful board? Lower test scores, more dangerous hallways, and schools that cannot even be opened. They cannot even open up the schools.

The bottom line is, who is more capable of choosing a child's education, the child's parents, or the bureaucrats of the gentleman from Virginia [Mr. MORAN]? Who are we trying to protect, the child in Washington, DC, or that school administrator's job that keeps getting paid, that was supposed to be laid off by the bureaucrats of the gentleman from Virginia [Mr. MORAN]?

The time has come for school choice. The time has come to give parents the opportunity to have a greater role in choosing the right school for their own children, and not have bureaucrats make that decision. The time has come to inject accountability into this system that has avoided accountability for too many years. The time has come to stop the bureaucrats. Vote against the Moran amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 35 seconds to point out to the gentleman from Texas [Mr. DELAY] that this bill that I support, the portion that I support, reduces personnel in the school system from 11,253 down to 9,960.

I also have a letter I have just received from Dr. Brimmer, who chairs the Board that this Congress established, that urges us to vote for the Moran substitute. It is because without the Moran substitute, they will not have the local control that we guaranteed them in the D.C. Revitalization Act.

Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. OBEY], who I am sure will be more than happy to respond to the comments of the gentleman from Texas [Mr. DELAY].

Mr. OBEY. Mr. Chairman, this debate has nothing whatsoever to do with the District of Columbia. As was evidenced by the last speech on that side of the aisle, what we have here is an attempt by a number of Members of the majority party to use the District of Columbia as a pawn for the purpose of reading from the playbook of their well-known pollster, Frank Luntz, who has given them a whole series of sound bites, so they can try to deliver messages on other issues around the country by using the District of Columbia as a political pawn in the process. That is what is going on. Read the Luntz playbook, and we have virtually seen a

copy of the previous speech from that side of the aisle.

Mr. Chairman, I want to show the Members something. We just passed the military construction bill, 17 pages, to spend $9.2 billion. The D.C. bill is so loaded down with legislative proscriptions that it takes 179 pages to spend one-tenth of the amount that was spent in the military construction bill. We passed a defense bill, spending $247 billion, 100 pages. This D.C. bill is 180 pages. We spent 300 times as much in the defense bill with one-half the language ordering somebody else around that we have in the D.C. bill.

There is absolutely no reason for this Congress to endanger the safety of the President of the United States by taking away the security that we now have on Pennsylvania Avenue around the White House. Yet, this bill does it. There is no reason to impose our own judgment on education vouchers on the District of Columbia, yet this bill does it. There is no reason for this Congress to tell States that they should handle their own welfare problems, but then take away from the District of Columbia the ability to design their own welfare reform programs. Yet this bill does it. There is no reason for this Congress to get in the way of the Fiscal Control Board's reforming the financial practices of the District, and yet this bill does it.

This bill is a political document for political purposes. It imposes once again its plantation mentality on the District of Columbia, to no good purpose, and it is going nowhere. We are already one week into the fiscal year. We are past the time when politicians are supposed to be sending messages. We are at the time when we are supposed to be resolving differences so we can complete our action on the budget.

Yet, on the Labor-HEW bill, that portion of the government is in danger of being shut down until they get their way on a key item in that bill, on testing. We are in danger of seeing the Interior Department budget shut down unless they get their way so they can keep cutting the redwoods in California and keep polluting Yellowstone Park. We are in danger of seeing the foreign policy budget of this country under the foreign operations bill shut down unless they get their way on the Mexico City policy.

Now we are in danger of seeing the D.C. bill held hostage unless they get their way on their social experiments for D.C. It is about time to quit the political posturing, recognize the President will not sign this bill without the passage of the Moran amendment, and pass the Moran amendment. It is the only fiscally responsible and politically responsible act to take.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, public schools are always going to be important in this country. They have been important across the country and they are important right here in Washington, DC. But our public schools are broken in this city. We have tried a lot of things in the last couple of years to try to bring them away. The truth is, the minority party had their way for years in developing this city and this city's schools, and we have an entirely broken system. We are looking for solutions. We believe that the public school system will continue to be very important for the children in this community, but we need to stop talking about what is good for the adults in this system. We need to think about the children. You only get to be 6 years old one time in your life. You only get to be 7 years old one time in your life. If we get it right, if we put our heads together and we deal with the systemic, broken system, maybe in 5 years, maybe in 10 years we can fix this entirely broken system. But in the meantime, the 6-year-olds that only get to be 6 once should not be trapped in an absolutely broken school system.

Every mom and dad, and I think of me and my six children, go to sleep every night worrying about the school their child is going to go to the next morning: Will they be safe and will they learn something? There is nothing more tortuous than when your child gets into a classroom and you do not believe that they can learn in that classroom. You go and talk to the principal. You try to move your child to another classroom. You look around for what your other opportunities are. But in this case, it is an entirely broken system. There is not just another teacher across the hall that will change everything. There is not just another opportunity down the street. You send your six-year-old to school trapped in a school that is neither safe nor will they learn. This is our gift to children who are going to be 6 years old, this year for the one time in their life, to the 7-year-olds who are going to be 7 years old only one time in their whole life. It is a chance for their families to make a decision to take the same action each and every one of us will.

If we fight that that is not enough, that we leave behind 75,000, then let us fight about how many other children we can find the money to give the same opportunity to, so that every 6-year-old will not be trapped in a school that is going to guarantee a bad start, guarantee going to sleep every night afraid.

Mr. Chairman, I ask Members to support the bill as it is written, so we can give children the chance they will only get this year.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I want to emphasize this is Mr. FAIRCLOTH's bill that we are asking the House to pass.

Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I rise in support of the Moran substitute, and in opposition to the Republican voucher scheme in the D.C. appropriation bill. This Republican assault on public education is nothing new. The radical Republican right have a plan to dismantle public education, abolish the Department of Education, cut the school lunch program, cut funding for safe- and drug-free schools, for teachers' training, for Head Start.

Two days ago the Republican leadership went to a public school in the District of Columbia to promote that radical plan, a private school voucher scheme that would drain needed resources from our public schools. Here today we consider a deal that includes the voucher scheme, a scheme that would drain $45 million in Federal funds away from public schools in the District.

So do not be fooled. The Republicans' agenda is a hidden agenda to destroy public education. To this radical plan, to this extreme plan, I say no, and the Democrats say no. This morning the Democratic Members marched in celebration of public education from the steps of the Capitol to the steps of Brent Elementary School in Southeast Washington. We marched to support our public schools. We marched to protest the Republican private school voucher scheme. We marched to make a very simple and elementary case: public schools in every State, city, town, village, and hamlet need and deserve our support. Nine out of every ten students attend public schools. We should be working and building together to improve our public schools, not giving up on them and selling them down the river.

Mr. Chairman, our children deserve better than the easy scheme and quick-fix solution, our students deserve better. They deserve good schools, good teachers, and an education that takes them into the 21st century. Stop attacking our public schools.

Mr. Chairman, I urge all of my colleagues to support the Moran substitute.

Early this morning during the debate on the rule a Member on the other side tried to imply that Martin Luther King, Jr., would support vouchers. Let me say that I knew Martin Luther King, Jr. He was a friend of mine. He was my leader. If he were here today, he would not be supporting what the Republicans are trying to do to the District of Columbia.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I rise today against many of the tenets of this bill that we have before us, the D.C. bill, because I think it does take away basic responsibilities of government, of people to govern themselves and pay their taxes, and they ought to be given the same privileges as any other municipality in this Nation.

□ 1515

However, I also rise because I have heard my name mentioned on several

occasions during this debate, and I came over from my office because I think it is imperative, as one who has stood in favor of vouchers, that at least I state my position for the record in this House.

Mr. Chairman, I think it is important for us to understand, as far as I am concerned, and let me give my credentials so those that wonder if I have a right to even speak on education, I spent 7 years in higher education as a dean at Boston University and at Lincoln University. I have started my own school 15 years ago, pre-K to eighth grade. So I think I have some understanding of the educational process here.

I also understand that in the communities that are most impacted by the issues that have been raised at least by this bill, that many of our young people are not getting the kind of education that prepares them to function competitively in a global society.

Our reality becomes one of trying to determine whether our moral obligation is to continue to maintain a monolith that does not seem to understand that there has emerged and developed within it a two-tiered system. There is a system that does educate properly those young people who represent the highest economic brackets of American society. There is also a lower tier. The young people in the lower tier are generally represented in those communities that I represent and many of my colleagues in this Congress represent.

Mr. Chairman, I think it is time for us to try to remove the politics, Republican or Democrat, and deal with the reality that our children are not being properly educated in many of our schools. They are not being readied for the testing that they must face as they try to move forward in life. No matter where we go in urban America, we must admit, whether we want to or not, that our public schools in certain communities are failing our children.

I started out my career as a social worker in Head Start. We tested kids at the second grade level when they were leaving Head Start. Two years later, we tested those kids at the second grade level in public education.

I am not against public education, but I would say that when the borders of America opened up and the Big Three thought they had a monopoly in the automobile business, when they felt there was competition, they improved. Everywhere where choice has been introduced in this country, schools have improved in the public sector as well.

I would argue that if it was good for the automobile industry, certainly our children are more valuable than that. If we made changes in telecommunications to create competition, certainly our children are more valuable than that. My argument is: Let us put the emphasis where it ought to be. That is for the children.

I do not support this bill, but I do support vouchers, and I think it is time for us to wake up, because we cannot afford to keep losing generations of our children and sending them to jail because we do not believe that we ought to continue to try to reform public education.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 5 seconds.

Mr. Chairman, I would just ask the gentleman whether he supports the Moran substitute, the amendment that we are proposing.

Mr. FLAKE. Mr. Chairman, if the gentleman will yield, I will look at it.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I would say to the gentleman from New York [Mr. FLAKE], my dear friend, Reverend Congressman FLAKE, whose career has been preeminent since I have been here, I hold a letter from Dr. Andrew Brimmer, I hold a letter from the Executive Office of the President of the United States. One begs us to support the Moran substitute; the other guarantees that the Gingrich bill will be vetoed if it ever gets near passage of law.

Now, while the gentleman from New York is busy studying for the next 2 hours the Moran substitute, I want him to have this heavy on his heart. We need the gentleman's support. This is one of the most important final measures that the gentleman will pass on, and we want to remember him in all the spirit of excellence in which he has served in the Congress.

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

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

Mr. FLAKE. Mr. Chairman, if the gentleman remembers me as a person who has spent a lifetime building schools and preparing young people for the future, then I think he will be able to remember me in that way. Children first, education first, and I will do what is appropriate for the bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, I commend the gentleman from North Carolina [Mr. TAYLOR] for doing a fine job, and I rise in opposition to the Moran amendment because I believe it will weaken the city and weaken the ability of the city to recover from the financial stress it has been under. It will also weaken the management capability that they have.

Mr. Chairman, if my colleagues oppose this amendment, they will improve the city's finances by allowing for the recovery of fees and costs from bad checks. By opposing this amendment, they will clarify the city's authority over unclaimed property. By opposing this amendment, they will provide more accountability in tightening the detailees. There are some city offices that hide the size of their bureaucracy by detailees, and by opposing this amendment, my colleagues will allow the city to make direct deposits and payments.

Also, if my colleagues support this amendment, they will strike $12 million to collect unpaid taxes, which will net an additional $50 million for this city. If my colleagues allow this amendment to pass, they will remove many of the management tools that are necessary to manage this city.

Mr. Chairman, there are some limitations on the Control Board in this bill, but they are related to accountability. And in the public sector, there is nothing wrong with accountability.

Let us look at the schools. They are desperately in need of attention here. This amendment protects the status quo. It protects the crumbling schools. It protects the dropout rate. It protects the status quo. It does not restrict pay raises to teachers with valid credentials, nor does it remove the bureaucracy in the school administration office.

Mr. Chairman, D.C. schools spends $9,400 a year per student, with a third going to administration, a third going to overhead, and only a third getting to the classroom. We need to focus our resources on the classroom. That is where the rubber meets the road. It is not in the school administration. It is not in the overhead. It is in the classroom.

Mr. Chairman, vouchers seem to be the driving force of this amendment. I must say that vouchers are in full sense a freedom. During Reconstruction, it was the radical Republicans who believed in full citizenship for African-Americans, and today it is radical Republicans, if my colleagues listen to the gentleman from New York [Mr. FLAKE], that believe in freedom of choice for children of color here in the District of Columbia.

We want to take the most impoverished children and give them the opportunity to go to a school where there is hope, where they can rise above the desperation they see in their daily lives. What is wrong with us allowing them the opportunity to select a different option?

Well, this amendment I think is, again, protecting the status quo. It is trying to defend something that I think is indefensible. So let us not bind up the opportunity for children in poverty to move out of their bondage of a school that is crumbling and unsafe, but give them the opportunity to select the type of school that will give them the opportunity they can use in the future.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I would ask the gentleman how much his school district spends on its children in his district per student.

Mr. TIAHRT. Mr. Chairman, reclaiming my time, in Kansas we spend about $4,100 per student.

Ms. WATERS. Mr. Chairman, if the gentleman would continue to yield, what is the ratio to administrators?

Mr. TIAHRT. Mr. Chairman, again reclaiming my time, I am sorry, I do not know that.

Ms. WATERS. Mr. Chairman, if the gentleman would again yield, that is what I thought.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I rise in support of the Moran amendment, particularly because it eliminates the voucher program which constitutes a frontal assault on the idea of universal education for all, and it also violates church-state separation.

Mr. Chairman, we ought to be asking as we consider vouchers whether or not this program will help improve education for all of our children, whether it will foster discrimination, and whether there are better ways to use the money.

First of all, Mr. Chairman, many cite the polls, and they asked in the poll question: Do you support a voucher plan that will allow parents to send their children to a public, private, or parochial school of their choice?

Mr. Chairman, let me offer a few facts on the table. Only 3 percent might get a voucher, 97 percent will not. There are not enough seats in the Washington, D.C., area for 2,000 additional children to go to private school. Most of those are religious schools, where there will be constitutional challenges, so most of the 3 percent will not even be able to use the vouchers.

We have to differentiate, Mr. Chairman, between the cost of the school and the tuition. Unless there is significant private underwriting, there are not going to be any additional seats for people to go to.

So the polls should be asking, Mr. Chairman, whether or not people support a plan that will give 3 percent a voucher that most cannot use, and divert money from a school system that needs new roofs, and do nothing for 97 percent of the students.

Mr. Chairman, we know how to improve education. We need to invest in education, and we can make significant improvements if we do that.

Mr. Chairman, we know the voucher program is also an insult to the residents of Washington, D.C., who have voted against it in the polls, and their elected representatives have repeatedly rejected it. So we know what they think about the voucher program, and we should not substitute what we know they have done with the results of a misleading poll which generates political sound bites.

Mr. Chairman, let us invest in our education funds and public education to improve education for all. I urge my colleagues to reject vouchers and support the Moran amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio, [Ms. PRYCE].

Ms. PRYCE of Ohio. Mr. Chairman, just the other day I visited Hine Junior High School with some of my colleagues just a few blocks away from the Capitol, and while there, I spoke with the students. They are wonderfully bright, capable students. They deserve the best in education, just like young people all across America do.

Unfortunately, Mr. Chairman, many children in the District of Columbia are made to endure some of the lowest school standards and some of the most dangerous conditions in the country, despite the fact that the D.C. public schools spend some of the most money per student in the Nation. Clearly, throwing money at the problem is not working to improve these schools.

Mr. Chairman, some fortunate students in the District have families who can afford to send their children to private schools, parochial schools, or to move to the suburbs where the schools might be better. But many in the District do not have that luxury.

It is a crime that some would suggest simply maintaining the status quo for those families who have no choice, relegating their children to the prison of the same tired, dangerous, underperforming public school system that we have been observing with horror for too many years now.

Mr. Chairman, it is important to note that this bill does not take money from the D.C. public school budget. It adds scholarships on top of that budget. This bill will, in fact, enable more money to be spent on the children who remain in the D.C. public schools, enhancing education for all students across the board.

Mr. Chairman, by providing parents some choice, we will be sending a wake-up call to the public school system telling them they can no longer take the children of D.C. for granted. By passing this reform, we will be telling the D.C. public schools, you must change, you must produce, you must live up to the hopes and dreams of the children and the families of the District of Columbia. Now is the time, and here are the resources.

Mr. Chairman, I strongly urge the defeat of the Moran amendment that would critically strip out this critical reform.

Mr. MORAN of Virginia. Mr. Chairman, I am glad that [Ms. PRYCE] mentioned Hine Junior High School, which is a very fine public junior high school.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

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

Mr. ROEMER. Mr. Chairman, I first of all want to thank the gentleman from Virginia [Mr. MORAN], my good friend who has done such hard work on this bill.

Mr. Chairman, I rise in strong support of his substitute bill. Now, I want to talk about vouchers for just a second here. I find it tough to listen to some people on the other side of the aisle that all of a sudden say they want to help low-income people in D.C., when we had proposals coming from them a few weeks ago saying that we do not want even welfare recipients moving from welfare to work to get the minimum wage. But they are ''real concerned'' about low-income people in D.C.

Now, the voucher program in D.C. would maybe help a few thousand people out of 76,000 students in the public education system. That is like saying to Americans, well, we found out the IRS is terribly broken, but let us just fix it for a few people and let everybody else have the IRS completely mess up their lives.

We need to take on the tough reforms in public education to solve it for all public school students in California, in Indiana, and in D.C. That means public school choice and charter schools. That means firing teachers that do not do the job and getting rid of principals that are not doing the job. That means safety and discipline in the schools. That means teacher academies to teach the next generation of 2 million new teachers that we need to hire for the next 10 years.

Mr. Chairman, it is not a bumper-sticker solution like private school vouchers that is going to fix this public education system. It is hard work. It is public choice. It is safety and discipline. It is parental involvement.

I think all Americans know we all need to work together to save our public education system and not posture with bumper-sticker solutions to save a few thousand children here or there and suck away precious resources from rural and suburban and inner-city schools.

Mr. Chairman, I strongly urge my colleagues to support the amendment of the gentleman from Virginia.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Chairman, I rise today in support of school choice for the parents of the District of Columbia. I do so because I believe a good education is an American right, not a privilege, and today too many of our young people have had their rights denied.

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I support school choice. As a teacher and a mother, no one supports America's teachers more than I do. As a former public school teacher myself I realize, recognize and respect the vital role that teachers play in shaping and challenging young lives and eager minds. I believe our teachers are America's heroes. And as I like to say, most people spend their lives building careers, but teachers spend their careers building lives.

It is precisely because of my support for teachers that I support school choice. I believe allowing parents to choose a school will allow schools to treat teachers with the respect and authority and dignity they deserve. Schools will be able to hire good teachers at good pay for doing good work,

and teachers will be empowered to teach sound basics and in safe classrooms.

For too long we have allowed our teachers to be taken for granted while our students have just been taken. I believe school choice will empower our schools, our communities, our teachers and our students. We can do no less for our children, although they deserve much more.

School choice is good news for America's teachers but it is even better news for America's parents. As the mother of three, I know how important it is to be able to send my children to schools I trust with teachers I know and parents I can work with.

Of my children, one graduated from private school, one from church school, and one from public school. Each of these schools was tailor made to serve the specific interests and individual needs of my children, yet not one of these schools could have served all three of my children. Why? Because each school is different and every child is unique. The one-size-fits-all approach of yesterday does not work in the classrooms of today. Yet it is exactly what millions of inner city parents are faced with each year, no choice of a better school, no chance of a good education, and thus no change in the status quo.

As this Congress begins to address the issue of school choice for the children of the District of Columbia, I think it might be helpful if we asked ourselves a simple question: Why not? Why not allow our schools the chance to improve and our teachers the chance to teach? Why not allow our parents a chance to spend their own money sending their own kids to their own school of choice? I would ask those in the opposition, if it were their child, what choice would they make?

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the honorable gentlewoman from Maryland [Mrs. MORELLA], vice chairman of the Subcommittee on the District of Columbia.

Mrs. MORELLA. I thank the gentleman for yielding the time.

Mr. Chairman, as was mentioned, as vice chairman of the Subcommittee on the District of Columbia under the Committee on Government Reform and Oversight, I have, like my colleagues, worked hard on legislation that I believe will help to revitalize the District of Columbia. That legislation allows the Federal Government to assume some burdensome responsibilities that had been borne by the District and puts into place some important management controls.

I believe the House bill that is before us would undo some of this carefully crafted legislation. That is why I am supporting the Moran substitute. It is my understanding that there are more than 60 provisions in the House bill that are not in the Senate bill. I believe that many of these provisions are an undue attempt to micromanage the District government. We have no business doing that. The day-to-day operations of the District should still be in the hands of the Mayor and City Council with oversight by the financial control board. Congress set up the Financial Control Board. We should allow the panel to do its job.

I believe it is essential to move this legislation along and pass on a D.C. appropriations bill in a timely fashion. Many of the micromanagement provisions in the House bill would really gravely stall the legislative process and prevent the District from receiving its funding. This has happened in the past. It has impacted millions of people in the Washington region who depend on an efficient budget process. So I want to move this process ahead.

I appreciate the hard work by the chairman and the members of the subcommittee. I know this bill was crafted with a great deal of care and diligence. However, the Senate bill is free of those controversial riders that could unfortunately hold captive the District's much-needed funds. For that reason, I urge my colleagues to support the Moran substitute.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Mr. Chairman, I respect the gentlewoman from Maryland's opinions but I disagree with them. Today I rise to say that the District of Columbia's students and their parents ought to have a choice.

Americans have differing opinions on many issues today but we all want our children to have the world's best education. That is precisely why I support educational choice scholarships for D.C. students. Tuition scholarships offer real educational opportunities to families whose children simply do not have the option of attending the best schools possible.

The Democrat substitute before us today would deny educational choice to poor working families in the District, and that is why we should oppose it. The scholarship opportunities provided in our bill offer hope to children who are now confined to failing, often violence-filled public schools. Passing our bill into law will mean that low income families will be able to send their children to public or private schools that are successful, and that the District's struggling public schools will be compelled to compete and then get better in order to attract students.

In short, parents must have a choice if the District's children are to have a chance. Parents should be able to hold schools accountable.

For instance, D.C. parents know that 85 percent of the District's public school graduates who enter the University of the District of Columbia need 2 years of remedial education before beginning to earn their degrees. Parents know that the current leaking roof problems are minor when compared to the problems of violence and academic failure in many of the D.C. public schools. That is why parents in the District, regardless of ethnicity, overwhelmingly support opportunity scholarships.

We must do better. We must provide an alternative; namely, the scholarship program on which the gentleman from Texas [Mr. ARMEY], the majority leader, has provided such clear leadership. Vote against the Democrat substitute. Vote for educational scholarships and real opportunity for the less affluent children of the District, and join me in looking forward to the day when parents try to get their children into D.C. public schools.

Mr. MORAN of Virginia. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I wholeheartedly and strongly support the Moran amendment. It is a good substitute for the House bill. The House bill is flawed and we know it.

Much of what is in the House bill has an overriding concern behind it and it is money, m-o-n-e-y. It is what is drawing and flying through this country with the voucher movement. Do we not know, are we not sensible enough to know that if the Congress of the United States had not appropriated $7 million or more for this school voucher program here in Washington, D.C., the same people who are perpetuating it would have nothing to say about helping the kids in the District?

We need to understand that the District is not a laboratory school for this Congress. The proponents do not know enough about education to even set up a laboratory school. We have not had a committee look at this, but the proponents want to attach it to an appropriation bill without any substance.

The District deserves a thorough analysis before we change their school system. Bring to me one ounce of support that shows that the voucher system will improve on any current system in this country. We can go to Wisconsin and they can show me some minimal things but, overall, show me the impact of the voucher system on regular school systems in this country. I have been an educator for 42 years. Show me, instead of talking.

I know that money drives the voucher. None of these private schools wanted the kids from my District five years ago. They did not want them two years ago. But now there is a movement through this country, that they feel that the money that is in public education will now go to their schools.

Let the District have its own schools. Let them educate their children. We are sick and tired of this beltway colonialism. That is the only word I can say for it. We are going to superimpose our feelings on the District.

These are smart people. They know what they are doing. Give them a chance. It is flawed.

I want to say a word or two about the law school of the University of the District of Columbia. Let us preserve that law school. Let us keep it going.

I want to yield to the gentleman from Michigan [Mr. CONYERS], but before I do I want to say, keep this law school. We need it. We need it to keep the principles of educating our children here. Do not give it any kind of standards that it cannot meet.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I do want to take this opportunity during the gentlewoman's time on the debate to praise her for the unstinting, unswerving commitment that she has shown on the floor, in the committee, in the Committee on Rules for preserving the University of the District of Columbia Law School. The gentlewoman has our undying gratitude.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank my very good friend for yielding me the time.

I want to say to my colleagues, it is unfortunate we cannot, I speak as a subcommittee chairman of the Committee on Education and the Workforce, we cannot have today, although I believe it is coming in the near future, a debate on giving low income parents the full range of choice across all competing institutions. I wish we could have a separate debate.

I am opposed to the Moran substitute, which would effectively gut the bill of the gentleman from North Carolina [Mr. TAYLOR] and the very important and I think very necessary reforms that he is trying to enact in the District of Columbia. And I am fascinated that just in terms of the politics of this debate, it is pretty clear, I hope, to those that are watching and listening, who the progressives are and who the conservatives are, the conservatives that are trying to defend an indefensible status quo.

Do not take my word for it. Listen to the Washington Post that last February ran a 5 part series. I hope my colleagues saw it. For those that want to stand up here and defend the District of Columbia public schools on that particular school system, they concluded that D.C. public schools are ''a well-financed failure.''

A well financed failure. A school system that employs almost two times more administrators than the national average. Despite spending between $7,500 to $9,000 per student, which is one of the highest averages in the country, the District of Columbia public schools have one of the highest, in fact the highest, the highest failure rate amongst their students, the lowest graduation rates, the lowest test scores of any inner city school district in the country.

We are afraid to experiment by allowing a few more parents and a few more families a way out. Last year, because we had a break in the congressional schedule, I was able to coach basketball at my son's high school. We came into the District of Columbia and we played games at Gonzaga High School just a couple of blocks away, Carroll High School and St. Johns High School right up the road. The student bodies there were predominantly, if not exclusively, African American, old facilities.

I just found myself saying, why cannot all District of Columbia families have the opportunity to send their children to these type of schools. Schools should be a magnet, not a trap. As the majority leader pointed out, schools exist to serve our children, not bureaucracies. Believe me, if I say nothing else that my colleagues recall today, the District of Columbia public school system will reform itself only when parents are able to choose the schools that they think are best able to educate their children.

The CHAIRMAN pro tempore. The Chair would advise all Members that the gentleman from North Carolina [Mr. TAYLOR] has 20½ minutes remaining, and the gentleman from Virginia [Mr. MORAN] has 15½ minutes remaining. The gentleman from North Carolina [Mr. TAYLOR] has the right to close the debate.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1¼ minutes to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I would like to address a question to my colleague, the gentleman from California [Mr. RIGGS]. He used the term ''experiment.'' I think we all agree it is an experiment.

My question to him is, what is this experiment going to prove at the end of it? What will we do in response to that experiment?

This relates back to a dialogue that I had with the Speaker, the gentleman from Georgia [Mr. GINGRICH] on this floor two years ago. We have increased the bill from $42 million to $45 million. So if this experiment demonstrates that these private schools are excellent, is the Federal Government, are we willing to take taxpayer money and finance all 78,000 students? What is this experiment about?

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

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

Mr. RIGGS. Mr. Chairman, I believe it is about challenging public schools to improve as well as giving more opportunity to the families of the District of Columbia.

Mr. DIXON. Mr. Chairman, what is the experiment? After we look at this, then what do we do next? Because it is an experiment to prove or disprove something.

I will concede to the gentleman that there are good public schools and there are good private schools. What does it mean to take 2,000 vouchers and give to people, 185 percent of poverty, some do well, others do not do well? Are we prepared to spend taxpayers' money to fund 78,000 kids in the District of Columbia and private schools?

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Mr. RIGGS. If the gentleman will continue to yield, personally I am very prepared to make that commitment, and I think that debate is coming in the near future.

But what this is all about, bottom line, is trying to create bootstrap improvement in the public schools and not lose another generation of D.C. schoolchildren.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is a violation of the House rules.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2–¾ minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding me this time, and for my colleagues' indulgence, especially since I have spoken a couple of times in the last 2 days, which is more commonly than I normally speak on the House floor.

This is an issue I feel strongly about, Mr. Chairman. I think it is a shame. I think it is sad that so many people inside this House and outside this House have been fighting to the last ditch on behalf of the system that has trapped thousands and thousands of poor parents and their children in schools where they are not safe, where they do not learn, and where none of us would send our own children: The D.C. public schools.

Now, we have had discussions, on this side of the aisle anyway, about the problems these schools are having. One of my colleagues said it needs some improvement. Well, that is correct. Seventy-eight percent of the 4th graders in the D.C. Public School System cannot read up to the national average. What will happen to those kids, Mr. Chairman? Do my colleagues know what happens to children if by the 4th grade they cannot read?

This is a system that closed down the schools for 3 weeks at the beginning of the year without any notice to the parents, closed down all the schools because the roofs were falling in.

We have heard a lot of arguments against this little scholarship program in this bill. It only affects 3 percent of the kids. That is because we are having difficulty getting the money even to do that. Another one: We cannot let any of these kids escape. We have to hold them all hostage to this system until we can make the whole system better.

How many of us would put our own kids in this system on the gamble that the system will change fast enough so

that our kids will not be mired in a career and a life that will not be successful? Very few people do. Last year this provision was filibustered to death in the Senate by 41 Senators, none of whom sent their kids to the D.C. public schools.

And the argument I like the best is, we cannot use scarce public resources for this. What is scarce in the District of Columbia is not resources, but education. The District has $7300 per pupil to spend on education. The Washington Post had it right in its headline on this subject. It is a well-financed failure. The system protects jobs while shortchanging classrooms. That is why the roofs are not fixed.

Mr. Chairman, I feel kind of personal about this. I have stood with a lot of these parents as they have asked desperately for the right to give their kids a future. I have stood with them in the District of Columbia and I have stood with them in Indianapolis. I asked them there how important school choice was to them, because I knew how controversial it was here. They answered the way myself and colleagues would answer.

Look, I know where the money and the strings and the power is on this. Stand with the parents and these kids. It is their future that is at stake. We should do for them what we would do for ourselves if we were in the same situation. Vote against the Moran substitute and sustain this bill.

Mr. MORAN of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ].

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

Mr. MARTINEZ. Mr. Chairman, I rise in support of the Moran amendment and in opposition to the bill, and say that the Republicans do nothing to reform school and to provide that basic opportunity, the most basic of all, the opportunity to learn.

Mr. Chairman, I rise to express my strong and uniquivicable opposition to the inclusion of a provision instituting vouchers in the District of Columbia. Vouchers are not only bad policy but in this instance have clearly become the political tool of the Republican leadership to bash the public school system of this country and to play on the fears of our Nation's parents.

Vouchers have received a significant amount of attention over the past few weeks as we have seen a major push by the Republican leadership to politically capitalize on the education of our children. We have heard our Republican colleagues use words like ''scholarships'' instead of vouchers to portray the message which their pollsters have said is so vital. I am pleased to see so much effort being put into ensuring that this message is not being lost.

I have never been one to craft my views or modify my position just because the latest questionably accurate poll has produced certain conclusions. Instead, we should be concentrating on proposals and ideas that will increase the quality of education in this country rather than destroy it.

Regardless, as I am sure it does not come as a surprise to any which have followed this issue, I am adamantly opposed to any use of public tax dollars for any voucher-like proposal, including the provisions included in this bill authorizing vouchers to be used in the District of Columbia. Not only do these provisions raise some very serious constitutional questions, but they will do little to help only a few students while greatly benefiting those whose interests are entrenched in private schools.

In fact, Representative ARMEY himself has admitted that this bill will provide vouchers for only 2,000 D.C. children. Last time I checked this would not come close to helping the more than 80,000 school age children which reside in the District. We cannot and should not ignore the problems of today's educational system while attempting to capitalize on political rhetoric. The Republicans have sought to use D.C. vouchers as the answers to our Capital City's problems in its school system. This is wrong.

Any proposal which invites the idea of providing private school vouchers dismantles an educational system which guarantees access for all by leaving ''choice'' in the hands of private school admissions officers.

In addition to the destruction of equality in the most basic opportunity—the opportunity to learn—there is not one research study, which accurately provides evidence that vouchers improve student learning.

Because of this lack of evidence, I see little reason to establish any type of Federal voucher program, including one in the District of Columbia. We have seen the existing voucher programs in Milwaukee and Cleveland provide no improvement in student achievement levels despite the fact that they have been in operation, at least in the case of Milwaukee, for over 6 years.

In addition to the complete lack of a policy basis for enacting any type of private school voucher proposal, the American people have spoken repeatedly that they have no interest in such programs. Over 20 States, including the District of Columbia, have held referenda on this issue and the citizens of all 20 States have rejected voucher programs.

Our goal as public policy makers should be to construct broad policy which will improve the educational results of all of our children—not a select few.

One of the most deeply rooted values in this country has been that all children are guaranteed access to an education. The public school system has been the institution in this country which has provided this opportunity. Yes, there are problems in our public schools, problems which deserve and need our attention. All of us in Congress realize that the District has a great share of problems in its public school system. However, we should not look for quick fixes to a situation which deserves careful consideration.

As I said at a recent hearing in the Education and Workforce Committee on this subject, those who support vouchers want to abandon our public schools and the vast majority of children who would remain in what is already an underfunded system.

Those of us in Congress need to show leadership in combating the problems that face us as elected leaders—not run away from them.

Only by working within the public school system, both in the District and throughout the Nation, can we build upon the successes and learn from our failures in our attempts to educate our Nation's children.

In closing, I would urge Member to vote for the Moran amendment, which in addition to its lack of a voucher proposal is a much improved version of this bill in many other areas. Now is not the time to go back on our educational commitments to our children.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland [Mr. HOYER], the ranking member of the Appropriations Subcommittee on Treasury Postal Service, and General Government.

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

Those watching this debate on this floor or otherwise must think that Lewis Carroll must have written most of the speeches, because they are Alice in Wonderland types.

I do not come to speak about the voucher system. The gentleman from California [Mr. RIGGS] was on the floor and talked about that system. Let him report a bill and we will debate the bill, and we will send it to the other body and they can send it to the President. And if the President decides to veto it, we will have an issue for the 1998 election.

This bill is deader than a doornail and every one of my colleagues know it. The Moran amendment that the gentlewoman from Washington [Ms. DUNN] referred to as the Democratic alternative, my friends, the Moran amendment is the Republican bill passed by the U.S. Senate. That is what it is.

This is a game. This is a game to appeal to some very good spirited people who want to have greater opportunity for their children. God bless them. Every one of us does as well. But this is the D.C. appropriation bill, not the authorizing bill, and this is a contentious issue.

Not only that, my colleagues, the House, without any debate, any discussion, and against the advice and counsel of the Secret Service and Lew Merletti, the head of the Secret Service, and the Treasury Secretary, and General Jones, the former Chairman of the Joint Chiefs of Staff, and Bill Webster, the former Chairman of the CIA and FBI, has said open Pennsylvania Avenue. That in the face of the Murrah Building, I tell my good friend from Oklahoma, that saw a car bomb parked close to the Murrah Building and 168 Americans lost their lives. That is why Pennsylvania Avenue was closed.

But without hearings, without discussion, without any thoughtful consideration, we say expose the White House to that threat. My colleagues, remember in Saudi Arabia our troops housed there, but with a not big enough perimeter, had a car bomb explode and kill over 100 American troops. Who on this floor wants to expose the President of the United States, his family, the staff and the visitors to the White House to that risk? If we do not vote for the Moran amendment, that is what we do.

Again, the Moran amendment is the Republican alternative passed to us by the other body. It will be signed by the President. That is the difference between that and the committee's recommendation. Vote for Moran.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Chairman, I thank the gentleman from North Carolina for yielding me this time.

Mr. Chairman, I ask my 435 colleagues in the House of Representatives how can the Government say to any American parent, regardless of their economic status, that they cannot send their children to schools that work? How can they force their kids to go to school on a daily basis, terrorized to walk down the halls, having to pass through metal detectors to enter the building, where discipline, achievement and values have been swept away by drugs and violence? Which of us in this Chamber, which of us, I would love for one of us to stand up and say that we would send our children to such a school.

How many years of our children's education would we waste waiting for officials, whose children go to schools across town, by the way, to the schools that work, waiting for the latest experiment to solve these problems? How many of us would put our children into these schools tomorrow based on a politician's promise that they will be better next year?

For these children, these schools are not the great equalizer the other side talks about. These are forgotten kids, the victims of a terrible experiment in education that has gone terribly wrong, an experiment that has failed them for life.

We have heard people say that we should not treat our children as guinea pigs. Well, I have to tell my colleagues what any one of these children's parents will tell us. These children are being treated much worse than guinea pigs. The experiment we have run on them has been much more cruel, and it has failed a long, long time ago. The lost generations of our inner city kids that cannot read and write and do the arithmetic are walking witnesses to that fact.

I ask my colleagues to look at the terrible cost of the status quo, the cruel consequences of our inability as public officials to come up with solutions to a problem that has been with us for the last two decades. The time for empty promises is over. The time for positive action is upon us. The only question left to ask is how many more children will lose out on their most basic birthright as Americans: A quality education? We should promise the kids in the inner cities the same quality of education as the kids in the suburbs.

It has been said that the President will veto this legislation because of the D.C. scholarship program. I ask my colleagues this question: If the President can live in public housing and send his child to private schools, why can poor people not live in public housing and send their children to private school?

We can start to fulfill this promise today by voting against the Moran substitute.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I rise in strong opposition to portions of the D.C. appropriation measure, which undermines the ability of the people of the District to govern themselves.

It is instructive that the gentlewoman from the District of Columbia will not vote on this bill and will not vote on any of the amendments. It is symbolic of the fact that the people of the District are without any choice in this matter.

It is especially troubling that language was included in this bill that will impose a school voucher program in the District. Let me remind my colleagues that the District has already rejected school voucher programs by wide margins. And if things have changed since then, then give the District the money for the scholarships and let them decide whether to use it for vouchers, and that will be real choice.

If we let this ideology of the proponents of school choice, then surely Congress would be willing to entertain other choice initiatives. Let us see if we can improve public transportation, reduce traffic, and improve road conditions by giving individual citizens a voucher to buy a car rather than investing resources into highways and public transportation.

Support the Moran substitute.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1¾ minutes to the gentleman from Georgia [Mr. KINGSTON].

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

I wanted to read my colleagues a letter we received from the U.S. Hispanic Chamber of Commerce. It says, ''As in many areas where education opportunities are poor, a disproportionate number of the children attending failing schools in our Nation's capital are Hispanic.''

We strongly support H.R. 1797, the Taylor bill, not the Democrat substitute. And that is parenthetically. I am explaining. Students would benefit from this. This is from the Hispanic Chamber of Commerce. They support this.

Here is a resolution from the Baptist Convention of D.C. They support it. Here, Mr. Chairman, is a group called Save the Kids. Over 100 ministers from inner city churches; Baptist churches, Episcopalian, CME, Christian, Catholic, AME, full gospel and Methodist churches, all that support student choice and the voucher scholarship program proposed in the Taylor bill.

Here is a petition signed by over 2,000 Washington, DC residents, people who are interested in having their children compete.

Mr. Chairman, earlier this year we were contacted in our office to see if we could hire, temporarily, give an opportunity to a child from Washington, DC to work in our office because she was a junior in high school but did not have her school open this year because the schools in Washington, DC are in such disrepair. We had this young lady working in our office. I believe that she deserves the opportunities that other kids have from all over the country have from affluent families, of being able to pick and choose her school that she could go out and compete in the international and national marketplace.

This is about children. This is not about inner city power. This is about kids of America; giving them a choice.

□ 1600

Mr. MORAN of Virginia. Mr. Chairman, I would like to ask the gentleman what bill he was referring to. He said H.R. 1797. We are not debating H.R. 1797. That must be some outdated bill.

Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. ETHERIDGE].

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman from Virginia [Mr. MORAN] for yielding me the time.

Mr. Chairman, I rise in strong support of the Moran substitute and in opposition to the risky scheme to provide taxpayer-funded vouchers.

I served as superintendent of schools in my State for a total of 8 years. That State is North Carolina. I know what it takes to improve the quality of education, because in the latest release of the National Assessment of Educational Progress, our fourth-graders gained three times the national average in growth and our eighth-graders gained a full year in this past decade, and our African American students had achieved some of the same gains, only greater than other students.

Vouchers will only divert attention away from improving public schools. Vouchers will increase the cost of education. Vouchers will reduce the accountability of schools to the American taxpayers. And vouchers will rob our communities of the resources needed to improve education.

Mr. Chairman, improving schools takes bold, visionary leadership, it takes a commitment to improving educational opportunity for all children, and it takes setting high standards, holding the school administrators, teachers, parents, and students accountable for these standards. Vouchers are the exact opposite of what is needed.

I urge my colleagues to reject this cowardly act of surrender and support the Moran amendment and against vouchers.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Chairman, I come from the fine tradition of public schools in the State of South Dakota. Frankly, we do not need a voucher system in South Dakota. But last year, our legislature approved open enrollment with the full support of the educational community because we recognize the value of parental choice.

When I moved to this area this year, we decided to live in Arlington, Virginia, because of the school system. We predicated that decision based upon the school system. I happen to believe that parents and kids here in DC deserve better than what we have got. The system is broken.

I do not know how anybody can defend the status quo. We have an opportunity here to help provide a better future for the kids and parents who live in this area. We probably see here a culture in which we spend more dollars for less results than anywhere in the country. We need innovation here. And I think it is very important that we move this forward, defeat the Moran amendment, and advance an issue and a cause which I think is going to be very beneficial to the community and to the parents and the kids who live in this area.

The CHAIRMAN pro tempore [Mr. LAHOOD]. The Chair would advise all Members that the gentleman from North Carolina [Mr. TAYLOR] has 12 minutes remaining, and the gentleman from Virginia [Mr. MORAN] has 9¼ minutes remaining, and the gentleman from North Carolina [Mr. TAYLOR] has the right to close.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, where one stands is what one does and not what one says. The opposition says we are supporting a good public school. What we have heard is a problem of public schools. The solution we have is to give 2,000 students an opportunity to live.

Where are the 76,000 students that need that help? We need to find ways to improve the school for the majority and not hold up the false pretense of choice. This is not about choice. I am for choice. This is not anti-parochial school. I am a product of a parochial school.

One needs not to say this is about having income that they can go to private school or not. Parochial school gives opportunity to disadvantaged schools. That is how I got through parochial school. We do not take away the needed resources to make the school work. It is not working. But they are going to ensure that it does not work.

Yes, we wish we had open choice here that anyone could go to any public school. That is not true. We must improve the school. The only way to do that is to support the Moran bill and defeat the House bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman from North Carolina [Mr. TAYLOR] for yielding me the time.

I am very disappointed that I have to stand on this side of the House of Representatives to talk on behalf of this voucher bill.

I first became interested in choice vouchers, scholarships, whatever we want to call them, back in 1979, when I became the chairman of the education committee in the Chicago City Council. At that time, a number of minority aldermen came to my meeting that I was having on education, and they are the ones that brought choice to my attention. Since that time, it is something I have been very much supportive of.

Over the course of the 15 years that I have been in the United States House of Representatives, there are several bills that have I put in dealing with voucher choice programs. Unfortunately, they never went anyplace. So today I find myself on the other side of the aisle speaking on behalf of a program I do support. And I support it because there are two other locations in this country where this type of program is going on. One is in Cleveland; one is in Milwaukee.

In both of those communities, choice has improved, the reading level, the math level of the students in the choice voucher program. The program that is going to be established here in Washington, D.C., is a small program, but I believe it is a step in the right direction for these students.

I think choice is not going to do away with the public school system. I certainly do not want to do away with the public school system, but I do sincerely believe that the competition that choice will provide will motivate the public school system to do a better job across the board.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, as the debate nears to a close, I think just about everybody has figured out the Gingrich scheme. This Republican bill is supposed to fail. Of course it will fail, and of course the District will be plunged further into chaos.

That is the whole idea, and that is why even moderate Republicans have to jump bail, and that is why our conservative Democrats are joining us in the Moran substitute. The whole idea is that we finally got a Republican measure in the substitute that the Republicans are attacking as if it was a Democratic bill. It is just the best we can do.

I have never in my life supported a Faircloth measure, and I find myself doing it today. And it is not bad.

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore [Mr. LAHOOD]. The gentleman from California [Mr. RIGGS] will state his parliamentary inquiry.

Mr. RIGGS. Mr. Chairman, I would like to know if it is permitted under the Rules of the House to refer to a Member of the other body by name.

The CHAIRMAN pro tempore. Referring to a Member of the other body in a factual reference to sponsorship of a companion measure is not out of order.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. ARMEY], the majority leader.

Mr. ARMEY. Mr. Chairman, the gentleman from Virginia [Mr. MORAN] brings us the bill from the other side of the body, a bill that is acutely interesting to me in that it does not include the parental choice language for 2,000 school scholarships that I authored. A bitter disappointment to me.

The language, exact language, that we have in our bill was offered on the other side by Senator LIEBERMAN and would have been included in this bill, in this substitute, except for the fact that it did not make the cut on a filibuster offered by the distinguished Senator from Massachusetts [Mr. KENNEDY].

It did have 58 votes, though, instead of the required 60. It might have had the other two votes if there had not been 22 National Educational Association lobbyists working the halls of Congress on that day. So on a square vote, your substitute would include this parental choice language.

I have worked on this for a long time, and I have to tell you something. While so many times I deal with legislation in somewhat of an objective, abstract way, this is personal, this is very, very deeply personal with me. It is not about my party. It is not about your party. It is not about the city of D.C., although I should tell you, this committee has been generous in that it has put in this bill $1 million more for the D.C. education budget than what was asked. And we support every effort to rehabilitate the D.C. schools.

But what is upsetting people is, we add, in addition to that extra $1 million, $7 million to go directly to the families, directly to the children, for them to pick a school with $3,200 scholarships for the children.

I know these children. I want to talk to you about two of these children, two of these children that have made it personal for me. There is 9-year-old Sherard. Nine-year-old Sherard should be in the fourth grade. And if he were in public school, he would be. But he can only read at the second-grade level.

By the generosity of some private source, his family received for him a scholarship to go to a private school. When he went to that school, they told him they would have to hold him back to the second grade. And they would have done so but for two very dedicated people who said, ''We will continue to tutor this child.'' And on the basis of

that commitment, Sherard was not dropped back to the second grade but was held to the third grade.

And Sherard is happy. His mother told me that, 2 weeks after Sherard had been in school, 1 week before he would have been in school had he been in the D.C. schools, she had already had more contact from this school about what to do with Sherard, how to help Sherard, how she can attend better to Sherard than she had ever had for any of her other children from the D.C. public schools.

The school reached out to this child. Some private benefactor reached out to this child, his mother is reaching out to this child, two tutors are reaching out to this child, because they love this child too much to let him be the victim of social promotion.

There is another young man that I know of. My neighbor runs a prison ministry. In a prison in D.C. right now, he is teaching a young man in his early twenties how to read out of second- and third-grade primers, despite the fact the young man has a high school diploma from the D.C. schools.

I refuse to let Sherard, and if I can help 2,000 other children in a way that Sherard has been helped to escape the victimization of social promotion from schools that are dysfunctional, so bad that the Washington Post characterized them as well-financed failures, to happen.

This is not about me. It is about some concept. It is not about some experiment. It is not about partisan politics. It is about whether or not we can take an extra $7 million, an extra $7 million and help 2,000 precious children. If I had put in this bill $7 million of extra money to fix potholes, there would not have been one voice raised in protest.

□ 1615

I would ask my colleagues, look in your hearts, think about these children. Are my colleagues going to tell me that fixing children is less important than fixing potholes? I do not think so. Soften your hearts, get beyond the politics, get beyond the big, powerful, well-financed special interests, get beyond the National Education Association. Get in touch with these children and these parents.

I had another couple of parents that I talked to one evening. They were in their early 20's. Neither one had finished school. They had a child; I thought that child was their younger brother. They said, ''No matter what, our child will have more.''

They got a scholarship, again, from a private funding organization, a Washington scholarship fund, that paid for half that child's expense to go to a private school where it would cost $3,200, as over and against the $9,000 that is spent on children in the D.C. schools to fail the children. And this very, very young and dedicated mother took a second job so she could make up the difference between that $1,500 and the $3,200.

The slots are there. We know that there are positions available, there are places, little desks for little people, for 2,200 children at least. I personally documented that in my own office by making the phone calls. The schools are there, and the schools are there because the people in the communities saw the need and put the schools in place.

I must tell my colleagues, there is nothing that could be sadder than a school system that has been such a failure to these very, very precious children, and a Congress of the United States that would support a filibuster against their help in the other body, and deny that help in this body.

The only thing that I can think that could break these children's hearts more than to realize that the Congress of the United States think of them has nothing other than a social experiment. They are real children. They are no less precious than my children, they are no less precious than your children, and each and every one of these children deserves the support of my colleagues over and above any disdain one has for those who brought the language to the floor.

Mr. MORAN of Virginia. Mr. Chairman, I yield 45 seconds to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Once again, Mr. Chairman, we are here on the floor of the House attempting to reverse an assault on the District by our colleagues on the other side of the aisle as they embark on their annual journey to use the District of Columbia as a laboratory and to experiment with their favorite political and ideological issues, ones that they would not attempt in their own districts.

On top of everything else that is abhorrent in this bill, Mr. Chairman, the bill would impose what the authors of the bill would admit is another experiment, the school voucher program, one which might help 3 percent of D.C. students but would definitely keep needed funds from the D.C. public school system.

This is not about parental choice, Mr. Chairman. This is about writing off almost 78,000 children in the District of Columbia, and Democrats are not going to allow you to do that.

As a mother of two public school students who plan to be public school teachers, and as a PTA president for many years, I urge my colleagues to support the Moran amendment and reject this regressive bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield 45 seconds to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of the Moran substitute for three basic reasons.

One, it eliminates the opportunity to waive the prevailing wage. Anybody working, no matter what they work on, should be adequately paid. It takes the caps off of medical malpractice, which is nothing more than an attempt to backdoor tort reform to the detriment of consumers. And of course it eliminates vouchers, which have been spoken to all evening.

The fact of the matter is that public education has been the greatest equalizer existing on the face of this Earth. It is the main way that most of us were able to move beyond the immediacy of our burden, of our circumstances.

I believe that if we want to equalize America, public education is the way.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in support of the Moran substitute.

Today we are witnessing perhaps the grossest abuse of power that many of us have ever seen or will ever see. I remember a movie that I saw, ''To Kill a Mockingbird,'' and the moral and the lesson of that movie was never to use one's strength and power against the vulnerable, or do not just run over the powerless, do not take advantage of those who cannot fight back.

Today Washington, DC, is that mockingbird. The gentlewoman from the District of Columbia [Ms. NORTON]) the Delegate here, does not have a vote. They do not have representation over in the Senate. But we are not only disregarding that fact, we are disregarding the fact that we have a finance control board controlled by and run by conservative economists, a city council, a mayor, those people who are elected to do the work at the local level.

We have 62 riders in this bill that we are trying to defend against with this amendment; 62 riders that talk about everything from how many people can be the security for the Mayor, or whether or not one can have a lease for helicopters, on and on and on. And the most egregious part of this is that you would shove vouchers down the throats of the District of Columbia, despite the fact that over 80 percent of the people voted against vouchers in this District.

Do my colleagues care about education? Many of the people on the other side of the aisle want to get rid of the Department of Education. Where would these people, when many people from communities around this world wanted choice through busing and they stood up and they said, ''No, we will not allow you that choice, to open up the District's line so you can have your children go to any of the schools they would choose.''

I tell my colleagues, we have to support this amendment. We have to support it because it is the only right thing to do.

Mr. MORAN of Virginia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Chairman, as a former educator, I have sat here to try and listen to a plan for our children. I have not heard it, and so I will say that I am for the Moran amendment, and I oppose anyone who has not given us a plan for absolutely educating our children in this country.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1¼ minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I come to the floor to say that my colleagues can cite their deceptive letters and free money petitions all they want to, but I got 90 percent of the vote in the last election in the District of Columbia, and I think I can say with confidence that the people I represent would deeply resent the imposition of vouchers paid for out of our own rescue package money when we have rejected such a measure by 89 percent.

There is another reason for voting against this bill, and I will let the conservative Washington Times have the last word on that, and I am quoting:

Charles Taylor, whose litany of amendments which at one point numbered an incredible 62, threatens to unravel the very fiscally conservative and sound management reforms Congress has been working on for the past 2½ years. It is one thing to question the resolve of a few of D.C.'s elected officials to get the job done, but has Mr. Taylor no confidence in even the efforts of his colleagues on Capitol Hill?

R-E-S-P-E-C-T spells respect. Show some respect for me and for the people I represent. Support the Moran substitute.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, despite all the rhetoric, this amendment is not about vouchers. It is about choice: Whether the residents of the District of Columbia are able to choose their own government, are able to choose their own budget. Their democratically elected government did submit a budget. The mayor, the city council, the congressionally-created control board submitted a consensus budget.

The other body agreed with that budget. All this substitute amendment does is it enables the House to agree with it so that the District of Columbia can run its own affairs.

The chairman of the District of Columbia control board said that this bill, if it is approved as presented to the House, will further weaken the District of Columbia by severely undercutting the ability of the District of Columbia financial responsibility and management authority, the control board that the Congress set up to carry out the mandate of Congress, to restore the District's financial base and implement management reforms. That is all this amendment is all about.

The gentlewoman cited the Washington Times. Here is The Washington Post. It says that this is the House at its worst on D.C. The House of Representatives need not do this to the Nation's Capital or to itself. The city needs an appropriations bill that will help it manage its own affairs competently as both a locality and the Nation's Capital. It does not need and cannot conceivably be helped in this effort to reform itself by what it calls the silly, showboating indulgences of Congressmen who act as if they have nothing else to do.

We have something better to do. The gentleman from North Carolina [Mr. TAYLOR] certainly can do better than to submit this bill. Our House will be proud of the bill that we agreed to if we agree to this substitute amendment. We can get the bill enacted. We can give the money to the District and to the control board that we created to carry out their affairs according to their own priorities.

That is all this is about. It is not about vouchers. It is about giving local government the authority that they deserve. We need to respect them and to respect the democratic process. That is all our amendment is all about.

The alternative is not to have vouchers, the alternative is to have nothing, to have no bill. D.C. will not get its funding. D.C. will not be able to carry out its contracts. The control board we created will not be able to function. That is not fair. It is not right. It certainly is not what the Congress intended.

Do not do this to our Nation's Capital, do not do this to the House of Representatives. Support this amendment. Do the right thing.

Mr. TAYLOR of North Carolina. Mr. Chairman, despite all the loud rhetoric we have heard today, this chairman holds the people of DC in respect. That is why I have so suffered the editorials and the charges in the press, and I sometimes wonder whether the editorial writers are talking to their reporters, because the press each morning runs an article showing problems in the city and at the same time on their editorial page they criticize this body for trying to fix those problems.

□ 1630

Mr. TAYLOR of North Carolina. Mr. Chairman, it is my pleasure to yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

The CHAIRMAN pro tempore. The gentleman from Georgia [Mr. GINGRICH], the Speaker of the House, is recognized for 4½ minutes.

Mr. GINGRICH. Mr. Chairman, I want to commend the gentleman from Virginia [Mr. MORAN] for a very clever motion. Rather than have a straight-up vote on the issue of whether or not the poorest children in this city should have a chance to get a decent education instead of ending up illiterate and going to jail, rather than having a straight-up debate about the failure of a school system that spends $10,000 per child, according to the U.S. Department of Education statistics, instead of talking about saving children who are being destroyed by being trapped in buildings in which they have no future, while we prattle on about reform some day and we talk about all sorts of abstract rights as the children are destroyed, the gentleman from Virginia cleverly said, I will take LAUCH FAIRCLOTH's, a North Carolina conservative, Senate bill and try to substitute it entirely, so we can talk in general about how you might change this gentleman from North Carolina's bill by substituting Senator FAIRCLOTH of North Carolina's bill. It is a wonderful ploy.

But that is not what this vote is really about. The truth is, we will go to conference. The truth is, many of the things they are most concerned about will be fixed or changed. The truth is, that is the normal process. This is not the final passage on the final day. This is moving a bill to conference.

But what the gentleman cleverly did, and it was clever, is he just happened in his motion to drop out the chance for 2,000 children to have a better future. He just happened to drop out the chance for families whose income is below the poverty level to have a better future.

I want every Member of this House to think about this, because I am, frankly, sickened by 14 years of excuses. For 14 years, since A Nation At Risk was printed in 1993, for 14 years we have been promised by the education bureaucrats, the education certifiers, the education professionals, the education unions, that some day we will get decent schools, and the kids are destroyed and they end up in prison.

I talked to Mayor Reardon of Los Angeles, a man who has personally given millions of dollars to literacy programs, a man who has been personally engaged in helping poor children learn how to read. He told me in August, in his estimate in Los Angeles in the poorest neighborhoods, 12 percent of the 18-year-olds are learning to read at the eighth grade level. Eighty-eight percent of the children in the poorest neighborhoods read below the eighth grade at 18 years of age.

There is something tragically, profoundly wrong. We all know it. We know that despite all the promises, despite all the university studies, despite all the committees, today, while we are debating, poor children in America are being destroyed. We know that. We know that when they cannot read, in the age of the computer, they are going to end up in jail. We know that. We know it is not a function of money, because if money would have done it, then in a school system that spends $10,000 a child, D.C., it would have been fixed.

I have heard Democrats come in here and promise to fix it, and I have heard Republicans promise to fix it, and nobody has fixed it. They closed the school for 3 weeks, every school in this city for 3 weeks, to fix the roofs. Last week they had to close one of the schools to fix the roof.

We had a picture in the Washington Post of what the gentleman from North Carolina [Mr. TAYLOR] was referring to on the news page, not the editorial page. There was a picture of children being led, walking, to another building, because their building had been closed. This is the circumstance we are faced with. This is the circumstance we are all faced with.

Let us be honest about it, that thousands of children today in the Nation's Capitol, at $10,000 a child, are being cheated. They are being cheated by the politicians, they are being cheated by the unions, they are being cheated by the bureaucracy. The answer of my good friend, the gentleman from Virginia [Mr. MORAN] is, well, some day, some day.

We have at least a start. It is not a great start, it is not perfect, but it says to 2,000 children in this city, you will have a chance, if your parents are below poverty, and the gentleman from Texas has shown great courage in standing up and saying he wants those children now to have a chance to go to a school that is safe, that is drug-free, and that actually teaches kids, so they can go to college and not go to jail.

What, I would say to my liberal friends, what are they afraid of? Do they think these 2,000 children will have less education? Do they think these 2,000 children will have less of a chance to avoid jail? Do they think these 2,000 children will somehow magically disappear? No.

They are not even afraid the money will come from the schools, because the gentleman from Texas [Mr. ARMEY] has met that objection, because he was offering $7 million additional. Normally a person who comes and says, I will give the inner city $7 million additional, is viewed as a good person. So it does not even come out of the $10,000.

That means the D.C. schools will have $20 million additional to spend if those 2,000 kids leave, because the $10,000 per child stays in the school. So the gentleman from Texas [Mr. DICK ARMEY] is offering $7 million over and above the budget, and that will increase to $20 million to be spent per capita, and the kids are already in the school, and now they are still complaining, they are still against it. And do Members know why they are afraid? Because if this works, if this succeeds and these kids have a decent future, the failure and the bankruptcy of the unions and the bureaucracies will be proven.

I just want to say to all of the Members to vote their conscience, but I will tell the Members this. What this vote is about is whether or not 2,000 children have a chance to go to college and not go to jail. And if Members vote no, they know that they can at least say, I did everything I could to save those children from jail, and everything I could to give those children an education, and everything I could to send a signal that we are fed up with children being destroyed by bureaucracies that refuse to reform.

If Members vote yes, then one day down this road, when they meet those children and they are illiterate, ignorant, and helpless, and going to jail, they should look in the mirror when they want to know what happened.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Virginia [Mr. MORAN].

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

RECORDED VOTE

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 212, answered ''present'' 1, not voting 24, as follows:

[Roll No. 512]

AYES—197

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

NOES—212

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

ANSWERED ''PRESENT''—1

Nethercutt

NOT VOTING—24

Baker	Dooley	Lewis (KY)
Baldacci	Dreier	McCarthy (MO)
Berman	Gonzalez	Miller (CA)
Brown (FL)	Hall (OH)	Schiff
Buyer	Hastings (WA)	Schumer
Chambliss	Hefner	Smith (OR)
Clement	Hilliard	Torres
Doggett	Lewis (CA)	Wolf

□ 1656

The Clerk announced the following pairs:

On this vote:

Mr. Hall of Ohio for, with Mr. Wolf against.

Mr. Berman for, with Mr. Chambliss against.

Mr. Baldacci for, with Mr. Lewis of California against.

Mr. HEFLEY changed his vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Chairman, on rollcall No. 512, the Moran substitute amendment to DC Appropriations bill, I was unavoidably detained. Had I been present, I would have voted ''aye.''

Ms. PELOSI. Mr. Chairman, I rise in opposition to the school voucher proposal for the District of Columbia.

Our focus as a Federal Government should be on improving our public schools rather than abandoning them. Diverting public money to private schools is not a way to improve education. It is, however, an experiment that is doomed to fail leaving this city's schoolchildren as the casualties.

Not one of us is going to contest the assertion that the D.C. public schools need help. But the way to do this is through efforts like comprehensive school reform, by engaging parents, teachers, and the community in creating and maintaining high performance centers of learning with challenging academic standards.

Creating a voucher system does not solve the problem, it merely shifts the responsibility elsewhere. It also does not guarantee that students from low-performing schools will meet the admission standards of private institutions.

Public school choice, magnet schools, charter schools, and comprehensive school reform efforts can provide effective alternatives to passing our problems off on private schools.

The GOP voucher plan offers this ill-conceived alternative to 2,000 of the school system's 78,000 students. General Julius Becton, the superintendent of the D.C. Public Schools has set out on a serious effort to provide the best education we can for all of the children of the District of Columbia.

Our Federal responsibility in education is to support States and local school districts in their efforts to make better public schools and better learners. It is not an acceptable solution to engage in misguided social engineering by draining funds that would be used to improve the public schools. The Democrats of this House have a plan, a good plan that raises the prospects for all of America's public schoolchildren, not just a select few at the expense of all the rest.

Mr. CALVERT. Mr. Chairman, I rise to speak in opposition to the Sabo amendment to H.R. 2607, the District of Columbia Appropriations Act for fiscal year 1998. H.R. 2607 includes a provision allowing public school contractors to waive Davis-Bacon requirements for construction and repair laborers. This provision is voluntary, not mandatory. This provision would help the District attract volunteer services to help with the emergency repairs needed at the District's public schools. Residents in the entire Washington metropolitan area, as well as most of the Nation, are aware of the dilapidated state of the District's schools. Clearly, the first priority should be to get the schools opened as soon as possible. Yet, an offer by the Promise Keepers to volunteer their services and make repairs at all the schools was denied. They were only allowed to repair one school. This is incomprehensible. Their offer was denied. Why? Davis-Bacon. Why force schools to spend scarce funding to make repairs that could be made for free? Our children cannot learn if they cannot attend school. There is no reason to give rigid David-Bacon rules a veto over the needs of Washington, DC's students. I urge all of my colleagues to oppose the Sabo amendment.

Mr. CLAY. Mr. Chairman, I rise to support the Moran substitute. I support it because it eliminates many of the harmful riders that the majority has added to the D.C. appropriations bill, including the $7 million to fund tuition vouchers for district students.

It is appalling that the majority would blackmail the citizens of this great city into accepting a congressional mandated school voucher program that the District voters overwhelmingly rejected, and is opposed by District school officials.

This voucher plan is seriously flawed. First, it does nothing for 97 percent of the District students who would not receive a voucher. We should be helping all 78,000 of the district's children, not draining taxpayer dollars from the public schools for just a lucky few that may benefit from a voucher program. Further, the amount of the voucher would not even pay entry into many private schools, and many of those that would be affordable have limited slots and barriers to admission.

The real Republican agenda is to undermine public support for public education, and ultimately close down our neighborhood schools. We saw the real Republican agenda in action when they tried and failed to abolish the Department of Education, attempted to block grant education programs, and worked to slash Federal funding for education. Now, desperate to advance their right wing agenda, they are looking to drain taxpayer dollars out of public schools and into private and religious schools.

I call on the majority to stop playing politics with our public schools and join with Democrats to invest more in early childhood education, give relief of our crumbling and overcrowded schools, give Federal support for local school renewal plans, and ensure that we have well-trained teachers.

I urge support for this substitute.

Mr. METCALF. Mr. Chairman, let me rise in support of this amendment and describe why I believe the philosophy behind the Davis-Bacon Act is so important. It is my belief that the Federal Government should not use its vast procurement power to depress the wages and living standards of construction workers across this country. That philosophy is as valid today as it was when the law was first enacted.

Let's remember the Davis-Bacon Act does not require the payment of the union wage. The Department of Labor is charged with determining the prevailing wage rates for each job classification required for a project based on the area where the particular job is located.

I don't want and don't believe anyone in this body wants to go back over 50 years to a time when low-paid workers move into an area and depress wages for local workers. That is the basis for this legislation and that is why it is important to support this amendment.

Mr. BALLENGER. Mr. Chairman, I strongly support providing the District of Columbia with the flexibility and choice to waive the Davis-Bacon Act to help complete emergency school repair projects.

Opponents of this modest effort claim the sky is falling in and that this is really a vote on repeal—it is not. The bill does not repeal the Davis-Bacon Act. It is not a mandate and it is not an order. It simply grants D.C. schools the option of waiving Davis-Bacon requirements. This is a vote to promote fairness, flexibility and choice.

Rather than forcing D.C. school districts to comply with an expensive, antiquated, out-of-date Government requirement, Congress has the chance to provide flexibility to the school system. D.C. schools may have the opportunity to fix more roofs, paint more classrooms, or expand classroom learning opportunities.

Instead of putting more taxpayer funds into the pockets of big labor, let's use it to help children—to repair schools and provide a better educational environment. Oppose the Sabo motion to strike, free the District of Columbia schools.

Mr. PAYNE. Mr. Chairman, I would like to offer my support for Representative MORAN's substitute that will eliminate the school voucher proposal from the D.C. appropriations bill. While Majority Leader ARMEY may call this provision a scholarship opportunity please do not fail to see this as a voucher program in its purest form. This voucher will do nothing to solve the real problems of the D.C. public schools and only separate children into a two tiered public education system. There will be the lucky few who can find a private school that has a tuition of less than $3,200 out in the suburbs of Virginia and Maryland. The parents of these children will then be forced to scrape together enough money to pay for the transportation, books, and supplies private schools require an this voucher does not cover. The rest of the children will be left to spend their days in a less than stellar school system. The rest of these children are being ignored by those who support this voucher as castoffs and less than worthy of quality education.

We must ask ourselves what exactly this provision of the bill will achieve? I am not sure but I can tell you what it will not achieve: It will not be cost effective but waste precious tax dollars that will send children away from their neighborhoods to a few select Virginia and Maryland private and religious schools. It will not reflect what the residents of the District of Columbia really want. Instead it allows the Republican leadership to use the children of this city as guinea pigs for their misguided programs. It will not give parents a better opportunity to educate their children but provide federal, public funds for private and religious schools. It will not ensure equity for all students because the bill does not have adequate antidiscrimination language. To make matters worse, voucher programs have been continually voted down in State legislatures in 19 States including the District of Columbia. Therefore, Republican leaders are asking us to support a measure for this city that many of their own constituents have voted against back home.

Finally, I would like to say that I find this measure included in the D.C. appropriations bill an antihome rule violation and a failure of our Government to reform and help mend our inner-city public schools for not just here in the District of Columbia but in cities across this Nation.

Mr. GOODLING. Mr. Chairman, I strongly urge my colleagues to oppose the motion to strike and to support the provision waiving the

Davis-Bacon prevailing wage law when awarding construction and repair contracts for District of Columbia schools. This provision is voluntary.

Davis-Bacon prevailing wage requirements increase the cost of school construction—forcing taxpayers to pay more and receive less in return. Government estimates, economic studies, and those involved in the construction industry believe that the Davis-Bacon Act inflates the cost of a construction project by an estimated 5 to 38 percent. The Congressional Budget Office estimates that Davis-Bacon adds about $2.8 billion, over 5 years, to the cost of all Federal construction projects.

Recent headlines in the Washington Post, highlight the problem with D.C. schools. Every conceivable problem plagues the school system—from fire code violations to water pouring into leaking roofs to boilers that don't work forcing children to wear coats and mittens to class. The General Services Administration surveyed every D.C. school and found that the typical building is more than 50 years old and repair or replacement costs are estimated to be $2 billion.

The D.C. appropriation bill gives the District a choice—officials can opt to waive the Davis-Bacon Act. This is voluntary, not a mandatory requirement. It is one small step that may help resolve some of the problems facing a school system in deplorable shape—and in the process help the children of the District of Columbia receive the education they deserve.

Support the voluntary waiver, oppose the motion to strike.

Mr. COSTELLO. Mr. Chairman, I rise today in opposition to H.R. 2607, the District of Columbia Appropriations Act for fiscal year 1998. This bill not only sets dangerous precedents, it is just plain bad policy. The leadership of this body claims to want to expand the role of State and local authority while shrinking the size of the Federal Government. However, this bill is yet another attempt to micromanage the District of Columbia. There are at least 60 extraneous policy riders on this bill, two of which are so egregious they deserve specific criticism.

Mr. Speaker, I strongly oppose this bill because of its unfair treatment of school children in our Nation's capitol. The bill we consider today establishes a voucher program which purports to allow poor children in Washington, DC to attend private schools. Under this bill, we will allocate nearly $45 million in Federal funds to pay for the private school education of approximately 3 percent of the District's students—about 2,000 school children. While I in no way would favor denying educational opportunities to children, is this really the best use of Federal dollars? Instead of siphoning money into private and parochial schools, I believe we should focus on fixing the problems in our public schools so that all school children will benefit. We should rebuild our educational foundation to make our public schools a safe haven for learning. Here in the District of Columbia, some schools remain closed because of construction problems. It is a great travesty that in the most influential city in the world students cannot go to school because of fire code violations. It is shameful that today we debate ways to put more children in private schools rather than working on improving our public schools. A free public school education for all Americans is one of the basic tenets of our Nation. We must not abandon this principle.

Another issue that some are trying to claim as a school issue is the waiver of the Davis-Bacon Act. Davis-Bacon for years has guaranteed American workers an honest day's pay for an honest day's work. This law helps promote greater productivity, cost-effective construction and stable economies for America's communities. This should be no exception in the District of Columbia. I have heard from some of my colleagues that eliminating Davis-Bacon will save money on school construction. However, gutting the income of workers will not lower the costs of school construction for taxpayers. In fact, a recent study showed that repeal of Davis-Bacon indicated that square foot construction costs are lower in States with prevailing wage laws compared to those where this law no longer exists. I support the Sabo amendment to strike this provision of the bill. Eliminating Davis-Bacon is unfair to workers in D.C.

Mr. Speaker, I cannot, in good conscience, support this bill. it is bad for children, bad for workers and insulting for District residents who continue to be denied fair representation. This bill represents a step backward for the people of D.C.

I support the Moran substitute amendment which eliminates the dangerous and extraneous riders to this bill. The Moran amendment enables funding to continue to our Federal city without imposing burdensome new policies on D.C. residents. I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore [Mr. LAHOOD]. There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. PEASE] having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, pursuant to House Resolution 264, he reported the bill, as amended pursuant to that rule, back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1700

MOTION TO RECOMMIT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. PEASE). Is the gentleman opposed to the bill?

Mr. MORAN of Virginia. I am opposed to the bill, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MORAN of Virginia moves to recommit the bill, H.R. 2607, to the Committee on Appropriations.

The SPEAKER pro tempore. 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 motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 203, nays 202, answered ''present'' 1, not voting 28, as follows:

[Roll No. 513]

YEAS—203

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
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
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)

Weller	Whitfield	Young (AK)
White	Wicker	Young (FL)

NAYS—202

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

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—28

Baker	Dreier	McCarthy (MO)
Baldacci	Edwards	McHugh
Barton	Gejdenson	Miller (CA)
Berman	Gonzalez	Schiff
Brown (FL)	Hall (OH)	Schumer
Buyer	Hastings (WA)	Smith (OR)
Chambliss	Hefner	Torres
Clement	Hilliard	Wolf
Doggett	Lewis (CA)	
Dooley	Lewis (KY)	

□ 1732

Mr. HOYER (during the vote). Regular order.

The SPEAKER (during the vote). The Chair would note that if, in fact, Members would read the Rules, 15 minutes is the minimum and the Chair has the option of keeping the vote open longer. The Chair would point out, this is regular order.

PARLIAMENTARY INQUIRY

Mr. HOYER (during the vote). Parliamentary inquiry, Mr. Speaker.

The SPEAKER. Only if it relates to the vote.

Mr. HOYER. Mr. Speaker, it does relate to the vote.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, can you, by any chance, give me the page number on which the CONGRESSIONAL RECORD reflects the views of the minority when Jim Wright held the vote open so that we can review those comments?

The SPEAKER. That is not a parliamentary inquiry. But the Chair will get that for the distinguished gentleman in the near future.

Mr. HOYER. Mr. Speaker, I would appreciate it

□ 1737

The Clerk announced the following pairs:

On this vote:

Mr. Wolf for, with Mr. Hall of Ohio against.

Mr. Lewis of California for, with Mr. Baldacci against.

Mrs. JOHNSON of Connecticut, Mr. ENGLISH of Pennsylvania, and Mr. FAWELL changed their vote from ''nay'' to ''yea.''

Mr. PAUL changed his vote from ''nay'' to ''present.''

So the bill was passed.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WOLF. Mr. Speaker, I was unavoidably detained this afternoon and was not present for several rollcall votes on H.R. 2607, the FY 1998 District of Columbia Appropriations Act.

I ask that the RECORD reflect that if I had been present and voting, I would have voted as follows: ''No'' on the Moran substitute amendment and ''yes'' on passage of H.R. 2607.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 513, final passage of the D.C. Appropriations bill, I was unavoidably detained. Had I been present, I would have voted ''no.''

The SPEAKER. Without objection, a motion to reconsider is laid on the table.

Mr. FRANK of Massachusetts. Mr. Speaker, I ask for the yeas and nays on the motion to reconsider.

The SPEAKER. The Chair, having voted yea, the question is, ''Shall the House reconsider the vote by which the bill was passed?''

Mr. FRANK of Massachusetts. Objection. Mr. Speaker, I ask for the yeas and nays on the motion to reconsider. No one has made the motion to reconsider.

MOTION TO TABLE OFFERED BY MR. HANSEN

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

The SPEAKER. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] to lay on the table the motion to reconsider the vote as stated by the Chair.

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

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 135, not voting 136, as follows:

[Roll No. 514]

AYES—162

Aderholt	Hayworth	Portman
Archer	Hefley	Pryce (OH)
Armey	Herger	Quinn
Bachus	Hill	Radanovich
Ballenger	Hilleary	Ramstad
Barr	Hobson	Redmond
Bartlett	Hoekstra	Regula
Bateman	Horn	Riggs
Bereuter	Hostettler	Riley
Bilbray	Houghton	Rogan
Bilirakis	Hulshof	Rohrabacher
Bliley	Hunter	Roukema
Boehlert	Hutchinson	Royce
Brady	Inglis	Ryun
Bunning	Istook	Salmon
Burr	Johnson (CT)	Sanford
Burton	Johnson, Sam	Saxton
Camp	Jones	Scarborough
Campbell	Kasich	Schaefer, Dan
Canady	Kelly	Schaffer, Bob
Castle	Kim	Sessions
Chenoweth	King (NY)	Shadegg
Christensen	Klug	Shaw
Collins	Knollenberg	Shays
Combest	Kolbe	Shimkus
Cook	LaHood	Skeen
Cox	Latham	Smith (MI)
Crane	Lazio	Smith (NJ)
Crapo	Leach	Smith (TX)
Cubin	Linder	Smith, Linda
Cunningham	Livingston	Snowbarger
Davis (VA)	LoBiondo	Solomon
DeLay	Lucas	Souder
Dickey	Manzullo	Stearns
Doolittle	McCrery	Stump
Dunn	McInnis	Sununu
Ehlers	McIntosh	Talent
Ehrlich	McKeon	Tauzin
English	Mica	Taylor (NC)
Ensign	Moran (KS)	Thomas
Fawell	Nethercutt	Thornberry
Foley	Ney	Thune
Fox	Northup	Tiahrt
Franks (NJ)	Nussle	Traficant
Gibbons	Oxley	Upton
Gilchrest	Pappas	Walsh
Gillmor	Paul	Watkins
Gilman	Paxon	Weldon (FL)
Goss	Pease	Weldon (PA)
Granger	Peterson (PA)	Weller
Greenwood	Pickering	White
Gutknecht	Pitts	Whitfield
Hansen	Pombo	Young (AK)
Hastert	Porter	Young (FL)

NOES—135

Abercrombie	Cummings	Gephardt
Allen	Danner	Goode
Andrews	Davis (FL)	Gordon
Baldacci	Davis (IL)	Green
Barcia	DeFazio	Hamilton
Barrett (WI)	DeGette	Hinojosa
Becerra	Delahunt	Hoyer
Bentsen	DeLauro	Jackson (IL)
Bishop	Dellums	Jackson-Lee
Blumenauer	Dingell	(TX)
Bonior	Dixon	Jefferson
Boucher	Engel	Johnson (WI)
Boyd	Eshoo	Johnson, E. B.
Brown (CA)	Etheridge	Kanjorski
Brown (OH)	Evans	Kaptur
Capps	Farr	Kildee
Cardin	Fattah	Kilpatrick
Carson	Fazio	Kind (WI)
Clayton	Filner	Kleczka
Condit	Flake	Klink
Conyers	Frank (MA)	Kucinich
Coyne	Frost	LaFalce
Cramer	Furse	Lampson

Lantos	Obey	Skaggs
Levin	Ortiz	Slaughter
Lewis (GA)	Pallone	Smith, Adam
Lofgren	Pascrell	Spratt
Lowey	Payne	Stabenow
Maloney (NY)	Pelosi	Stenholm
Manton	Peterson (MN)	Stokes
Markey	Pickett	Strickland
Matsui	Price (NC)	Stupak
McGovern	Rahall	Taylor (MS)
McHale	Rangel	Thurman
McIntyre	Reyes	Towns
McKinney	Rivers	Turner
McNulty	Rodriguez	Visclosky
Meek	Roemer	Waters
Millender-McDonald	Roybal-Allard	Watt (NC)
	Sabo	Waxman
Minge	Sanchez	Wexler
Mink	Sanders	Weygand
Moakley	Sandlin	Wise
Mollohan	Scott	Woolsey
Moran (VA)	Serrano	Wynn
Nadler	Sherman	

NOT VOTING—136

Ackerman	Fowler	Miller (CA)
Baesler	Frelinghuysen	Miller (FL)
Baker	Gallegly	Morella
Barrett (NE)	Ganske	Murtha
Barton	Gejdenson	Myrick
Bass	Gekas	Neal
Berman	Gonzalez	Neumann
Berry	Goodlatte	Norwood
Blagojevich	Goodling	Oberstar
Blunt	Graham	Olver
Boehner	Gutierrez	Owens
Bonilla	Hall (OH)	Packard
Bono	Hall (TX)	Parker
Borski	Harman	Pastor
Boswell	Hastings (FL)	Petri
Brown (FL)	Hastings (WA)	Pomeroy
Bryant	Hefner	Poshard
Buyer	Hilliard	Rogers
Callahan	Hinchey	Ros-Lehtinen
Calvert	Holden	Rothman
Cannon	Hooley	Rush
Chabot	Hyde	Sawyer
Chambliss	Jenkins	Schiff
Clay	John	Schumer
Clement	Kennedy (MA)	Sensenbrenner
Clyburn	Kennedy (RI)	Shuster
Coble	Kennelly	Sisisky
Coburn	Kingston	Skelton
Cooksey	Largent	Smith (OR)
Costello	LaTourette	Snyder
Deal	Lewis (CA)	Spence
Deutsch	Lewis (KY)	Stark
Diaz-Balart	Lipinski	Tanner
Dicks	Luther	Tauscher
Doggett	Maloney (CT)	Thompson
Dooley	Martinez	Tierney
Doyle	Mascara	Torres
Dreier	McCarthy (MO)	Velazquez
Duncan	McCarthy (NY)	Vento
Edwards	McCollum	Wamp
Emerson	McDade	Watts (OK)
Everett	McDermott	Wicker
Ewing	McHugh	Wolf
Foglietta	Meehan	Yates
Forbes	Menendez	
Ford	Metcalf	

□ 1757

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber for rollcall vote No. 514. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, regrettably I was not present to vote on rollcall vote No. 514 on the motion to table the motion to reconsider. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 514, the motion to reconsider the DC bill I was unavoidably detained. Had I been present, I would have voted "aye."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 169. Concurrent resolution providing for an adjournment of the two Houses.

The message also announced that the Senate 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. 2158) ''An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes.''.

The message also announced that the Senate 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. 2169) ''An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.''.

LEGISLATIVE PROGRAM

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

Mr. ARMEY. Mr. Speaker, in my considered opinion, I believe every Member of this body has had enough fun for today. We have a few Members that want to conduct some routine business, a unanimous-consent request, to help with the general orderly business of the House.

It would be my preference, Mr. Speaker, that these Members be allowed to do that. I see the distinguished minority whip is there. I would like to ask the whip if perhaps he might be able to give me some assurance that these Members could conduct that business in an orderly fashion, and I could release the rest of the body to begin their district work period.

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

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

Mr. BONIOR. Mr. Speaker, I would say to my colleague that we do not expect any other votes on this side of the aisle.

But I would also say to my colleague, and with respect to the Speaker as well, it is my understanding at the beginning of this Congress it was decided that we would have votes held to 17 minutes. I want to note that that vote that we just had went over 40 minutes.

When the Speaker says in the middle of a vote that he has prerogatives under the House to extend the vote beyond the 15 minutes, I suspect under the Rules, and I do not know this, but I suspect he perhaps is right. But it was the announced policy of the Speaker and of the majority that we would hold votes to 17 minutes, and the public should take note that that vote went over 40 minutes.

Mr. ARMEY. I thank the gentleman for his observation.

The SPEAKER. The Chair would simply like to observe for the distinguished gentleman from Michigan [Mr. BONIOR] that on one recent occasion, at the request of the Democratic cloakroom, a vote was held open for more than 17 minutes because Members were at the White House meeting with the President, and that the Chair always has the prerogative to lengthen a vote at the Chair's discretion, and that is clear in the rules.

The Chair recognizes the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I believe I am correct in understanding, Mr. Speaker, that it is the assurance of the gentleman from Michigan [Mr. BONIOR] that there should be no more recorded votes expected.

That being the case, I would encourage everyone to return to their districts, have a productive work period, and please do enjoy time with their families.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2579

Mr. BISHOP. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2579.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1984

Mr. PORTER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1984, on which my name appeared in error.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, I would like to explain to the chair the rollcall numbers on which I missed votes, due to being at the White House this morning.

On rollcall No. 507, I would have voted ''yes.'' That was the District of Columbia Appropriation. On rollcall No. 508, the Transportation Appropriation Conference Report, I would have

voted ''yes.'' On rollcall No. 509, approving the reading of the Journal, I would have voted ''yes.''

The reason, Mr. Speaker, that those votes were missed was the signing of the National Wildlife Refuge reform bill at the White House this morning.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2332

Mr. SPRATT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of the bill, H.R. 2332.

The SPEAKER pro tempore [Mr. PEASE]. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON EDUCATION AND THE WORKFORCE TO HAVE UNTIL THURSDAY, OCTOBER 16, 1997, TO FILE REPORT ON H.R. 2616, THE CHARTER SCHOOLS AMENDMENTS ACT OF 1997

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce may have until 5 p.m. on Thursday, October 16, 1997, to file a report on the bill, H.R. 2616, the Charter Schools Amendments Act of 1997, as amended.

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

Mr. WISE. Reserving the right to object, Mr. Speaker, has this been cleared with the minority?

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

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

Mr. RIGGS. Yes, Mr. Speaker, it has. As a matter of fact, this unanimous-consent request is to allow additional time for minority views to be added to the report.

Mr. WISE. Continuing to reserve the right to object, Mr. Speaker——

Mr. FRANK of Massachusetts. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REQUEST FOR PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL TUESDAY, OCTOBER 14, 1997, TO FILE LEGISLATIVE REPORTS ON H.R. 1534, THE PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997, AND H.R. 2578, EXTENDING THE VISA WAIVER PROGRAM

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 6 p.m. Tuesday, October 14, 1997, to file legislative reports on the bills, H.R. 1534, the Private Property Rights Implementation Act of 1997, and H.R. 2578, Extending the Visa Waiver Program.

The ranking minority member, the gentleman from Michigan [Mr. CONYERS], has agreed to this request.

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

Mr. WISE. Reserving the right to object, Mr. Speaker, once again, it is my understanding that the minority has not been consulted on that.

Would the gentleman from Texas [Mr. SMITH] like to withdraw that until the minority has been consulted?

Mr. SMITH of Texas. Mr. Speaker, that is simply not correct. The ranking minority member, the gentleman from Michigan, Mr. JOHN CONYERS, has in fact been consulted, and has in fact agreed to this.

Mr. WISE. Mr. Speaker, I will have to object until I hear otherwise.

I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO APPOINT CONFEREES ON S. 1139, SMALL BUSINESS REAUTHORIZATION ACT OF 1997

Mr. TALENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1139) to reauthorize the programs of the Small Business Administration, and for other purposes, with House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

I perhaps can anticipate the gentleman by saying that the ranking member of the Committee on Small Business not only does not object, but asked me to bring the motion at this time, and it has been cleared for a number of days with the minority.

The Clerk read the title of the Senate bill.

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

Mr. WISE. Reserving the right to object, Mr. Speaker, once again, there seems not to have been communication on this. I will have to object at this time.

I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH TUESDAY, OCTOBER 21, 1997

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 9, 1997.

I hereby designate the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Tuesday, October 21, 1997.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection the designation is agreed to.

There was no objection.

REQUEST TO APPOINT CONFEREES ON S. 830, AMENDING THE FOOD, DRUG, AND COSMETIC ACT AND THE PUBLIC HEALTH SERVICE ACT TO IMPROVE REGULATION

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate 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, with a House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. In the events of the past few minutes the Chair has been made aware that there will be objection. Under those circumstances, the Chair will not entertain the request at this time.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1415

Mr. DICKEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1415.

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

There was no objection.

COMMUNICATION FROM THE HONORABLE FLOYD H. FLAKE, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable FLOYD H. FLAKE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 8, 1997.

Hon. ALEXANDER TREADWELL,
Secretary of State
Albany, NY.

DEAR SECRETARY TREADWELL: After considering the needs of my constituents and the short time remaining in this session, I intend to remain in Congress at least until our legislative business is completed.

I have reviewed section 31 of the Public Officers law, and I understand that my retirement announcement to the Governor on August 4, 1997 was an erroneous interpretation of the statutory requirements for resignations. Therefore, it is also my belief that, according to section 31, any record of my resignation is not effective since I have never directly notified your office of my plans. I will, however, inform you of my plans at the appropriate time, which in this case will be no more than thirty days prior to my resignation.

If there are any questions regarding my plans, please feel free to contact me, or Sean Peterson, my Chief of Staff.

With warmest regards, I am

Sincerely,

FLOYD H. FLAKE,
Member of Congress.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY OCTOBER 22, 1997

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in

order under the Calendar Wednesday rule be dispensed with on Wednesday, October 22, 1997.

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

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, October 21, 1997, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL IN CONGRESSIONAL RECORD FOR TODAY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that today all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled ''Extensions of Remarks.''

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

There was no objection.

REQUEST TO APPOINT CONFEREES ON S. 1139, SMALL BUSINESS REAUTHORIZATION ACT OF 1997

Mr. TALENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1139) to reauthorize the programs of the Small Business Administration, and for other purposes, with House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

Mr. Speaker, I have the same connection with the request, that I have been meeting with my friends on the minority side, and I believe we have cleared up the communication problems.

The Speaker pro tempore. The Chair has not been advised that any matter is resolved.

Is there objection to the request of the gentleman from Missouri?

Mr. SISISKY. Reserving the right to object, I will not object, but I will just reiterate that it has been cleared, Mr. Speaker.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Under these particular circumstances, the Chair will not entertain the gentleman's request at this point. The Chair has been advised that the minority leader is constrained to the request.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. Is it my understanding that the Chair has ruled that notwithstanding that the ranking minority member has agreed that the procedure is appropriate and proper, the Democratic leadership wishes to override those people who are otherwise in positions of responsibility to mindlessly object to everything? Is that my understanding?

Mr. WISE. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Being aware of the pending situation, the Chair is honoring the position communicated by the minority leader.

Mr. THOMAS. Mr. Speaker, so the minority leader——

Mr. WISE. Regular order, Mr. Speaker.

Mr. THOMAS. Parliamentary inquiry, Mr. Speaker. The Chair's response to Members on this side who request unanimous-consent requests, notwithstanding the appropriate minority member agreeing that it is appropriate, cannot be honored because the minority leader says it is not to be honored?

Is that the way the rule works, Mr. Speaker?

The SPEAKER pro tempore. The Chair can tell the gentleman from California only that, at this point, the Chair has not recognized the gentleman from Missouri [Mr. TALENT].

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

THE PRESIDENT SUPPORTS THE IRS, THE REPUBLICANS SUPPORT THE TAXPAYERS

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

Mr. TIAHRT. Mr. Speaker, the President has announced that he is supporting the IRS, and we are announcing here in Congress that the Republicans are supporting the taxpayers. We are on their side. In a nutshell, that is about what it comes down to.

Of course, that is not the news to anyone who has followed politics in this country since the 1960s. Conservatives are the only friends the taxpayers have had since the 1960's. Taxpayers have known ever since the death of John F. Kennedy that liberal Democrats have a soft spot for the IRS and their heavy-handed ways.

It seems that the tradition continues. After having exposed the IRS abuses before a congressional committee, conservatives in Congress propose a bipartisan plan to fix the IRS and bring real accountability to that agency for the first time in a long time.

But the White House does not agree. The White House thinks that the creation of a politically appointed panel that has absolutely no power will really shake things up at the IRS. Hello?

Mr. Speaker, if the White House thinks the IRS is going to change the way it does business as a result of this panel, things are even worse there than I thought. Then again, maybe it is just reflective of their attitude to support the leadership of the IRS over the taxpayers.

WELCOME TO TYLER ADAM GORSUCH

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

Mr. CRAPO. Mr. Speaker, I rise today to welcome a new Member to the Crapo organization, Tyler Adam Gorsuch, the adopted son of my administrative assistant Jane Gorsuch and her husband, George. Jane has been with me since I was first sworn into Congress in 1993, and Tyler is their first child.

Tyler arrived in the United States from Seoul, South Korea, on September 4, and now he is 7 months old, happy, and healthy. Tyler is already busy supporting our majority party. He has indicated as only a child can his total support for the family friendly practices in our office, and he is also politically active, as he has volunteered to assist me in my next election. He came to visit my office last week and provided the day's entertainment to my staff. During his second visit to our office he provided invaluable advice to me on the political outlook for my home State of Idaho.

As a father of five children, I understand firsthand the joys of parenthood. My wife Susan and I enjoy watching our children grow through each stage of development, and I know that Jane and George will love and enjoy Tyler just as much.

Congratulations to Jane and George, and best of luck to them as they embark on the most fantastic journey of their lives, parenthood.

BUREAUCRATIC MALAISE AT THE IRS

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

Mr. GIBBONS. Mr. Speaker, last year, what did 8 out of 10 taxpayers hear when they called the IRS heartline seeking help to tax questions? Nothing, zip, nada. That is right, 8 out of 10 taxpayers could not even get a hello.

What could possibly explain this pathetic bureaucratic malaise? Is the IRS understaffed? No, one hundred and six thousand employees should be adequate, even if all they did was just pick up the phone and say hello.

□ 1815

Is the problem underfunding? No; $7.3 billion in an annual budget; clearly, that is not the problem. The problem lies with the IRS's lack of accountability.

For years the IRS has bullied, harassed, terrorized the citizens of this country while answering to no one, not even answering the phone. Now, with allegations of taxpayer abuse coming to light, layer of Washington bureaucrats after layer shifted the blame for the sorry state of affairs at the IRS until the President has finally been forced to address the issue. How did he respond? He said, quote: ''I believe the IRS is functioning better today than it was 5 years ago.''

Come on, Mr. Speaker. It is time for the President to get real, get serious, and join the Republican Congress and fix the IRS.

CFC-CONTAINING INHALERS SHOULD NOT BE BANNED

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

Mr. FOLEY. Mr. Speaker, I call again the Members' attention to a concern I have that the EPA and FDA will ban measured-dose inhalers containing CFC that are vitally needed by asthmatics to treat them when they are suffering from a lack of air to their lungs.

The EPA and FDA clearly are on the wrong side of this issue. There are over 70 types of inhalers today used by asthmatics at a time of critical need. We commend the EPA for attempting to ban CFC in all of our products as they have in hair spray, underarm deodorant, car refrigeration, air conditioning systems, and other things. But the amount of CFC sent into the air by inhalers used by asthmatics is minimal and marginal.

Mr. Speaker, Dr. C. Everett Koop joins us in an attempt to block the EPA and FDA from embarking on this rule that will have devastating consequences to those who suffer from asthma. Thirty million Americans suffer from asthma. Thirty million Americans need this vital medication. Thirty million Americans asked the EPA and FDA to relax this idea and not institute a ban and allow medical science to prove that when we do have adequate medication available, we will then take those products containing CFC off the market.

NAFTA DOES NOT KEEP ITS PROMISES

The SPEAKER pro tempore (Mr. THUNE). Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, they are your typical working family, husband, wife, two kids. Both parents work in an auto plant, but they are still having trouble making ends meet.

They dream of moving into a little nicer home and providing an education for their children, but it is hard to get ahead when they only make $40 a week apiece, barely enough to put food on the table and keep their kids in clothes.

Rafael and Felicia Espinoza work for a large multinational corporation in a maquiladora plant in Reynosa, Mexico, across the border from McAllen, Texas. They make 90 cents an hour. For them, as for thousands of American workers with whom they compete for jobs, NAFTA, the North American Free Trade Agreement, is a series of broken promises.

I sat with Rafael and Felicia last Thursday afternoon in their ramshackle home in one of the hundreds of colonias that have sprung up around Reynosa in Mexico. They have no electricity, no running water. They have a propane tank to fuel their cooking stove, and they have hooked up a cheap little television to a car battery.

They told me their roof leaked. They said they suffer in the winter because the house is poorly constructed. As we talked, their children, happy as most children are when they have loving parents, ran barefoot on the dirt floor. Rafael is a proud man, but he worries about the future because a kilogram of chicken costs up to 30 pesos, about 10 percent of his weekly wage.

NAFTA has failed Rafael and Felicia in part because the Mexican Government refuses to enforce its labor laws. Companies under Mexican law are required to distribute 10 percent of their profits to their workers. Needless to say the Espinosas and their coworkers have yet to see a peso of these profits. The American company claims that it has no profits from its Mexican operations, which they say operates as a cost center, not a profit center.

The NAFTA side agreement on labor has been no help to the Espinoza family. Indeed, they have seen other workers lose their jobs by trying to form an independent union to replace the company controlled syndicate, leaders of which have been known to inform on the reformers.

They are undaunted. ''I am going to continue going forward,'' Rafael said in Spanish, all the while looking straight at me. ''There is no law that says it is a crime to have a real union. Even if they fire us, we will continue fighting until we have a union that will wake up and defend our rights under the law.

''The company says it is losing money, but we know it is not. We need the maquiladoras because of our terrible necessity to be working, but they are taking advantage of us for their own interests. We know the company does not want bad publicity, so why is there such injustice? I am not afraid,'' he continued, ''on going forward for myself and my family for my children. We will not quit.''

A neighbor, Rita Gonzalez, earns about a dollar an hour. Out of her $40 weekly paycheck, her employer deducts $9 for a very small stove which she proudly showed off in her tiny home, one-quarter of her paycheck for the next 52 weeks for an appliance that would not cost $200 in the United States.

While the Gonzalez family was lucky enough to have electricity, they have no running water and no indoor plumbing. Her brother-in-law, who is 25, suffered nerve damage to his face. They think it is because he worked around massive doses of lead at this American company doing business in Mexico, this American company, of course, which does not use lead in its operations in the United States.

The NAFTA agreement has failed utterly to keep its promises to Rafael and Felicia and Rita and thousands of Mexican workers. They have no effective representation in their workplace. NAFTA has failed to keep its promises to thousands of working American families. They cannot be expected to compete for a dollar an hour. And it has failed to keep its promise of a cleaner environment. The border is a disaster area of polluted water and chemical poisons.

A trip to the border exposes almost immediately NAFTA's broken promises. And those promises should be kept before we rush headlong into another trade agreement that punishes workers on both sides of the border.

The SPEAKER pro tempore. The Chair will entertain further 1 minutes at this point.

PAYCHECK PROTECTION ACT

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, yesterday 158 colleagues joined me in a bill that I introduced called the Paycheck Protection Act. This legislation was introduced to address a problem that occurs throughout the country and is a shame when we begin to think about it. It is a problem that not many people know about, except those individuals who are hard-working wage earners throughout the country who happen to belong to labor unions.

Mr. Speaker, what labor unions are able to do in America today is skim off a portion of workers' union dues and put that cash toward political purposes to support candidates which the wage earner may, in fact, not support, and they do this without securing the consent of the worker who earns the cash in the first place.

Mr. Speaker, that is what the Paycheck Protection Act is all about and designed to help, those hard workers throughout the country who are union members who believe they ought to have some say in where their political cash goes, which kind of candidates they might decide to support, and which kinds of political causes they identify with.

Mr. Speaker, it is an interesting battle that is about to begin here in Congress over the Paycheck Protection Act. This is an issue that divides the labor bosses from the rank-and-file union members. The Republican party stands firmly behind rank-and-file union workers, and we hope to get this legislation passed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MERGERS AND LOGJAMS ON THE RAILROADS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, as ranking member of the Subcommittee on Railroads, I want to talk a little about the problems that I believe many Members, particularly western Members, are going to be hearing about, if they have not already, and those are the increasing tie-ups in the Union Pacific lines dealing from the recent merger of Union Pacific and Southern Pacific.

In some ways it is estimated, if continued under the present direction, this could end up causing as many problems to our economy as the UPS strike. There are many reasons for this. The purpose of my talk is not to point fingers but mainly to look at what are the causes and, more importantly, what can be done about them.

Mr. Speaker, there are many reasons, but basically it stems from the takeover of Southern Pacific by Union Pacific, two large railroads now having to merge their operations, and the logistics have proved to be overwhelming in some cases.

The Wall Street Journal yesterday estimated that there are 10,000 railroad cars a day stuck in limbo; 300,000 cars normally operating under UP and SP have now grown to 340,000, further increasing the congestion.

What has compounded the problems, the slowdowns in deliveries, in some cases the nondeliveries for many days, if not weeks, what has compounded the problem has been the oncoming Christmas season as many manufacturers try to get their products to market.

Also, the predicted good harvests in the Midwest, the fact that the chemical industry has had a good year, particularly along the Gulf Coast, as well as the plastics industry, all of this has overloaded a system that was going through significant transition.

Union Pacific reports some good news, that on September 1, where there were 145 trains a day caught on sidings, that number has been reduced to over 90. However, the speed at which trains have been able to move now has been significantly reduced. That, in turn, means they have to use more locomotives, more crews, to get trains to where they are supposed to go. All of this has resulted in significant economic hardship and could result in more.

Mr. Speaker, the Surface Transportation Board will hold oversight hearings. This has implications for my State of West Virginia because, of course, while we are not a Union Pacific service area, we do have a merger under consideration, an acquisition, as Norfolk Southern and CSX have applied to the STB to take over Conrail.

There are obviously significant differences. Here we are not having one system completely take over another, but at the same time this should be a warning to the Surface Transportation Board and to those who will be involved in that process, the shippers, the consumer groups, and others, to look carefully at this.

Members should be aware that there are significant issues at stake here. What is it exactly that the Federal Government could be doing today, if anything, to improve the situation? How do we deal with this logistical snafu? Also, the adequacy of the Surface Transportation Board.

This body will be renewing and reauthorizing the Surface Transportation Board next year. Is the staffing adequate to do a number of different functions, to review a merger that is presently before the board such as the Conrail-Norfolk Southern-CSX acquisition or merger, and also to review past mergers such as the Union Pacific-Southern Pacific merger in which there is a 5-year ongoing review period? Is there adequate staffing and resources to review pricing issues and also abandonment issues?

This Congress is going to get firsthand a laboratory experiment that it can view in terms of how UP, SP, and the Surface Transportation Board all work their way through this.

As I say, it becomes important because now the Surface Transportation Board has in front of it another significant merger, this one in the East, unlike the one in the West with Norfolk Southern, Conrail, and CSX. There are some similarities, and yet there are also some great differences.

I do urge all shippers and consumer groups and others who might be involved to look closely, since it is presently in the public comment period, about what role they want to play, because what we are learning today is that once this merger is done, we cannot put the genie back in the bottle and we cannot undo it.

It is important that all parties in this situation of Union Pacific, Southern Pacific, Burlington Northern, Kansas City, and the others, be involved in helping resolve the short-term economic problem that is being caused, logistical problems that are being caused, and then look to see how they can be avoided in the future.

It is very likely that when the Congress comes back in another week, Mr. Speaker, there are going to be significant rail issues before it. Amtrak reauthorization will be one, perhaps the Amtrak PEB, but certainly we need to be paying attention to this as well.

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The SPEAKER pro tempore (Mr. THUNE). Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO THOMAS R. BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. RODRIGUEZ] is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to honor Mr. Thomas R. Brown, Chief of Recreation Therapy Service at the Veterans Administration Medical Center in San Antonio and national advisor to the National Veterans Wheelchair Games, for receiving the 17th annual Olin E. Teague Award for outstanding work with disabled veterans. The Teague Award, named for the late Texas Congressman Olin E. ''Tiger'' Teague, is given once a year to the VA employee or group of employees whose work benefits veterans with service-connected problems.

Mr. Brown has been involved with recreational therapy at the VA since 1976. A world-class athlete in his own right, he served from 1986–89 as Chairman of the VA's National Sports and Recreation Committee, which oversees the National Veterans Wheelchair Games, the Disabled Veterans Winter Sports Clinic, the National Veterans Golden Age Games, and the National Veterans Creative Arts Festival. Each year, these events inspire thousands of veterans to get out of the hospital and be active and competitive in the community. Mr. Brown continues to serve as national advisor of the Wheelchair Games, which he helped found in 1980.

Mr. Brown's work in the daily therapy of veterans at the VA Medical Center and his leadership in organizing events for disabled veterans at the national level serve as an inspiration, not only to disabled veterans, but to all of our citizens. In dealing with those who have

suffered injury while in the service of our Nation, Mr. Brown stands as a beacon to take the road less traveled, and we commend him for his initiative and industriousness.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, as an American citizen concerned about our Nation's children and as a member of the Missing and Exploited Children's Caucus, I have always admired the work of the National Center for Missing and Exploited Children. This organization, among numerous other tasks, works in cooperation with law enforcement agencies to help locate missing children.

Regrettably, I had the opportunity to see this process firsthand during the August recess. I received a phone call in my eastern North Carolina district office from the parents of a young girl who was missing. I telephoned the National Center for Missing and Exploited Children and was relieved to hear that the center was already working on the case.

Although the following days must have seemed like years to the young girl's parents, the center worked efficiently with the Lenoir County Sheriff's Department and other law enforcement agencies to locate the missing girl. I am pleased to report that those parents got their daughter back safely. The young girl was returned to them as a result of the hard work of the National Center for Missing and Exploited Children and their cooperation with local law enforcement.

Unfortunately, not all parents with missing children see this positive outcome. Each year more than 4,600 children are abducted by nonfamily members. It pains me to say that 800 of these abductions end in murder.

The good people at the National Center for Missing and Exploited Children and a number of law enforcement agencies respond to reports of child abduction quickly, but saving each child is too often impossible. For this reason, the organization not only helps to locate missing children but it also works to raise public awareness about ways to prevent child abduction and exploitation.

Mr. Speaker, America's children are the future of this Nation. I cannot emphasize enough the importance of protecting them from the many dangers that unfortunately exist in today's world.

I would like to take this opportunity to thank the National Center for Missing and Exploited Children and law enforcement agencies throughout America for their hard work and dedication, not only in the case I just spoke of but in their efforts to protect all of our Nation's children. If we all continue to work together, I am confident that we can make the world a safer place for our children.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. ENGLISH] is recognized for 5 minutes.

[Mr. ENGLISH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington, Mrs. LINDA SMITH, is recognized for 5 minutes.

[Mrs. LINDA SMITH of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

BROKEN PROMISES MADE TO UTAH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, many of us know that Utah was not too happy on September 18, 1996 when the President of the United States went safely to the South Rim of the Grand Canyon and declared 1.7 million acres a national monument. The President failed to talk to the governor, Senators, Members of Congress, including one from his own party, and did this thing.

Well, we talked about that this week and a bill went through to try to make sure that does not happen again. I commend my colleagues on both sides of the aisle for helping us out on that issue.

But the part that was not mentioned and that I think is very interesting was a promise that was made by the President on the South Rim of the Grand Canyon. I quote:

> I will say again, creating this national monument should not and will not come at the expense of Utah's children. Today is also the beginning of a unique three-year process to set up a land management process that will be good for the people of Utah and good for Americans.

What is he talking about? What he was talking about is buried in this thing, the largest supply of compliance coal in the world, over a trillion dollars, trillion with a T, and that money, over a billion or so, would inure to the benefit of the education of the children of Utah.

Mr. Speaker, we are still looking for that to be set up. That was an election year promise. I thought it was interesting. He went on to say: ''And I will now use my office to accelerate the exchange process.'' However, that has been 371 days. It would only take an hour of his time to fulfill that promise, but it has never, never, never, never occurred.

I feel a little bad about this.

I will say again, creating this national monument should not come at the expense of Utah's children who just lost a billion dollars on this in royalties.

Now, Mr. Speaker, I think that is interesting. Now we find the thing the other day, that the President of the United States used the line item veto, and he had the right to do that. I have no problem with that, but I sure wish he would talk to the Department of Defense. I sure wish he would talk to the people of Utah.

Because we had another interesting thing happen on June 16, 1995. In Budapest what happened is they stood up and they made the statement, they said 2002 Winter Games will go to Salt Lake City, and America is euphoric, we got the Winter Games. The Governor of the State stood up. And then we got a call. It was on nationwide TV. And who was it? It was from the White House. What did he say? ''Truly, Salt Lake City offers the Olympic family and the people of the world an ideal place to enjoy this peaceful gathering of the world's champions.''

He went on to say: ''I want to congratulate Salt Lake City on their successful pursuit of the Olympics in 2002. This will be an historic event. It's a great event for Salt Lake City. It's a great event for the western part of the United States.'' It is a great thing for the United States of America, and we had the entire support of the Federal Government behind it.

So we went with that. We moved out. We started working on an Olympic village, and part of making this Olympic village would be moving 11 acres from the University of Utah and turning it into an Olympic place for all the world's athletes to come, and they could have nice, new facilities as they compete. And the world, 3 billion people at a time, watches the Winter Olympics.

Gosh, Mr. Speaker, do my colleagues know what happened? He vetoed it. I mean, this was the thing, just like what happened on the $1.7 million promise to the children on education. Another promise to take care of this, and vetoed. Sure would have been handy if we just had a phone call. We could have explained to the President.

The Salt Lake Tribune, the largest newspaper in Utah, in its editorial called it a veto in the dark. I think that says it, because no one was alerted, and out of that, back to point zero.

Well, Mr. Speaker, I do not know where we are going to put all these athletes. I hope somebody can think of something. Possibly there are some World War II tents out there. We can put them out on the west desert, maybe bring in some facilities for them. I sure hope somebody with the vision and planning ability can see how to do this.

It is surely difficult to run a State and run a country when we do not think about it, when we veto things and make hollow promises.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

[Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

IMPRISONED CHINESE PASTOR XU

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, now and then an occasion will occur to shatter our complacency, stir our indignation and seize us with outrage. Too often we take our priceless freedoms in America for granted, but a recent event in China symbolizes the stark contrast between liberty and tyranny.

On September 25, a court in China sentenced Pastor Xu Yongze to 10 years in prison. Pastor Xu, the leader of a movement of more than 3 million Christians in China, was charged with the so-called crime of disrupting public order.

Mr. Speaker, this charge would be laughable were it not so cruel. Pastor Xu is often described as the Billy Graham of China, and he is one of the most well known and widely respected pastors in China.

The Communist authorities first arrested him back in March and engaged in a vicious smear campaign. Their propaganda described Pastor Xu as an evil cult abettor who plays evil tricks on his parishioners. In reality Pastor Xu is a sincere, devout believer who only seeks to serve his Lord and spread the gospel. We have seen this so many times in Communist countries, whether it be Cuba or Nicaragua or Russia, but it is particularly gruesome in China.

Persecution and imprisonment are nothing new for Pastor Xu. In 1988, on the day before he was scheduled to meet with Dr. Billy Graham in China, Pastor Xu was arrested and spent the next three years in prison. Following his release, he courageously resumed his ministry activities.

Reliable reports indicate that Pastor Xu has been beaten and tortured while in prison, and from what we know of the heinous conditions in China's prison labor camps, I fear that his treatment may only worsen.

Mr. Speaker, I believe in a comprehensive, balanced and sophisticated approach in American policy towards China. I believe in trade engagement, a patient dialogue with China. But I also believe in liberty and justice. The time has come to speak out with force against China's outrageous assault on Pastor Xu, human dignity and religious freedom. The values that America stands for and my own conscience demand nothing less.

Mr. Speaker, I have no doubt that my words today may upset some members of the Chinese government. Let me tell my colleagues, I do not care. Let me remind them that I and many others in America have been very patient, and our patience has worn thin, worn very thin.

In May, I quietly wrote to the Chinese Ambassador to politely express my concern over Pastor Xu's arrest. He remained in prison. In June, I led a bipartisan coalition of 44 of my colleagues in writing to President Jiang Zemin, further politely expressing our concern about Pastor Xu. Again, he remained in prison, and we never even received the courtesy of a reply.

In July, August and September, I sponsored and encouraged quiet discussions with Chinese officials about Pastor Xu's situation. Not only did Pastor Xu remain in prison, but the Chinese regime has now given him a 10-year sentence, which I am told is the harshest sentence handed down to a Christian in China since 1982.

Meanwhile, Mr. Speaker, President Jiang Zemin will be arriving in the United States in just a few weeks. I really look forward to the Chinese President's visit. I believe it presents me with an opportunity for dialogue, strong dialogue, and cooperation on issues of mutual interest and concern to the United States and to China.

But I must say, Mr. Speaker, that I am so upset and puzzled by this horrific sentence on such contrived charges that were given to Pastor Xu. Such brazen disregard for American concerns causes me to question China's commitment to a positive, constructive relationship with the United States. As China modernizes its economy, refines its political system and seeks to fully participate in the marketplace of nations, I frankly do not understand why its leadership continues to insist on persecuting innocent people of faith.

I guarantee my colleagues, I personally will make sure that President Zemin's trip here to the United States will not be a happy one.

So, Mr. Speaker, China finds itself at a crossroads. Pastor Xu has been sentenced, but reports indicate that his case may come up for appeal. On the eve of President Jiang Zemin's visit, I believe that the Chinese government has a valuable opportunity to demonstrate its commitment to the rule of law and to positive relations with the United States.

As Pastor Xu's case comes up for review, I believe it would be a very meaningful gesture if the Chinese government were to guarantee that Pastor Xu's constitutional rights are respected, that his personal welfare is ensured, and his situation is favorably resolved.

Mr. Speaker, let me close by simply quoting an earnest plea from Pastor Xu's son:

> Dear friends, I hope that you can help my father. For God and for the church he has sacrificed all that he had. The church in China needs him.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. CRAPO] is recognized for 5 minutes.

[Mr. CRAPO addressed the House. His remarks will appear in the Extensions of Remarks.]

BREAST CANCER LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. MCINTYRE] is recognized for 5 minutes.

Mr. MCINTYRE. Mr. Speaker, today I wish to address an issue of extreme importance to all women in American society, breast cancer. As the most commonly diagnosed cancer among women, breast cancer is the second leading cause of cancer deaths among American women. The impact of this disease cannot be overstated. This year alone over 180,000 women will be diagnosed with breast cancer and 43,000 will die from it.

In a nationwide attempt to raise awareness about this problem, this deadly disease, the month of October has been designated as Breast Cancer Awareness Month. And October 17, next week, has been named National Mammography Day in an effort to encourage women to get mammograms and to make sure that they are joined in the fight against this deadly disease.

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I am joining many of my colleagues in the House, both here in Washington and other concerned citizens back home in southeastern North Carolina, in making sure that National Breast Cancer Awareness Month and National Mammography Day are used as an opportunity to push for the consideration of two bills that have been pending for too long here in this Congress. It is time for these bills to come out of committee, it is time for this Congress to take a stand in fighting a deadly disease that day in and day out is taking the lives of too many women, young, middle aged and old, in our society.

The Breast Cancer Patient Protection Act would end the practice of drive-through mastectomies, and the Reconstructive Breast Surgery Benefits Act would require health insurance companies to provide coverage for reconstructive breast surgery resulting from mastectomies.

Finding a cure for breast cancer is essential, but until it arrives we must address the vital importance of early detection, treatment and recovery from this deadly killer. It is time to take action, it is time to stop the talk and to get on with the walk to walk toward a recovery of this dreaded disease and do all that we can to get these bills out of committee and on this floor and voted on so that our women in this Nation can receive the help they need against this deadly killer. We can and should demand no less.

FAST TRACK LEGISLATION AND THE FUTURE OF AMERICA'S TRADE AGREEMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, before I begin my remarks on fast track legislation this evening, let me congratulate the Fighting Elephants in their victory over the Dunking Donkeys last night in the congressional basketball game. It is a biannual game that we have at Galaudet University, which is the national university for the deaf and hearing impaired. We raise money for that school, and we thank all those on the staff of the Congress and Members who came out. We had over 40 Members participate.

We also thank the Speaker for his participation and for the singing of the National Anthem with the Capital Four. It was a wonderful part of the evening.

Mr. Speaker, I want to talk today about fast track. Last spring a little girl from Michigan, named Lindsay Doneth, was rushed to a hospital with a fever of 103. Her lips were bleeding, she was nauseous and she had sharp pains. As Lindsay screamed in agony, her mom and dad sat by her hospital bed unsure whether their 10-year-old would live or die.

Doctors said Lindsay had contracted hepatitis, a potentially deadly blood disorder. And she was not alone. Area hospitals were being flooded with her classmates from Madison Elementary School. Fortunately, Lindsay and the other students survived the outbreak. Today she and her classmates are back in class. As it turns out, all 179 of them had eaten contaminated Mexican strawberries in the school cafeteria.

Now, I tell this story today because it relates directly to the most important issue Congress is now debating: Fast track and the future of America's trade agreements.

Now, some might ask, well, what is the connection here? What do Mexican strawberries and sick children in Michigan have to do with our Nation's trade policies? Absolutely everything. Every day some 10,000 Mexican trucks line up in the sweltering heat waiting to cross into the United States, honking their horns as the traffic barely crawls forward. I have seen it down on the border.

Overburdened customs inspectors have to wave most of them through because they only have time to check about 1 percent. They call this the wave line down there. They just send the trucks on through. So how many go without inspection? More than 3 million trucks a year. Three million.

Unfortunately, under the NAFTA agreement that was signed into law almost 4 years ago, it prevents us from increasing inspections at the border. Under section 717 of that agreement, searching more diligently for pesticides, toxins, parasites and infectious disease could be considered a constraint, or I should say a restraint of trade.

And it is not just tainted food that is slipping into the country. According to the Drug Enforcement Agency, 70 percent of the cocaine entering the United States now rolls across the Mexican border. One former DEA official called NAFTA, and I quote him, a deal made in narco heaven.

Now, I know that some of my colleagues are thinking to themselves and saying, ''There goes DAVID BONIOR again, attacking NAFTA.'' And it is true I have attacked NAFTA over the years, and for good reason, but my remarks this evening are primarily about the future and about how we can avoid repeating the mistakes of the past.

I bring the case of Lindsay Doneth and the contaminated strawberries only because it raises a critical issue in this debate on fast track. Will the trade deals we negotiate promote rising living standards at home and abroad or will they lead to a downward spiral of dangerous food, of dirtier environment, and of lower wages and benefits?

Let me emphasize here that I believe cultivating healthy trade relationships is critical to America's future. But our prosperity will depend not just on the quantity but the quality of that trade. That is why we must negotiate strong and sensible trade agreements.

As an analogy I sometimes compare foreign trade with a wild horse. With a bit between its teeth, the reins in our grasp, and a firm sense of purpose, we can harness the power and ride it where we want it to go. But if we fail to assert ourselves, we run the risk of being thrown and trampled and left behind.

And so I pose the following question: Will our trade deals carry us into the future or drag us into the past?

At stake in this debate is nothing less than the safety of the food we eat, the water we drink and the air that we breathe. At stake in this debate is the safety of our factories, the stability of our farms and the economic security of working families everywhere. And at stake in this debate are the very values that give our economy strength and our democracy meaning.

There are those who denigrate such talk. They dismiss it as mere idealism. Almost derisively they ask, are these issues really related to trade? And without a doubt, the answer is yes. The world has changed, and the people who would segregate health and safety and the environmental issues during trade negotiations fail to grasp the new reality of this global economy.

Those pushing fast track see trade only in two dimensions, like the flat dusty pages of an accountant's ledger. Like those who scoffed at Columbus for claiming the Earth was round, they cling to the old notions that no longer apply to a modern world. With a lot of talk about the 21st century, they are pulling us back to 19th century conditions: Lower wages, weaker consumer protections, and a dirtier environment. I call that the past masquerading as the future.

Four years ago, when we debated NAFTA, its supporters made some pretty big promises. And today, as we consider fast track negotiations to expand NAFTA to other countries, it is incumbent upon us to review the impact that that agreement has already had. So let us look at it for a second.

In 1993 NAFTA supporters promised that the agreement would generate hundreds of thousands of new jobs. They were wrong. According to the Clinton administration's own assessment, NAFTA-related exports have generated somewhere between 90,000 and 160,000 new jobs. And they quietly say that the agreement has had a modest positive effect on the U.S. economy.

But those figures do not account for nearly 150,000 Americans who lost their jobs as a direct result of the agreement. That figure comes from the Labor Department, and it only includes those workers who received health under NAFTA's narrow trade adjustment assistance program. Other estimates of NAFTA job-related job losses run much, much higher. The Economic Policy Institute issued a report last month that indicated NAFTA has cost nearly 395,000 American jobs.

Whatever the exact figure may be, the Labor Department found, this is our own Government, they found that two-thirds of Americans who lost their jobs due to foreign trade end up with work that pays less than they earned before. Two-thirds of the people. Now, I do not call that progress. I call that slipping backwards.

In 1993, NAFTA supporters promised that the agreements would generate higher wages on both sides of the United States-Mexican border, and they were wrong. Mexican wages along the border dropped from $1.00 an hour, as abysmal as that is, to 70 cents an hour, according to the International Monetary Fund. And tragically that is despite the fact of a 26-percent increase in Mexican productivity over the past 3 years.

So the Mexican workers are working harder, they are producing more, they are more efficient, things are increasing by 26 percent, and they are getting paid 70 as opposed to a dollar when NAFTA was first established.

All this is putting downward pressure on wages here in the United States, affecting our own workers. Last year a Cornell University study found that 62 percent of U.S. companies have used the threat of shutting their doors or moving abroad to hold down wages and cut back benefits and undermine collective bargaining here at home.

Now, imagine that. Sixty-two percent of our companies go to the bargaining table with their workers and say, listen, if you do not take a cut in

wages, if you do not take a cut in benefits, we will shut the doors, or we are moving south to Mexico.

One Michigan factory even loaded an entire assembly line on a flatbed truck, put it in front of the company with a sign that read, ''Mexico transfer jobs.'' The workers got the message very soon, and soon they dropped their push for union representation and a better contract. So it is intimidation, not good faith bargaining, and that apparently has become the coin of the realm.

In 1993, the NAFTA supporters promised the agreement would help boost American exports. United States exports to Mexico have risen. But what NAFTA supporters will not tell us is that most of these are what we call revolving door exports. They come in, they come right back out. United States components sent to the maquiladora factories along the United States-Mexican border for a quick assembly by low wage workers, with no protections and no environmental protections, and immediately shipped back to the United States. They are not even there long enough to have a visa, if they were required to have one. They are just shipped, assembled and right back here.

Dr. Harley Shaiken, an economist at the University of California at Berkeley, found that such exports represented more than 60 percent of the products we shipped to Mexico last year. That is up by half from 1993. And our trade balance? Worse than ever. In 1993 we enjoyed a $2 billion trades surplus with Mexico. That is right before NAFTA. Four years later, after it passed, that surplus has become a $16 billion deficit. I do not call that progress. I call that slipping backward.

NAFTA, which was negotiated on a fast track, has been a self-destructive trade policy. It is one that enriches the economic elites and leaves working families poorer on both sides of the border.

Now, is this really, is this really the model that we want to replicate elsewhere in Latin America and throughout the world? Is fast track a process that we should repeat?

Let us take a closer look at the food safety issue.

Last week, and I encourage anybody who has not seen it, front page of the New York Times, they reported a dramatic rise in disease linked to imported foods, especially fruits and vegetables. Evidence suggest Lindsay Doneth and her Michigan classmates are but a few of the victims of poisoned produce.

In 1996, thousands of Americans fell seriously ill after eating tainted Guatemalan raspberries. The fruit was apparently contaminated with a parasite living in the water used to irrigate the fields. But when an American inspector informed the Guatemalan growers of the problem, the growers got angry. They banished our inspectors and accused the United States of trumping up the health issue as a way to protect California berry growers.

Gabriel Biguria, a leading Guatemalan exporter, called the United States complaint, and I quote, ''a very dangerous tool for protectionism.'' So when we stand on the side of making sure our kids do not get poisoned because they are eating contaminated vegetables or fruits, we are a protectionist. He said that protectionist forces find bugs or whatever to protect their market. It is a commercial war.

Now, I wish I could say that Guatemalan raspberries were the only threat to our health, but they are not.

□ 1900

Contaminated Peruvian carrots, Mexican cantaloupes, Chinese mushrooms, and the list goes on and on and on. The New York Times also reported that while food imports into the U.S. have doubled since the 1980's, inspections have dropped to less than half of what they were 5 years ago. No, I do not call that progress, I call it slipping backward.

As the former FDA commissioner, someone who has immense respect in his field in this country, and around the world, I might add, David Kessler said, ''We built a system back 100 years ago that served us very well for a world within our borders. We didn't build a system for the global marketplace.''

Because crops are, by necessity, exposed to air and water, the safety of the our food is closely linked to the conditions of our environment. I say ''our environment'' because polluted air and water respect no international boundaries; they do not follow the dotted lines on our maps.

When we debated NAFTA the last time around, its supporters promised environmental cleanup on a massive scale. In order to get the votes, they promised a $2 billion set-aside to clean up toxic sites along the border. Today, not even 1 percent of that fund has been spent and factories there continue to pollute at will.

I have seen the pollution along the border firsthand. I visited a field littered with used batteries. It looked like a moonscape covered in white powder, and lead was leaking into the ground right across from the region's largest dairy farm that served literally millions and millions of people. The cows were grazing not 20 feet from the poisons that cause low IQ's and aggressive behavior in children who drink their milk. I have seen Mexican mothers drinking from the same ditches used to flush out factory waste and domestic sewage. I have seen their children playing and bathing in it. It is no wonder birth defects are common in these slums.

The American Medical Association called the border area that I am describing to my colleagues right now ''a cesspool of infectious disease,'' and for good reason; a full 17 percent of Mexican children get hepatitis from contaminated drinking water.

To paraphrase Edward R. Merrill, this is an industrial harvest of shame along the border, an industrial harvest of shame, people living in subhuman conditions, all under our sanction.

In essence, NAFTA gives multinational corporations a financial incentive to relocate environmental regulations where they are the weakest, to locate where environmental regulations are the weakest. So why adhere to higher standards north of the border when they can move south and pollute with impunity?

When multinationals do this, they are just following the market incentives NAFTA negotiators set up, and then they are passing the hidden cost down to us. This sets off a race to the lowest common denominator. While multinational corporations might be able to avoid pollution standards, you and I will not be able to avoid the pollution that they produce.

That is because, as I mentioned earlier, polluted air and water and food do not stop at the dotted line on the map. We breathe it. We drink it. We eat it. A factory spilling filth in Juarez, Mexico, might as well be located in El Paso, Texas, whose residents breathe the same air and they pump the water from the same river as their Mexican neighbors.

So while the economy may not yet be completely integrated, the global environment surely is. And that makes pollution a bona fide trade issue, one with real economic and human cost. Recognizing that requires us to think about trade in a new way and to develop our trade policy accordingly. Addressing these issues in the so-called side agreements, executive orders, and other measures will not work. That was done during NAFTA, and it has not worked.

Last week the President addressed the issue of food safety by seeking to expand the power of the Food and Drug Administration and increase the number of inspectors. He proposed empowering the FDA to ban produce imports from countries which failed to comply with health standards.

Well, I respect his intent, but I respectfully suggest that such unilateral, reactive action divorced from our trade agreements would not be nearly as effective as a proactive negotiation with our trading partners.

By establishing a minimum standard in our trade agreements, we could work together to prevent potential problems from developing in the first place and avoid rancorous disputes down the line. We must adopt this proactive posture if we hope to preserve the standards of our parents and our grandparents and our great grandparents, the standards that they struggled to establish for us.

Just to review history briefly, and I think it is important to do that, we do not talk about history enough and what our folks did before us. Just remember that, at the turn of the century, industrial accidents were killing 35,000 American workers each year. An additional 500,000, a half million, were being maimed. It took a fire that

claimed the lives of 146 immigrant women locked inside the Triangle Shirt Waste Company to ignite a movement for workplace safety. And we got workplace safety standards.

Today, most Americans take their right to a safe workplace for granted. In the fall of 1913, some 9,000 Colorado miners and their families went on strike for an 8-hour day. To break the strike, the mining companies mounted a machine gun on an armored vehicle and dubbed it ''Death Special'' and sent it rumbling out to intimidate the workers. Fighting broke out. The strikers' tent colony was burned to the ground. Twenty-one people were killed, including 11 children. Today, most Americans take an 8-hour day for granted.

At the turn of the century, unscrupulous meat packers were selling carloads of rotten beef to a powerless public. It took Upton Sinclair's 1906 novel ''The Jungle'' to expose this deadly fraud and spark a movement for food safety.

And I could go on and on and on and talk about the movements, the sit-down strike in Detroit, Michigan, that helped create the unions that brought the largest and most bondable middle class in the history of the world in this country.

I can talk about what happened at Homestead in Pennsylvania with the steelworkers. I could spend 5 hours going over example after example of people who came before us who established with their heart and their guts the standards that we enjoy today, people who bled for, were jailed for, were beaten for, and some died for the rights that we so much enjoy.

Until recently, Americans thought they could shop at a supermarket without worrying about the safety of their food. They are not so sure anymore.

I cite these historical examples because I think it is vital to remember where we come from and the sacrifices previous generations made so that ordinary people might enjoy a decent standard of living.

As we approach a new century, these historic gains are being undermined. They are being undermined by powerful multinationals which have no allegiance to this country or any other, only to the bottom line of their quarterly earnings reports. But just as Teddy Roosevelt and the Progressive Movement rose up against the great industries that stomped like giants across America's economic landscape, we will not permit today's multinationals to trample our rights.

As citizens of the United States, we have a vested interest in developing a trade policy that provides market incentives, responsible incentives, responsible behavior on the part of everybody engaged in international commerce.

Fast-track supporters will argue that the United States cannot expect less developed countries to adhere to our standards. Well, they did not make that argument when they insisted on protections in NAFTA for intellectual property produced by major corporations like Disney and Microsoft. We should protect intellectual property. But we should also insist that Lindsey Doneth gets as much protection as Donald Duck. And right now, that is not the case.

Recognizing this requires us to think about trade in a new way and to develop our trade policies accordingly. I am not arguing that other countries must establish the exact same minimum wage as we have, not at all. But we know, we know from our history, that the living standards we enjoy, the consumer protections we rely on, the freedoms that we cherish, the rights that we claim, they just did not happen, and if we are not careful, they could disappear.

From the American Revolution, to the Civil War, to the battlefields of Europe, to the strawberry fields of Watson, CA, to the factories of Flint, MI, Americans have had to fight for opportunity and justice every step of the way. Nothing has been automatic. This should tell us something, that similar progress outside the United States will not be automatic either.

Unchecked market forces alone did not generate safer food, better wages, or a cleaner environment here in the United States, and unchecked market forces alone will not generate them abroad either. There are brave people struggling today for basic rights throughout Latin America, just as our ancestors fought earlier this century for the rights we enjoy in the United States. Our trade policy should help working people get ahead in life, not keep them mired in poverty as NAFTA does.

It has always taken some constructive countervailing pressure to ensure that free market benefits the broad majority, not just the economic elites. That is what the Progressive Movement at the turn of the century was all about.

Today, as the United States embraces a growing international market, our trade policy must help to provide that countervailing pressure, harnessing economic growth for the benefit of many, not just the few. And that is why we need to negotiate tough trade agreements, trade deals that include strong environmental labor and consumer protections, trade deals that promote prosperity and reflect our commitment to democratic values and a decent standard of living. It is not an either/or choice; we can do both. That choice lies in how we structure our trading relationships. America should be negotiating tough trade deals that harness the power of trade and reflect our commitment to democratic values.

Global trade is here to stay. The question is, what are the rules going to be and who is going to benefit? If we do not stand firm against the international tug of lower standards and lower wages and lower benefits and a dirtier environment, then nobody will. If we do not stand firm, all of us will pay the price and so will generations to come.

America must stand up for what is right, just as we have so many times in the past. We must point the way to the future. We must exercise what they call ''leadership.'' Those who support Fast Track often like to bandy that term about. ''America must be a leader,'' they say.

Well, I agree. But what they are proposing is that America lead a retreat to the past. What they are proposing is a policy that has already failed. What they are proposing leads us in the wrong direction. America needs a trade policy that helps build a better future. Hammering this out with our trading partners will not be easy. But that is what leadership is all about, convincing people of a better direction, not just following the comfortable ruts of the past. Leadership is about standing up for what is right, not about caving in to what is easy.

It would be easy to negotiate trade agreements that surrender hard-fought gains of this century, but that would be wrong. It would be easy to set aside the toughest trade issues for the sake of a quick agreement, but that would be sowing the seeds of our own decline.

Fast Track supporters claim that this process is necessary to land important new trade deals. But the administration has already negotiated more than 200 such deals without Fast Track.

Fast Track supporters claim that that process is essential if the United States hopes to boost trade with South America. But in the past year alone, our trade surplus with South America has doubled to $3.6 billion, far outstripping all of our rivals.

Fast Track supporters claim that this is a philosophical struggle, and they label me and my friends wrongly as protectionists. Well, to them I say, the old argument between protectionism and free trade, that died a long time ago. Ours is the debate about America's capacity to shape the future.

But I will tell them, and I will tell them with pride, that I do believe in protecting the air we breathe, I do believe in protecting the water that we drink, I do believe in protecting Lindsey Doneth and the children of America from unsafe food, and I do believe in protecting the American values that endowed our democracy with direction and purpose and spirit and with meaning.

So, as we approach the 21st century, I refuse to trade these away, on a fast track or any other track. America can do better, and we must do better. With a new progressive approach to foreign trade, one built on our democratic values, we can both honor our history and embrace our future.

Mr. Speaker, it is now my distinct honor to recognize and yield to the gentleman from New Jersey [Mr. PASCRELL], my distinguished colleague,

who has been a real champion on this issue and has been here late into the evening talking about this, educating our colleagues.

The gentleman from New Jersey [Mr. PASCRELL] has been a wonderful inspiration. We are just so honored and delighted to have him in the Congress. At this point, I would yield to him.

Mr. PASCRELL. Mr. Speaker, tonight I rise to discuss a matter of great importance to my district and to the Nation as a whole, the issue of the renewal of fast-track trade negotiating authority. This is first a consumer issue, second a jobs issue, and third a wage issue.

□ 1915

The previous speaker, the distinguished gentleman from Michigan [Mr. BONIOR], has clearly defined the parameters of this debate very differently than the administration.

As the debate moves forward, and as supporters and detractors of the measure voice their positions, I rise tonight for the purpose of clarification and to share the conclusions that I have come to regarding this important issue.

The President's measure seeks to extend fast track authority for 8 years. As such, it sets our national trade policy as we approach and then enter the 21st century.

No one doubts the fact that we do live in a global economy and that nations are more interconnected than ever before. No one doubts that if we are to retain our preeminent position in the world, we must lead from strength, both economically and morally.

For me, global leadership in the area of international trade means that fair trade should not be subordinated to the notion of free trade. We must trade with other nations on an equal footing and not sacrifice American jobs to those earning a lower wage, particularly when that nation has not yet achieved our level of social, economic and environmental development.

The proponents of fast track argue that the administration deserves this ability based on what they perceive as a successful NAFTA policy. They point to the creation of 311,000 new jobs. I take exception, and many take exception, to this figure and cite an alternative one documented which states that 600,000 jobs have been lost during NAFTA's first 34 months. In northern New Jersey alone where I live, statistics show that approximately 15,000 jobs have been lost since 1993. Many companies in my district, small machinery, apparel, textile, foot wear, specifically point to NAFTA as the proximate cause of the reduction in their business.

This leads me to my next point. Fast track is about jobs, but just as importantly, it is about consumer safety in areas like imported food; it is about the environment and environmental degradation; about labor rights and the viability of small businesses; and finally, it is about the consumers paying a reasonable price for goods. We should not lower our standards and sacrifice consumer safety and environmental protections and labor rights simply because we subscribe to the notion of free trade, which has proven to be a myth in the last 4 years.

Trade policy needs to be inclusive regarding these important elements, not exclusive. Labor and environmental provisions need to be in the core agreements, not in unenforceable side agreements which put our workers and our jobs at risk and in jeopardy. If we do not lead from the high ground, we will relinquish all that we have accomplished in our long process to achieve the society that we now live in, the greatest democracy in the world.

The argument that this fast track legislation represents forward progress rings hollow to my ears and to many of my colleagues. The facts and figures and anecdotes we are about to discuss will bear this out. We need a forward-looking trade policy, not one that looks backward.

Mr. Speaker, in the very short period of the last 3 years, the consumer in this country is now in a position never before, never before experienced, and that is, imported apparel to the United States of America is now 2.2 percent higher than domestic apparel.

Yet, when we look at these charts, we see that in imported apparel to the United States of America there is a retail market of 55 percent, compared to 50 percent in those domestic goods made here. Yet, when we look down lower to imported goods, only 1 percent of the total picture goes to manufacturing labor. In our chart to my far right, the domestic apparel takes up 15 percent for labor.

How can our workers compete against these figures? And yet, at the same time, our wives and our loved ones go into stores and pay much more for goods that are being paid for and manufactured for literally bowls of rice in certain parts of this world. This is not an open market, this is constriction. This is not helping the American consumer, this is hurting the American consumer. This is not creating jobs, this is hurting jobs in America. We need to stop exporting those jobs.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, my colleague makes a wonderful point here. What he is saying is that the wage being paid to workers in other countries to manufacture this apparel is one-fifteenth, if I am correct, of what was being paid to American workers to manufacture the apparel here.

Mr. PASCRELL. That is exactly what I am saying.

Mr. BONIOR. And yet, Mr. Speaker, those products when they come here have a price tag on them comparable to what the prices are here, or even more, so someone is doing very, very well.

Mr. PASCRELL. Very well.

Mr. BONIOR. It is not the worker here, because they are losing their jobs to people who are getting paid less there. It is not the worker there, in Mexico. As I pointed out, their wages have gone from $1 an hour to 70 cents an hour, despite the fact that they are producing 26 percent more. It is not the consumer that is getting the benefit, because the rates they are charging for this apparel are the same or even more when they come in here, so what is going on here?

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

Mr. BONIOR. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Speaker, the gentleman asked the question, and I think everyone knows the answer: Who is making the money? It is certainly not Main Street, it is Wall Street.

The gentleman and I certainly disagree on several issues, but I think people understand, throughout their districts across America, who is making the profits. It is very, very obvious that it is a quick kill, it is a quick buck. And regrettably we have too many people in this Chamber on both sides of the aisle, and in this administration and in past administrations, that are so concerned about their friends on Wall Street, so concerned about some businesses that might make a quick buck, that they forget all of the people that are getting crushed in the meantime.

It is something that concerns me greatly. It concerns me when we have the debate over China MFN, it concerns me when we talk about other countries. It seems to me that in this day and age, everybody is open to the highest bidder.

In a fireside chat F.D.R. made in 1938, he said at the end of his speech, and in the deepest, darkest time of the Depression, he said, ''My fellow Americans, things are bad, but at least we are having a financial crisis and not a spiritual one.''

I would say when we turn our jobs over to the lowest bidder across the world, be it in Mexico or China, or now in the areas that we are talking about going into, that we are having a crisis of the American spirit that F.D.R. warned about 50, 60 years ago. And despite our disagreements on other issues, I thank the gentleman for bringing this very important issue up.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his contribution. I think he has hit it right on the head.

The regrettable part of all this, of course, is that people look at the economy and the unemployment rates today and they say gosh, unemployment rates are down. But as we illustrated in our discussion just this evening, those 395,000 Americans who lost their jobs in the last less than 4 years as a result of NAFTA, according to the Economic Policy Institute, almost 400,000 people, what they did, they found other jobs, most of them, but two-thirds of them found jobs that paid less.

That is what we mean when we talk about downward pressure on wages, downward pressure. Because of the leverage that the multinationals hold over workers, the leverage because they can go to places like Mexico or Malaysia or other places and they do not have to adhere to these environmental standards; they do not have to adhere to any wage and safety laws; all of the things, as I said earlier, our parents and grandparents and great grandparents fought for and that we take for granted today.

Mr. PASCRELL. Mr. Speaker, before I yield to my colleagues, I just wanted to bring out something that both of my colleagues have mentioned, and that is in terms of wages. Just today in the papers in New Jersey, and that is in 1990, if one was making in the area of $44,000 to $45,000 a year, since that time, in that 5- or 6-year period that we have the statistics for, one's wages increased $104 in those 5 years. Anything below that, anything below that, and that means a lot of folks in my district, the Eighth District in New Jersey, the losses can be anywhere from $800 to $2,000. Those are astonishing numbers.

Now, we want and believe in trade, but we want our workers and our businesses to benefit. We have redefined the debate very significantly, because this is not labor versus business. Many of those who oppose fast track in my district own businesses and are very conservative, austere business people who are being hurt, and they understand what is going on very well.

So to define this as this against that, we are not going to accept that this time, are we?

Mr. SCARBOROUGH. And if the gentleman will yield again, the numbers, there is such a difference between those two numbers, and I think it illustrates very vividly that we can seek middle ground. I am a conservative, laissez-faire free trader, and yet, that does not mean we have to be dumb.

We can fight for fair trade, but for some reason, if we engage in this debate and say, ''Hey, wait a second, let us just make sure, maybe we will not have a level playing field with Mexico, let us just make sure we can at least get in the game,'' then all of a sudden we are attacked for being an isolationist or a protectionist or having our head in the sand and not understanding the realities of global economics in the 21st century.

I think they are setting up false choices and I think the numbers that the gentleman points out illustrate that vividly. We can find middle ground on an issue like this, but this certainly is not middle ground, this is extremism on the side of just blatantly unfair trade.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Florida [Mr. SCARBOROUGH] for his comments, and I thank the gentleman from New Jersey [Mr. PASCRELL].

A SCANDAL-RIDDEN ADMINISTRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 30 minutes as the designee of the majority leader.

The SPEAKER pro tempore [Mr. THUNE]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 45 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, I certainly appreciate the gentleman yielding me some time to discuss some very important issues regarding trade, and we certainly did find some agreement on that issue, and we have found agreement on several other issues.

One area, though, where obviously I have been in disagreement with several friends on the other side of the aisle and that many of us have found disagreement with many of the other Members on the other side of the aisle has to do with some of the horrifying, more horrifying aspects of the current campaign fund-raising scandal that is gripping the White House and actually forcing them to engage in a bunker mentality that is really bringing about some pretty devastating results, and I would say could possibly be causing a constitutional crisis.

□ 1930

I say that because this scandal reaches far beyond the walls of the White House. We found over the past several years, mostly from very astute reporting from The Washington Post and from The New York Times and from other media outlets, print media outlets that had to investigate this because, regrettably, the Justice Department has not been doing the job, we found some very, very shady activities going on between the White House, the Democratic National Committee, the CIA, the FBI, the National Security Council, the INS, possibly the IRS, the Office of the Presidency, the Office of the Vice Presidency, the Commerce Department, the Energy Department, and just about every other administrative agency across Washington, DC.

Mr. Speaker, what is causing a constitutional crisis is the Justice Department's apparent willingness to sacrifice its role as a fair and impartial observer of scandals that are swirling around the White House. In fact, in 1993, a more independent Janet Reno, the Attorney General, talked about the inherent conflict between the Attorney General and the President, saying that it was very hard for these two people to work together in investigations.

Maybe that is why The New York Times wrote just last week that Bill Clinton and Janet Reno could no longer be trusted to investigate these matters. Now we find the President's past chief counsel coming to the Senate this past week talking about these coffees. Now, I think most Americans have heard about the infamous White House coffees where the President would bring in donors, they would have a coffee, then they would sort of get shaken down, they would get the finances, and there would be a fundraiser on Federal property, then they would leave and give the checks to the DNC.

Well, it is very obvious that these were fundraisers. And, in fact, I hardly think there is a reputable member of the mass media or this Chamber that could tell my colleagues with a straight face that they were not fundraisers. But, unfortunately, the White House continues to underestimate the intelligence of the American people.

Mr. Speaker, a headline in yesterday's newspaper talks about Harold Ickes. ''Ickes insists coffees were legal,'' says the headline, ''testifies that the sessions were not fundraisers.'' The article says the following, ''Harold Ickes, the former White House aide who ran the Clinton-Gore reelection campaign, deflected questions from a Senate panel yesterday and insisted that the slew of Presidential coffees that raised more than $26 million were not fundraisers. 'There was no admission charged,' said Ickes. 'There were people who came to the coffees who never gave a dime.'''

Mr. Speaker, this strains all credibility. We know that $26 million was raised at those coffees. We also know that there is a Democratic Senator who, after investigating this, said that, yes, we Democrats have to admit that at least 103 of those coffees were fundraisers. Over 100 of the coffees were fundraisers. A Democratic Senator admits on the investigating panel, and yet Mr. Ickes claims with a straight face that these were not fundraisers.

There was a memo to the President of the United States talking about these fundraisers, explaining how they needed to have fund-raisers, more coffees, explaining how they needed to sell access to the Lincoln bedroom through fundraisers. Mr. Speaker, despite that, despite the fact that the President signed off on those memos approving fundraising coffees and fundraising sleepovers at the White House, they still come to us with a straight face and say they were not fund-raisers. How stupid do they think the American people are?

I think most telling though, and I am going to ask the gentleman from Indiana [Mr. SOUDER] for some clarification here, perhaps most telling is the fact that we had a White House that obstructed justice, in my opinion, and in the opinion of many other people, by refusing to turn over tapes that they had in their possession for 7 months.

Mr. Speaker, it is a tape scandal, and it smells an awful lot like the Watergate tape scandal of 20 years ago. But it is a tape scandal where they were asked to turn over the evidence, they claimed they did not have the evidence, just like the First Lady claimed she did not have billing records on

Whitewater issues and then they turned up mysteriously 2 years later.

So they did a computer check to try to find out whether they had these tapes or not. When they did the computer check, they checked under ''coffees'' and what did they find? 40 hits? 43?

Mr. SOUDER. Mr. Speaker, if the gentleman would yield, I think that they initially found 44, and now they found 140 allegedly under ''Democratic fundraisers.''

Mr. SCARBOROUGH. Mr. Speaker, reclaiming my time, but then The Washington Post editorializes, when they redid their search and typed in ''Democratic fundraisers,'' they came up with over 100 hits and over 100 tapes. So we get these tapes turned over, and what do we find magically? That the tape with John Huang, a central figure in this investigation, mysteriously has the audio erased.

Mr. Speaker, I think maybe they had Richard Nixon's secretary who erased 18 minutes or so of tape, possibly, 20 or 30 years ago working for the White House, because now we find that we have an entire coffee erased, and yet they come to us with a straight face and they say that these were not fundraisers.

It is absolutely unbelievable. So unbelievable is the charge that The Washington Post wrote an editorial earlier this week called, ''Giving faith a bad name.'' I have got to tell my colleagues, this is what is disturbing to me, a conclusion reached by The Washington Post, because as a student of history, as somebody who cites Harry Truman and Bobby Kennedy as two of my biggest heroes, I do not think it is in this country's best interest for us to have a failed presidency. It is not in my interest to have a failed presidency. It is not in anybody's interest in this Chamber to have a failed presidency.

I think even more dangerous for us is if we allow the entire system of the United States Federal Government to fail. If we allow this constitutional crisis to come and go with the President, the Vice President, and other Members of the administration being able to do the bait and switch on the American people, being able to engage in coverups, being able to engage in illegal activity and not at least be called on it.

This is what The Washington Post said earlier this week: ''The attitude of the White House towards telling the truth whenever it is in trouble is the same: Don't tell it.''

It is The Washington Post saying the White House's policy on telling the truth if it gets uncomfortable is to simply lie. That is not a lesson that I want my two boys to learn when reading American history.

The Post goes on to say, ''Don't tell the truth or tell only as much of the truth as you absolutely must, only if it helps.''

They go through a laundry list about the White House firing Travel Office officials in the first term, then they tried to get, and this is a direct quote, ''they tried to get the FBI to sign off on a press release suggesting that the firings had been a result of suspected wrongdoing.'' And why were they doing this? They were doing this because the President had a cousin and they had some friends in Hollywood and Arkansas that wanted to get the business. So when they got caught trying to divert business over to their buddies in Arkansas and Hollywood and to the President's cousin, they then pick up the phone, call the FBI, and try to pressure the FBI into saying these people were fired for wrongdoing. That is unbelievably shameful.

Yet, Mr. Speaker, I have yet to hear a Democrat in this House condemn that behavior. I have yet to hear a Democrat in this House once raise their voice in concern over the fact that later on this administration used Craig Livingstone to illegally seize 900 FBI files of their political opponents. I remember Chuck Colson being sent to jail two decades ago because he misused one FBI file. This administration illegally seizes and misuses 900 FBI files of average American citizens for their own political purposes, it was the President's political hit list, and yet nobody, not one person on the Democratic side raises their voice in concern.

The Washington Post continues: ''It's still not clear who may have taken what and at who's orders out of the Office of Deputy White House Counsel Vince Foster after he committed suicide and while the police were still investigating it in 1993. Whitewater prosecutors want some of Mrs. Clinton's billing records having to do with her work at the Rose Law Firm before coming to Washington. They cannot be found,'' says The Washington Post. ''Then miraculously turn up one day in a box on a table in the White House. Webster Hubbell is driven to resign as Associate Attorney General and before he is being sent to jail, he is being pressed by prosecutors to tell what he may know regarding the looting of a savings and loan at the heart of the Whitewater affair. Lucrative jobs are found for him, which prosecutors think may have been to keep him quiet.''

The Washington Post says, quote, ''First the White House says that no one there, including the President, even knew about the jobs. But then it turns out, yes, they knew, but, quote, 'The key thing is that with regard to the main job, neither the President nor his top aides had,' quote, 'any knowledge of Mr. Hubbell's retention prior to his being retained.' ''.

As to the campaign stuff, The Washington Post continues, this week, ''Their first reaction to the name of John Huang is to suggest they have never heard of him. That was before it turned out that he had visited the White House 78 times in 15 months.''

The Washington Post continues. ''Vice President GORE first said he thought the purpose of the fund-raiser he attended in a Buddhist Temple in California in 1996 was community outreach. When his recollection was refreshed by documents to the contrary'' says The Washington Post, ''he authorized an aide to say he had known the event was, quote, 'finance-related' and should have said the purpose was, quote, 'political outreach.' Later another aide said the purpose was donor maintenance.''

And then The Washington Post asks the question, ''Who thinks of these things?'' And the Post concludes, ''and they go on and on. They keep asking,'' the White House, ''indignantly, even a little petulantly over there where they are not believed as to why they keep putting out their successive version of the story. Can anyone really believe they do not know the answer and can anyone believe that this is on the up and up?''

Mr. Speaker, I have got to tell my colleagues when The Washington Post is writing things like this, when they write the attitude of the White House toward the truth is whenever it is in trouble, it is the same, ''Don't tell it,'' when The New York Times editorializes last week that you cannot trust the President or the Attorney General to investigate some of the most serious campaign-related charges in this republic's history, I have got to tell my colleagues, it causes me grave, grave concerns.

If we read through this and read what the Post says and read what the Times says and then say why is there not a single Democrat standing up other than JOE LIEBERMAN in the Senate, and saying that they have a concern? Is it because that maybe all of them are illegally profiting from this?

I mean, when the New York Times on Wednesday September 10, 1997, writes in its headline, ''Democrats Skim $2 Million to Aid Candidates, Records Show,'' this is very serious. Even their own donors are concerned. Even good Democrats across the country who have contributed to this White House and to these Members in Congress are being set up. One was quoted in the New York Times as saying the following: ''Whoever did this should go it jail. This is illegal, and they knew it.''

☐ 1945

This is illegal and they knew it. The Times said that was a Democratic Party contributor who requested that their name was not to be used.

We go on and we find out on the same day, Wednesday, September 10, that the chairman of the Democratic National Committee admitted arranging access for donors. In fact, the DNC chairman admitted that he arranged for an international fugitive to get into the White House.

Now, how did he do it? The first thing he did was he had a meeting with the international fugitive. The international fugitive said, ''I have this business deal, I want to get it through the White House.'' The international

fugitive goes to the DNC chairman, says, ''Can you get me in there?''

The DNC chairman writes on his notes of this meeting that he is having with this international fugitive, ''Go to CIA.'' It is that clear. He said, ''Call CIA Bob.''

The National Security Council in the meantime had an aide that said we should not be letting an international fugitive into the White House to meet with the President. But then the DNC chairman calls the National Security Council and says, ''Go ahead and let him in. We will have the CIA call you up and tell you that everything is okay.''

In fact the White House aide testified that she was being pressured to let this international fugitive in. She also cited Energy Department officials and the CIA during her testimony before the Senate hearing. She was quoted as saying, ''I was shocked. I said, what the hell is going on? Why are you guys working with Fowler?'' Who is the Democratic National Chairman.

Well, when we finally had the international fugitive come and testify before the committee, he admitted he got access by giving the Democrats money. And when he was asked if he had any concerns about it, he gave them $300,000, he said, ''Yes, I did have a concern. I think next time I will give $600,000.''

So what did the New York Times say about the White House using the CIA, using the NSC, using the Energy Department and using the Democratic Chairman to get an international fugitive an audience with the President of the United States so he could give them $300,000? The New York Times editorialized that the international fugitive actually was affirming that in the shadowy regions of the international business world it was believed accurately that during 1996 dubious entrepreneurs could buy White House audiences, particularly if they did not quibble about the cost of the ticket.

The Times went on to say, that so many high level people even took the party's role into consideration is one of the most shocking lapses of judgment. That is the New York Times, usually a friend of Democratic White Houses.

Then we go on talking about the Democratic National Chairman's selective memory. Remember, this guy had sat down with an international fugitive. The international fugitive wanted access to the White House but the National Security Council would not let the international fugitive into the White House. So the international fugitive goes to the Democratic Chairman, ''I am an international fugitive. I need to get into the White House. I got a friend at the CIA. Can you give Bob a call?''

So the DNC chairman says, ''Sure.'' Chairman of the Democratic National Committee, I guess he had contacts. He said, ''I will call the FBI or the CIA.'' So he calls the CIA. The CIA lets the international fugitive into the White House. They circumvent the NSC. International fugitive goes in.

And then when he is asked by the Senators what happened, he says, ''I have no recollection.'' Now, that is going around in Washington these days. I think if you mix water from Washington, normal tap water from Washington with a subpoena regarding the White House, it is an instant formula for amnesia.

And this is what the New York Times said about the DNC chairman who used improper contacts to get international fugitives into the White House: ''Yesterday's testimony yet again punctuates the fiction that abuses that occurred were solely the responsibility of the Democratic Party and not this White House.''

I will say one more thing, and then I will yield to the gentleman from Indiana, who has some great points about this. This is what the Democratic National Chairman wrote on a paper he had during a meeting with the international fugitive. He said, ''Go to CIA.''

Of course, the caption here says, ''Democratic National Committee Chairman Donald Fowler handwritten notes reminding himself to use the CIA to intervene on behalf of an international fugitive for Democratic Party fundraising.'' That is not New York Times language. That is my language on what ''go to CIA'' was all about. Go to CIA. Yet despite the fact he wrote this down, ''go to CIA,'' he claims he did not remember.

Let me tell you something, Mr. Speaker, I have got to say, if I am the chairman of the largest political party in the United States of America and I am approached by an international fugitive, first of all, I stop right there. Say, ''Sorry, bud, we are not dealing in international fugitives this election. You can try another party.''

But let us just say that we get past that. An international fugitive says, ''Okay, I have got this problem. So maybe I embezzled $3 billion from a Lebanese bank, but I have to get in to see the President because I have this pipeline deal and I think it is going to make me some good money. But I have to get in to see the President. Can you get me in to see the President?''

If I were the chairman I would say, ''What is the problem? Why can you not get in to see the President?'' Then if he said to me, ''Because the National Security Council committee staff member told me I could not get in because I am an international fugitive,'' I would end the conversation there. I have got nothing to say. Go on your way.

But he went on anyway. He said, ''I got this friend at the CIA called Bob.'' And so he wrote down, ''Go to CIA Bob,'' the Democratic Chairman did. And he called CIA Bob and he said, ''Bob, can you help this international fugitive get into the White House? He has got 300,000 to give.'' Bob says, ''Sure, no problem.''

So Bob calls the National Security Council and tells this do-good staffer that she really needs to let this international fugitive in to talk to the White House. And just for good measure they call an Energy Department official to lean on this do-good staffer who thinks, I guess in 1996 this was a radical thought, but who thinks that there is something improper about allowing an international fugitive into the White House to give $300,000 to lobby on another shady international deal.

Yet despite all of this, we have the chairman of Democratic National Committee going before the Senate panel and saying, ''I have no recollection.''

I think I would remember if I wrote down ''go to CIA on behalf of an international fugitive.'' I think most people in my district would remember that. I can remember the last parking ticket I got. I can remember the last speeding ticket I got.

This has nothing to do, my life is very boring. I have never had to try to get an international fugitive into the White House by circumventing the NSC or the using the CIA or the Energy Department. Maybe he lives in such a wheeler dealer international finance world that maybe this is all very boring and bland to him. But if it is, that is very disturbing to me.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. SOUDER]. Maybe this happens in Indiana. It does not happen in Florida.

Mr. SOUDER. You are jumping to the conclusion that that is the famous CIA. It could be a local agency. It could be a grocery store with those initials or something.

Mr. SCARBOROUGH. Commercial International Ant collectors.

Mr. SOUDER. I had a couple of points that I wanted to make. I hope we can take a little bit of time tonight to review our first day of hearings in our Committee on Government Reform and Oversight. But one of the things that you have already referred to eloquently a few times is this problem of the videotapes, in particular the missing audio on the most critical tape thus far that we know.

I wanted to read a little bit from an opening statement of the chairman of the Subcommittee on National Security, International Affairs, and Criminal Justice, when he was talking about the White House communications agency better known as WHCA. A clear picture is emerging and it has four distinct components: the utter lack of internal controls at WHCA, the problem of WHCA mission creep, the absence of accountability, and the disturbing pattern of White House obstructionism. Because it is most disturbing, I want to start with White House obstructionism we have encountered in this investigation.

Now, the reason I wanted to open with that, because I am vice chairman of this subcommittee, at the time this was Congressman Bill Zeliff's opening remarks. This hearing was over a year ago. The agency we are talking about,

WHCA, one of things we were raising a concern about, little did we know what we were up against here and why, was the White House Audiovisual Unit, with 111 personnel, which provides sound and light systems, lecterns, flags, seals and teleprompter support for White House media events. It also makes audio and video recordings of all presidential events for the national archives.

Now, we thought we were dealing, we had no idea that there were tapes of coffees marked supposedly as democratic fund-raisers in their own system. But these were the statements written a long time ago, long before we knew about these particular tapes.

Beginning in March 1994, the White House stubbornly opposed an audit as a potential breach of national security. When Congress pointed out that most of the information involved was not classified in any way, to my dismay, now that we have an audit report and are conducting hearings, the White House again is doing its best to obstruct and hinder these hearings by withholding witnesses and by altering testimony.

We had the person they sent change his testimony several times. The GAO did a study that said that one of the problems was a separation of the accountability of this division, which is funded by the Department of Defense, and control, which was under the White House, to the point of writing and editing the statements of the Defense people we had.

It is time for our subcommittee to have investigations where we call in the Defense personnel and say, where are the tapes? The tapes that were played on C-SPAN were clearly edited. They clearly were only short parts, key audio is missing.

Mr. SCARBOROUGH. If the gentleman would just say, what does it say on the tape?

Mr. SOUDER. ''Sorry, audio missing.'' In other words, even in their editing they showed part of a tape with John Huang, who in this case is the person who allegedly made the statements about fund-raising there, and miraculously, like the missing Rosemary Woods section in the Watergate tapes, it is gone.

We need to have immediate investigations into what has happened to these tapes because my impression, although we had a different impression at the time, was that what we were looking into, which was some purchases that were questionable and procedures in the WHCA office, that the reason the administration may have been stonewalling us long before this committee, the full Committee on Government Reform and Oversight ever looked at it, is they knew these tapes were in there and they have been stonewalling us long before March 4. They were stonewalling us way back to June.

One of the things I also wanted to point out tonight is that one of the concerns that we have had is what are the linkages. As we talk about today's first hearing, we are going to be dealing with little pieces here and there that are hard to understand in the big picture.

The big picture really has two parts. One is, has foreign money penetrated our system and what did we lose because that foreign money penetrated? And secondly, the other party keeps throwing up things, ''Dole did this.'' If Dole was President, first off, if anybody violated the law, they should be found guilty, as is the case with some people who contributed to the Dole campaign. If Dole was President, we would be asking questions of him. But nobody is even saying there is a fraction of the amount of money that dealt with the Dole campaign that is dealing with others.

When we looked, as I have pointed out, in the past at other scandals in American history, you do not say, this one or this one could have been, you look at what is in front of you.

We have a second problem, not just the foreign money but what else is for sale in our government. I want to give you the example of one case that I would like to insert into the RECORD, the full article. It has to do with the man who was recently nominated for Ambassador to Singapore.

He is a friend of Mark Middleton, who certainly has been involved in this and called, because Mark Middleton has been tied to the Indonesian Riady family who have given hundreds of thousands of dollars of questionable contributions to Democrats; to Charlie Trie, an Arkansas restauranteur suspected of funneling campaign money from China; and to disgraced former associate attorney and Clinton friend Webster Hubbel. He had been in the White House prior to this. Then post-White House he went on the payroll of Steve Green. Steve Green has been a long time friend of the President of the United States. He has been a fund-raising star for him, worked for Mack McLarty, a boyhood friend and right hand man.

He has given lots of funds to the Democratic Party, $11,000 at one point and others. He has slept in the Lincoln bedroom. He and his wife spent the night of their 28th anniversary in the Lincoln bedroom. If you are a friend of the President and you have given legal money, I am not complaining that you stayed in the Lincoln bedroom. We are a little concerned that there seems to be some tit-for-tat there, but okay, that is going to happen currently.

But it is really interesting because this man has several times asked for favors, which included Samsonite luggage, of which his conglomerate is a primary owner. He flew on three of the late Commerce Secretary Ron Brown's overseas trade missions. He also happened to sit with Ron Brown at the swearing in of the President last time. Furthermore, just recently, just recently the company that he heads, actually it is not just recently, it was about a year ago, they announced that Samsonite, which has an 80 percent controlling interest in Luggage Distributors of Singapore, has decided to expand into Asia and that Singapore is now going to be their launching point for expanding Samsonite.

I want to reestablish this point because this stuff gets confusing, but it is here and this is the type of thing we are looking for. I am not saying there is guilt here, but I am saying this is why time after time after time people are becoming suspicious. This man is a friend of Bill's. He stays in the Lincoln bedroom on his anniversary night. He gives $11,000 to the committee. He flies with Ron Brown overseas on several missions. He sits with Ron Brown at the inauguration. Then his company that he is working with targets Singapore and moves into Singapore. Now he is nominated for Ambassador to Singapore.

What do we have for sale in our country? It is one thing to say you gave to the President so we are going to give you an ambassadorship. We have had that problem for a long time. It would be nice if we could clean up our government that way. But usually we do not give ambassadorships to people who have direct business interests in the country they are about to head to, and what we have done is seen this system, which was marginal in the beginning, and I, for one, favor reform of the system, taken to a degree that we have never seen before. It is shocking.

Mr. SCARBOROUGH. It is shocking that we now have a White House that sells access not only to the Lincoln bedroom, not only fund-raises on Federal property, which is illegal, but allows business people who are trying to muscle in to a new market to get ambassadorships.

The thing is, I have heard about this moral equivalency that everybody does. That is the most cynical, cynical tack I think I have heard. Everybody does not do it. The Bush administration never sold access like this. The Reagan administration never sold access like this. You see piles and piles and piles of newspapers, independent newspapers, and the New York Times, the Washington Post, talking about unprecedented financial campaign abuses. Yet it is just their tack.

They talk about how we are somehow partisan. Yesterday in the hearing, the opening day of the hearing, they said we were evil, that it was a witch-hunt, that it was a fishing expedition, the same thing they were saying when they got frantic when we found out that they had illegally seized 900 FBI files of the President's enemy list about a year or so ago.

Another thing, they talked, yesterday, they are doing anything they can to change the subject. Yesterday in the opening testimony we actually heard that because we were investigating the President in that one committee, that children were starving and that children were freezing to death and going

homeless, because we wanted to do what the New York Times, the Washington Post, and every other reputable media outlet has said we should do.

□ 2002

One other thing. I started out talking about how I thought Ickes played us all for fools. I guess they think anybody between flyover space between New York, D.C. and L.A. are somehow hayseed fools, and a lot of them really do believe that, by the way. They are talking about how it is legal to raise money in the White House; that the Republicans are making something out of nothing and that the media is making something out of nothing.

I wanted to read to my colleague what was in Investor's Business Daily yesterday. This is a quote from the President's first counsel, Bernie Nussbaum, not a Republican loving man. Very partisan. This is what he wrote to the White House. And this was on July 12, 1993, well before all this mess started. So they were on notice. This was from Bernard Nussbaum to all the White House officials. ''A number of criminal statutes prohibits the use of Federal programs, property or employment for political purposes.''

Nussbaum went on to explain, ''This means that fund-raising events may not be held in the White House; that no fund-raising calls or mail may emanate from the White House or any other Federal buildings.''

Nussbaum went on to explain to the President and his people. ''No campaign contributions may be accepted at the White House or in any other Federal building.''

Maggie Williams did that. We find out now the President, the Vice President, the First Lady made official phone calls, made campaign phone calls from the White House.

And he concluded by saying, ''White House telephones must not be used even locally for regular committee activities such as recruiting volunteers or fund-raising.'' That was Bernie Nussbaum.

Judge Abner Mickva said the same thing a year later when he came on. He said it was very illegal. He said stay away from it or it is going to get you an independent counsel.

Mr. SOUDER. So if the gentleman will yield. What the gentleman is saying is that Vice President GORE, who was a member of this body and knew full well he could not use any Federal buildings for fundraising, had been through that here, and Vice President GORE had been a United States Senator and knew that he could not use Federal buildings for fundraising, was also told by two legal counsel at the White House that he could not do it? So he has ignored four warnings?

Mr. SCARBOROUGH. He ignored an explicit warning, as did the President, according to Washington Post reports. They ignored explicit warnings from their own attorneys: Do not raise money by making phone calls from the White House.

And, of course, we remember their first tact was, well, we cannot remember making calls; do not think we made the calls. Later on they said they did make the calls. The Vice President said he made the calls, he was proud of what he did, and he promised never to do it again. Of course, he had that pathetic legalistic excuse that there was no controlling authority.

But it is a shameful episode. They think Americans are stupid. While they obstruct justice, they think Americans are stupid. While they ignore the advice of their own counsel, they think Americans are so stupid, and they think that there are so many scandals swirling around this White House, that Americans will simply lose interest and turn on the baseball game. I do not underestimate the American people as much as the White House does.

I just wish they would have followed their own attorneys' advice. I remember the day we were first sworn in, even before then. It was the gentleman from California, Mr. BILL THOMAS, who talked to us in the Cannon Caucus Room, the entire incoming Republican class. What is the first thing he told us? Do not raise money on Federal property. Do not make fund-raising phone calls from Federal property. He said if we needed to do that, to walk across the street. It is illegal.

Our people were saying that, the President's attorneys were saying that, the Vice President's attorneys were saying that. Janet Reno cannot hide behind her legalistic excuse, cannot continue to politically obstruct justice for this White House. She needs to read the memo and the law that Bernie Nussbaum and the President's other attorneys read and expressed to the President and the Vice President 3 or 4 years ago.

Mr. SOUDER. If the gentleman will continue to yield, I ask if he could put my Charlie Trie picture up. We started today our first hearings that will be broadcast, I am not sure when, here on C-SPAN. In actuality, I have to correct myself. They are not going to be broadcast, because the witnesses invoked an old rule that says they did not want to be filmed. So we will see little bits and pieces and hear some in the news.

So I will tell my colleague briefly some of what happened. We started to put some of the pieces out there that we are going to focus on. And one of the big pieces is Charlie Trie.

And I wanted to acknowledge tonight that I actually have a colored picture, because we have had trouble and some criticism because we have had black and white and grainy pictures. This is a little grainy because this is from a magazine, because the White House does not want to send us color pictures of the President with Charlie Trie either.

So if we can get a clear photo, and if they can see fit to send us one, we will be happy to print it. But up until now these things are going to be a little grainy and I apologize. I am not trying to say they are criminals because they are grainy, I am saying they are not really cooperating very much.

Today we had Manlin Foung, Charlie Trie's sister, and her boyfriend, in what to me was pretty shocking testimony. In other words, usually people, when given $12,500, in the first case of each one, when they did not have it in the bank account and told to send it to the Democratic National Committee, they would think twice about that. And is it not even illegal to cut a check. They said they knew Charlie was going to get them the money right away. He had always been good before.

Furthermore, we saw another 10,000 come in that way. These are people who had never been to a political event, who did not know anything about politicians, who did not know what the Democratic National Committee was. But she was trustingly laundering money for her brother.

Furthermore, as it was brought out from numerous members' testimony, her name also appears with her sister and her mother, who have also never been involved before, in giving $2,000 checks, $1,000 each, one for primary and one for general election, all on the same date, to Senator TOM DASCHLE, minority leader of the other party. This is a web that is spreading farther and farther, and it is very disconcerting.

Interestingly, rather than express outrage and shock, the minority attacked the chairman, they attacked the hearing, they attacked the witnesses, they attacked the staff. And rather than seeking the truth, it seems to be to try to obscure the truth or to blame it on other people or say maybe this has happened before. This is shocking stuff.

We heard today the first connections, because while Charlie Trie set it up and called his sister, the money came from Antonio Pan, who is a former Lippo executive. What we are going to see over the next months, and we have another pending immunity proffer out to us from the Lums, who tie together and who have worked with Pauline Kanchanalak, they have worked with Charlie Trie, they have worked with——

Mr. SCARBOROUGH. These are all people that have fled the United States?

Mr. SOUDER. These are people that have fled the United States and will not testify. And we are having to get fairly small fish, documenting how their money is going through. And we know the Lums are the next step in this process.

Mr. SCARBOROUGH. Reclaiming my time for one second. All these people that have fled. How many have fled?

Mr. SOUDER. I believe between 25 and 30 that have fled and 60 that have pleaded the fifth amendment.

Mr. SCARBOROUGH. And the White House and Justice Department will do absolutely nothing, will they? Will not lift their finger to bring these possible

international fugitives to justice because of what it might do to the White House; is that correct?

Mr. SOUDER. And the quote that is on there, ''Trie bragged on NBC that he could continue to hide out in Asia for 10 years. They will never find me.'' He said. His sister today said that she talks to him when she needs to; that she had not had a direct conversation, but that there had been a discussion that when the statute of limitation runs out, he will come back.

And that seems to be the other mark of the way things are going. It is why this investigation is so hard. We will stay at this, but we could really use some help from the other side, rather than trying to say everybody does it, to get to the bottom of this.

One last point that came up today. Miss Foung said that she felt that Asian citizens had a right to speak out and they were being picked on. My comment to her was very simple. This has been an incredible abuse of Asian Americans. Because what we have seen, for example, in the case of her brother putting approximately a half million dollars of illegal money, it looks like, in all cases certainly laundered money if not illegal foreign money into this, that he has a right to speak up.

And he, right after he gave the $500,000, sent a letter, which was responded to by a personal letter from the President; also notes from Anthony Lake to the President explaining why they needed to respond to Charlie Trie about why we should not overreact to the so-called People's Republic of China's threats to Taiwan when they were threatening their coastal waters.

Mr. SCARBOROUGH. And also when they threatened to nuke Los Angeles, California.

Mr. SOUDER. And part of the problem here is that as we see these interconnections relate to policy, the question was we do not see the systematic abuse of Latin Americans or of African Americans or of Greek Americans. We did not hear how other groups were manipulated, but we saw Asian Americans basically being told if they want to have influence in the White House, as Johnny Chung says, ''It is like a subway; you have to put the coins in,'' and it is unfortunate that many of these people are Asian Americans, but it is not our fault. It is who abused them, who used them, who sold democracy to them.

And they should be so angry right now and so irate at this administration for how they abused Asian Americans in these instances.

Mr. SCARBOROUGH. And, regretfully, we cannot just say it was a couple of Asian Americans who abused the democratic process, because the White House is sort of doing the nod and wink, ''Yeah, Charlie Trie and John Huang, we just never knew what was going on here.'' And yet the Los Angeles Times reported earlier this week that in 1991, then chairman of the Democratic National Committee, Ron Brown, actually had memos sent to him and he sent memos around talking about how they needed to start raising money and basically exploiting Asia. Said there were a lot of great opportunities for 1992.

We saw him later on move to the Commerce Department from his position at the Democratic National Committee. And of course that is where some of the most shameful episodes of this type of behavior occurred, where we actually had John Huang getting security clearance in the Commerce Department so he could get Commerce Department and CIA top-secret briefings, and then he would jump into a cab, drive to the Chinese Communist Chinese embassy and have meetings with them supposedly to tell them all that was revealed to him during those briefings.

☐ 2015

As Newsweek said a year ago, this may be more than campaign finance scandal, this may be espionage.

Mr. SOUDER. And we are committed to getting to the bottom of this, regardless of the smears that are done on our committee or the chairman, because we must for the preservation of American democracy.

Mr. Speaker, I include for the RECORD the following:

FEDERAL DOCUMENT CLEARING HOUSE—TESTIMONY JUNE 13, 1956—HOUSE OF REPRESENTATIVES, GOVERNMENT REFORM, NATIONAL SECURITY, INTERNATIONAL AFFAIRS AND CRIMINAL JUSTICE

WHITE HOUSE COMMUNICATIONS AGENCY MISMANAGEMENT

Opening Remarks of Chairman Bill Zeliff.

Oversight Hearing on White House Communications Agency.

Good morning. Four weeks ago we began oversight hearings of the White House Communications Agency, or WHCA. As most of you know, this subcommittee initiated a thorough investigation of WHCA's operations two years ago. We met three times with the White House to try to get the White House to agree that GAO could do this investigation. For reasons that remain unclear, even now, the White House objected and prevented GAO from investigating. We then sought an IG's investigation and, after overcoming further objections, we got the IG into the White House. The result is the first comprehensive audit of WHCA in 55 years.

A clear picture is emerging and it has four distinct components: the utter lack of internal controls at WHCA, the problem of WHCA mission creep, the absence of accountability, and the disturbing pattern of White House obstructionism. Because it is most disturbing, I want to start with the White House obstructionism we have encountered in this investigation.

Without reason or legal argument, this White House continuously opposed any congressional oversight of WHCA. Even though WHCA had never been comprehensively audited in over half a century of existence—and was clearly in need of some oversight—the White House did its best for almost two years to prevent an audit.

Beginning in March of 1994, the White House stubbornly opposed an audit as a potential breach of national security. When Congress pointed out that most of the information involved was not classified in any way—and that there were routine mechanisms for auditing defense organizations which deal with classified information—the White House still refused to allow an audit by the General Accounting Office. We finally got the DOD IG involved.

To my dismay, now that we have an audit report and are conducting hearings, the White House, again, is doing its best to obstruct and hinder these hearings by withholding witnesses, and by altering testimony. Let's get some basic facts straight: WHCA takes its orders from the White House Military Office, or WHMO, whose director is a Mr. Alan Sullivan. Mr. Sullivan directs the mission of WHCA, and he also writes the Officer Evaluation Report for the Commander of WHCA, which means that he determines that Commander's future career prospects. Mr. Sullivan, in tern, reports to Ms. Jodie Torkelson, who is the Assistant to the President for Management and Administration. Together, these two individuals—Mr. Sullivan and Ms. Torkelson—hold the figurative whip over WHCA, and so we requested their testimony today.

Obviously, when a government agency has problems in need of correction, it is absolutely essential to hear from the folks in charge. However, both Mr. Sullivan and Ms. Torkelson have repeatedly refused to attend these hearings, and Mr. Quinn, the President's lawyer, has written letters seeking to block their appearance. The White House political appointees have, instead, sent Colonel Joseph Simmons the Commander of WHCA, as their surrogate. The truth is fairly obvious: when it is time to use WHCA and benefit from it on a day-to-day basis, the White House is perfectly ready to do that. But when it is time to take a hard look at problems with the agency's mission and its execution of that mission, the White House sends its regrets. We have deferred the subpoena decision today, but I would direct anyone interested in more information on this obstructionism to the letters on the back table.

Lastly, as many of you will recall, we appear to have had some serious monkeying around with the prepared testimony of Colonel Simmons, who is here to testify today. First we received a version of his prepared testimony which made it absolutely clear that WHCA takes its order from the White House. That is something we all knew anyway. Then we received a second version of Colonel Simmons' testimony which left out the parts about White House control, and proceeded to blame all of WHCA's shortcomings on the Defense Information Systems Agency, or DISA. Later still, Colonel Simmons and the White House told us that they didn't know anything about the first version of the testimony; but we subsequently learned that Colonel Simmons' office did deliver the testimony—both the first and second versions—and he is now prepared to live with either one. That was the clarification we needed and why we recessed the hearing four weeks ago.

Now, let's turn to the internal controls. When it comes to managing its property and finances, WHCA has unfortunately been, in a word, a disaster. For years it has ignored the laws and regulations which govern its contracting property management, and maintenance activities, with the result that millions of dollars in taxypayers' money has been wasted.

For example, WHCA has consistently failed to submit spending requests to authorized contract officers for proper approval, as required by law. Instead, WHCA has effectively approved its own contracts, or sometimes even made purchases without a contract. The most notable recent result of this approach was the expenditure of 4.9 million dollars on two mobile communications systems which are almost never used, because

they do not fit on the airplane as originally intended. This is the kind of mistake which can only be made in the absence of White House oversight.

WHCA has also ignored regulations requiring competitive bidding in government contracting. It has spent millions of dollars per year on sole-source contracts which give no guarantee that the American taxpayers are getting their money's worth.

From an accounting standpoint, WHCA has not kept track of its financial obligations and expenditures, and recently had 14.5 million dollars in invalidated obligations. The IG found that due to this lack of oversight, WHCA has been paying for some equipment and services which are no longer necessary; and has been paying for some items which were never even delivered to the agency; and has occasionally paid for the same items twice. In addition, the IG found that WHCA was only paying 17% of its bills on time, which means that the taxpayer is paying for interest and penalties on the remaining 83%.

Nor has WHCA followed regulations governing maintenance management. According to the IG, WHCA spent $303,000 on a maintenance control system in 1993, but the system was generally not used.

WHCA has also failed to keep track of its own property. The IG found that WHCA acquired a great deal of equipment—for example, $555,000 worth of computers—without recording it in the unit property book, which is the central record of all the unit's property.

Now, let me give you a snapshot of WHCA's mission creep. Today, WHCA spends over $122 million dollars a year. It has an authorized strength of roughly 950 military personnel, with about 850 actually on duty at the present time. Moreover, the WHCA mission has expanded to include a whole list of services provided to the President, the Vice-President, the First Lady, and the entire White House staff.

Far from its early telecommunications mission, consider a few of the tasks now performed by WHCA:

WHCA provides stenographic services—a steno pool—for all White House events and functions.

WHCA runs a frame shop, where pictures are framed for White House personnel.

WHCA provides camera equipment, and developing and printing services, to White House photographers.

WHCA provides comprehensive wire services—including the AP wire, UPI, Reuters, etc.—to White House staffers.

And so on. The point is that this White House agency, without proper oversight, has gotten well off the reservation.

Finally, there is a real accountability problem. Call it—problem number four—which helps to cause problems two and three. There is a complete separation of accountability from control. DOD has to spend all of the money requested by WHCA, and it is technically responsible for ensuring that WHCA follows all the laws and regulations governing DOD activities. However, WHCA is actually controlled by White House staffers, who have gotten used to using WHCA for all sorts of non-military jobs, because they are not held accountable for the expense. In other words, the White House holds the credit card, and DOD has to pay the bills.

In closing, let me say that it is time for common sense to return, and that's why we are here today.

TODAY'S HEARING IS NOT DUPLICATIVE

The Minority has claimed that today's hearing is duplicative of the Senate testimony of Xiping Wang (pronounced Zipping Wang) and Yuefang Chu (pronounced You-Fang Chew). The Minority's charges are false because Manlin Foung and Joseph Landon are testifying about completely different matters, and have offered the Committee important new evidence.

Xiping Wang and Yuefang Chu both testified about conduit payments they made to the DNC. So have Joseph Landon and Manlin Foung. The similarities end there. Neither Xiping Wang nor Yuefang Chu ever met Charlie Trie or Antonio Pan. Rather, they were asked by a receptionist for Daihatsu International Trading Corporation, Keshi Zhan, to make the contributions.

The present witnesses, Manlin Foung and Joseph Landon, have established Charlie Trie's direct involvement in the solicitation and direction of conduit payments to the DNC.

Foung and Landon have also established a link between Antonio Pan and Charlie Trie, showing they were involved in illegal fundraising practices together. This link had not been established in the Senate testimony of Yuefang Chu or Xiping Wang.

These hearings have provided critical new evidence. Under the standard erected by the Minority, this panel would be prohibited from ever investigating or discussing other conduit payments made to the DNC. Considering that conduit payments are (1) illegal and (2) the apparent method by which Charlie Trie directed money to the DNC, this standard would effectively keep this Committee from uncovering the crimes committed in last year's elections.

MOTHER JONES—THURSDAY, 17, 1997

A PROBE NOT TAKEN: CONGRESS SHOULD TAKE A LOOK AT OPIC'S TAXPAYER-BACKED SWEETHEART DEALS. WE DID. (OVERSEAS PRIVATE INVESTMENT CORP.) (INCLUDES RELATED INFORMATION)

(By Rachel Burstein, Janice C. Shields)

As Republicans convene hearings on foreign contributions to the Clinton campaign, attention has drifted away from big domestic donors and what they might have gained from their investments—apart from a coffee or a (reportedly bad) night's sleep at the White House.

And while everyone knows that political donors often ''happen'' to receive impressive diplomatic appointments, or their firms wind up with lucrative government contracts, Mother Jones has discovered an even more direct way the politically well-connected can cash in: multimillion-dollar overseas investments backed by taxpayer dollars. These private investments, set up through the government's Overseas Private Investment Corp., are often made in developing areas expected to become boom markets—such as Eastern Europe, southern Africa, and India. ''The idea behind the funds is to replace direct foreign aid,'' says Mildred Callear, OPIC's acting president.

To do that, OPIC has launched 24 ''private'' investment funds that, on average, are matched 2-to-1 by OPIC in guaranteed loans. Many of these funds are insured against loss. As OPIC's then-president Ruth Harkin said in 1995, when the funds started taking off, ''If you're an investor in an OPIC-supported fund, the worse you can do is get your money back at the end of 10 years.''

For the past two decades, OPIC has been one of the government's best-kept secrets. Before Clinton, the agency was little more than a small insurance company for U.S. firms willing to set up shop in countries with unstable regimes or fledgling markets. As late as the Bush administration, the agency's venture funds totaled less than $100 million. By 1996, however, OPIC's investment funds had ballooned to $3 billion.

So who exactly gets in on these ''private'' deals? Even though these investors are in partnership with a government agency, OPIC maintains that revealing their names would violate both their privacy and the Trade Secrets Act. But a Mother Jones investigation of some of these equity funds suggests another possible reason for OPIC's silence: The funds appear to benefit not only corporate heavyweights, but also people linked to President Clinton and at least two Republican senators.

Not surprisingly, when we looked at these OPIC deals, we found a connection to at least one character at the center of the Democrats' fundraising scandal: former White House administrative aide Mark Middleton, who has been alleged to have peddled his Democratic connections in order to set up his own foreign investment deals. Evidence suggests that Middleton also may have had his eye on OPIC's ash-rich foreign investment opportunities, having forged ties to a financier and friend of Clinton's who was setting up a $240 million fund.

It's impossible to know just how big a part political nepotism plays in getting OPIC deals, since they won't disclose all of its investors. Still, we decided to do some digging.

How good a deal are OPIC's exclusive investors getting? One private equity fund investing in Africa reportedly has had earnings that would make the most buttoned-down broker's head spin: a $9.50 return on every $1 invested. Meanwhile, projects financed by a Russian fund reportedly provided returns in the 30 to 50 percent range. That sure beats current CD rates of 5.7 percent.

In order to see what it takes to get a piece of this kind of action, we dressed up in our high-finance best and made several house calls to Washington, DC, firms managing OPIC funds. Along the way, we found several notable political connections:

The contact for the South America Private Equity Growth Fund, which landed $100 million in OPIC-guaranteed loans in 1995, is Westsphere Equity Investors' John Lugar, son of Sen. Richard Lugar (R-Ind.). Luger was put off by our visit, grilling us repeatedly about the nature of this article. He refused to share a copy of the fund's annual report, saying that the fund had stopped accepting investments in 1995 and had been open only to ''sophisticated'' investors anyway.

At the address for the Poland Partners Management Co., we discovered the law firm Landon Butler & Co., which runs the fund. According to the man answering the door, the Poland Partners fund closed to further investment three years ago. ''The minimum investment,'' he added with a sneer, ''[was] $1 million.'' He also said that although he knew who the investors were, it was privileged information. And he refused to provide an annual report, saying it was only available to investors in the $65 million fund, which has received OPIC loan guarantees. (OPIC acting president Callear later informed Mother Jones that the fund's initial investors included the pension funds of the AFL-CIO and other unions—big Democratic heavyweights.)

Neither the Bancroft Eastern Europe Fund nor its manager, the Bancroft Group, was in the directory of the building listed as the fund's address in the phone book. A concierge directed Mother Jones to the eighth-floor office of the law firm Perkins Coie. According to a receptionist, the Bancroft Group had moved to Italy; OPIC's address for Bancroft is in France. The fund received $70 million in OPIC financing in 1995.

Mother Jones later learned that Bancroft's president is Fred Martin, who founded the group in 1989—right after serving as campaign manager for Al Gore's 1988 presidential bid. Martin also served as a special assistant to Walter Mondale during Mondale's vice presidency.

Locating Newbridge Andean Partners was even more confounding. The address, ''1429 G St. N.W., Suite 410,'' turned out to be a Mail Boxes Etc. store. When asked for directions to ''Suite 410,'' a helpful clerk pointed to one of the small mailboxes lining the wall.

ACON Investments, the fund's manager, requires a minimum investment of close to $1 million. ACON's chairman is Bernard Aronson, another longtime politico, who has connections to presidents Bush and Clinton (assistant secretary of state from 1989–93) and was a speechwriter for President Carter (1977–79).

Each of the other funds we visited (Global Environment Emerging Markets Fund II, Aqua International Partners) cited enormous minimum investments ($2 million and $5 million, respectively) that would prohibit all but the wealthiest people and institutions from investing.

Since these OPIC investments are shrouded in secrecy, few of us will ever even hear about them. Because the deals are set up as private placements—limiting public involvement—the funds are exempt from much oversight by the Securities and Exchange Commission, as well as from public disclosure requirements.

The companies that manage these funds have a serious reason to keep a low profile: competition from other potential fund sponsors. Agribusiness Partners International, for example, generated more than $3 million in commissions from sales to 15 investors. Apax-Leumi Partners Inc., the general partner of the Israel Growth Fund, collects an annual investment advisory fee of 2.5 percent of the fund's gross proceeds, and the first installment totaled $1 million. With such staggering proceeds, why let others in on the secret?

The more we looked at the funds, however, the more we found that many of those who were in on the secret had one notable qualification in common: powerful political ties. The $150 million South Asia Integration Fund, for example, is run by Ziff Bros. Investments, whose co-chair, Dirk Ziff, is one of the largest Democratic contributors in the country (No. 6 on the Mother Jones 400; see May/June). Another Democratic contributor, Maceo Sloan, received $120 million in guaranteed loans from OPIC for his New Africa Opportunities Fund. The North Carolina millionaire also received help from his senator, Republican Jesse Helms, who, according to a September 1996 Barron's report, asked OPIC officials about Sloan's application.

And when we took a close look at one of OPIC's largest private equity funds, we found businessman Steven J. Green, a close friend of Bill Clinton's who seems to have mastered the use of government access for professional gain.

Green was a crucial early supporter of Clinton. As a result, he has enjoyed the conventional presidential perks (he and his wife spent the night of their 28th wedding anniversary in the Lincoln Bedroom) without having given the Democrats enormous amounts of money recently ($11,000 to the DNC in 1995–96).

Green sits on the influential President's Export Council, along with 10 members of Congress and the secretaries of Commerce, Labor, Agriculture, State, and the Treasury. The council advises the president on government policies and programs that affect trade. Green's right-hand man, Noel Gould, serves as national director of the Virtual Trade Mission Program, a project launched by the council and Clinton's special adviser Mack McLarty to educate high school and junior college students about trade issues.

Green's business ventures have been flying high—with considerable help from the Clinton administration. Green or other executives from his Astrum conglomerate, which included Samsonite luggage and Culligan Water Technologies, flew on three of the late Commerce Secretary Ron Brown's overseas trade missions, including trips to Russia and the Middle East. Green also traveled on four overseas OPIC investment missions. Deals blossomed along the way, leading to a development in Russia and a water-bottling contract for Culligan in the Gaza Strip.

Then Green went into business with OPIC, setting up the Central and Eastern European Newly Independent States fund (CEENIS). The fund needs to raise $80 million in order for OPIC to finance $160 million in double-matching funds. Green's real estate firm, Auburndale Properties—which has offices in Florida, Massachusetts, New Jersey, Washington, D.C., Bucharest, and Warsaw—is the fund's manager and a primary investor.

In the fall of 1994, before he secured OPIC's approval for the fund, Green reportedly went scouting for investors among some of his big-name former business partners—including media baron Rupert Murdoch and convicted S&L swindler Michael Milken's family trust. He also attracted the attention of Mark Middleton, who at the time was a White House administrative aide looking to branch out on his own.

Nicknamed the ''Aryan Rotarian'' for his blond good looks and business acumen, Middleton, a 34-year-old Clinton fundraising star, came to Washington to become the protege of Mack McLarty, a boyhood friend and former right-hand man of President Clinton. After McLarty stepped down as Clinton's chief of staff in mid-1994, Middleton reportedly decided against a run for Arkansas attorney general and prepared to move to the private sector.

He subsequently has been connected in news reports to virtually every aspect of the Democratic National Committee's fundraising scandal. It was Middleton who apparently passed out his White House business card to Asian businessmen during trips overseas—months after resigning from his post. The card listed his still-active White House voicemail number—which also allowed callers to leave messages for McLarty. Most controversially, during one of these trips Middleton is alleged by foreign reports to have received an illegal $15 million campaign pledge from the chief financial officer of a conglomerate run by Taiwan's ruling party.

Middleton has also been tied to the Indonesian Riady family, which gave hundreds of thousands of dollars in questionable contributions to the Democrats; to Charlie Trie, an Arkansas restaurateur suspected of funneling campaign money from China; and to disgraced former associate attorney general and Clinton friend Webster Hubbell.

But before the controversies—before Middleton had even left the White House—he managed to secure a job with Steve Green. According to a close associate of Green's, Middleton approached Green in November 1994 and asked to discuss job opportunities. ''He pretty much said, 'I want to be just like you when I grow up,'' says the associate.

In January 1995, President Clinton announced OPIC's approval of CEENIS. It appears that around the same time, Middleton may have been prematurely representing Green. According to a source close to the congressional investigation into Democratic fundraising, Middleton received at least one letter addressed to him as a representative of Green's Astrum conglomerate in January 1995—before he left the White House on February 17.

It also appears, from what Middleton has told the press, that he wanted in on Green's OPIC deal. Just before leaving the White House in February, Middleton told the Arkansas Democrat-gazette that he was going to work for Green and would be ''putting together large international infrastructure deals in emerging countries . . . such as central and Eastern Europe.'' Green adviser Noel Gould confirms that Middleton went to work at Auburndale.

By March, Middleton had escorted Green to the White House. And by June, Green had formally secured enough funding for CEENIS to begin operations.

But there is no evidence Middleton ever actually got in on the CEENIS deal. Both Gould and OPIC officials say he was not involved. And a former Astrum associate maintain that Middleton took advantage of the company. When Middleton went to work for Green, according to the source, he asked for a salary advance to take a foreign vacation—which was the start of Middleton's now-controversial trips to Asia. When he returned, the source says, Middleton told Green he had found clients for his own fledgling overseas investment firm, CommerceCorp International, which he intended to pursue while working for Green. Feeling used, the source says, Green asked Middleton to leave.

Middleton, who has refused to testify before House investigators, declined to the interviewed for this story.

Astrum has since broken up into several separate companies, and Green now appears to be focusing solely on his real estate ventures, including CEENIS. CEENIS has yet to formally begin any of its projects, and it remains cagey about its investors. Initially, CEENIS managers told Mother Jones that there were no private investors, only corporate ones, including MCI and Bank Boston. But Gould says that the initial backers also included Green's Auburndale and ''two to three private investors'' who were longtime Green associates.

Green, according to his agreement with OPIC, can invest up to $40 million of his own money in the project. Since January, Gould says, Auburndale has opened the fund to new investors.

OPIC maintains that anybody can apply for the private funds and that it doesn't play favorites. ''Lots of times we would meet with people and it didn't go anywhere, even if they invoked the names of very important members of Congress,'' says Susan Levine, a former OPIC senior vice president for investment development and policy and a former friend of the Clintons'. But she concedes, ''Odds are that knowing people helps you get in the door.''

The OPIC deals continue. In April, a bipartisan bill in the House, the Africa Growth and Opportunity Act, proposed that OPIC back new funds in Africa valued at $650 million. Unless OPIC can be prodded into opening its books, investors can continue to escape public scrutiny—while walking away with millions.

Rachel Burnstein is a Mother Jones investigative reporter Janice C. Shields is a researcher and coordinator of the Corporate Wealthfare Project & TaxWatch. Romesh Ratnesar also contributed reporting for this story. All are based in Washington, D.C.

Where did the $3 billion go?

OPIC (headquarters at right) is a federal agency that helps U.S. companies invest in developing overseas markets. OPIC chooses from among plans submitted by companies and private investors and finances $3 billion worth of opportunities that don't exist in the regular marketplace, such as providing insurance against political risks or loans for risky, long-term projects. OPIC matches its ''private'' funds 2-to-1 and often insures the investments against loss. The funds generate a huge profit for OPIC—$209 million last year—and their lucky investors. But these private funds like to remain just that—private.

Our search for the NEWBRIDGE ANDEAN fund led to a Mail Boxes Etc. store. When we asked for ''Suite 410,'' a clerk showed us this mailbox.

WESTSPHERE EQUITY INVESTORS manages a fund that is only for ''sophisticated'' investors.

The GLOBAL ENVIRONMENT EMERGING MARKETS FUND II is open to anyone able to cough up a minimum investment of $2 million.

We found the POLAND PARTNERS MANAGEMENT CO. fund at the law firm Landon Butler. The fund's investors include the AFL–CIO.

THE MANAGERS

OPIC-backed investments are shrouded in secrecy—and for good reason: Many of the funds appear to be cash cows for the politically well-connected. A look at the people who run them reveals a high-finance jobs program for Washington players, including a former speechwriter, a campaign manager, and a White House staffer. And, of course, big political contributors are well-represented.

DIRK ZIFF is co-chair of Ziff Bros. investments, which manages a $150 million South Asia fund that received OPIC loan guarantees. Ziff, a prominent Democratic donor, was No. 6 on the Mother Jones 400.

JOHN LUGAR is Sen. Richard Lugar's (R–Ind.) son. His South America Private Equity fund, which has received $100 million in loan guarantees from OPIC, stopped accepting investments in 1995.

BERNARD ARONSON is chairman of ACON Investments, which runs the OPIC-supported Newbridge Andean fund. He was an assistant secretary of state under Bush and a speechwriter for Carter.

Mr. SCARBOROUGH. I thank the gentleman from Indiana [Mr. SOUDER]. He is exactly correct. When Newsweek is talking about espionage, when the Washington Post is talking about how the White House does not tell the truth, as they editorialized yesterday, when the New York Times writes, ''It is obvious we can no longer trust the President or the Attorney General,'' then something has to be done. There has to be an oversight function.

I just hope that one Democrat will have the moral courage to stand up and break through and step forward and be a hero, like Howard Baker, a Republican Senator, who back during the Watergate hearings had the guts to stand up and say, ''What did the President know and when did he know it?'' And by doing that, he broke the logjam, brought down a very corrupt administration, a Republican administration, and American democracy is better for it today.

I just pray to God that, for the sake of this country, Americans can see a Democrat step forward and do the same thing and that they will stop the political obstruction of justice in what clearly has become the largest fundraising scandal in the history of this great Republic.

SCHOOLS AND EDUCATION IN A STATE OF CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, I want to address two major issues tonight. They are related in the long run. One is, schools and education are still in a state of crisis despite the fact that the American people have indicated that education is one of their number-one priorities, probably the number-one priority by the majority of the American people.

This first year of the 105th Congress session of Congress is coming to a close, and we are not dealing with the crisis. We have done nothing which really addresses the crisis in the manner that it requires. Certainly, the crisis in our inner-city schools, where most of the African American children attend school, where the poorest Americans attend school in the inner-city schools and crisis in the rural schools is not being addressed. We are still going backwards in New York City, for example, in terms of addressing the education crisis. So I want to talk about that.

I also want to talk about an issue that would seem unrelated, but it is related, and that is the present preoccupation concern with the Internal Revenue Service. The Internal Revenue Service is important. I said before that people who are part of a care majority, liberals, progressives, whatever you want to call them, people who care about campaign finance reform and they really want it, there are a number of different elements, what you might call the caring majority. The people want to see an American system that operates fairly, democracy that is not distorted by big-money contributions.

All of those are part of the caring majority. The caring majority, in general, neglects revenue, neglects issues related to revenue. So the IRS and the taxpayer concern issues are likely not to get that kind of attention from that side of the aisle, this side of the aisle, that it deserves. And I would like to see that not happen.

I would like to see my colleagues pay close attention to the debate that is shaping up on the IRS, Internal Revenue Service, and to take that debate and discuss it at a new level. Let us not talk about how to beat up on IRS clerks and the agents. Let us talk about broad policies that are handed down from the very top, from Congress and from the White House, policy direction which leads to situations where large amounts of money that should be collected from corporations, those amounts are not collected.

It leads to situations where we have to beat up on middle-class taxpayers in order to get the kind of revenue that is expected because the IRS is being directed not to spend too much of its time or to wade into the complex situations presented by corporate financing.

I am particularly concerned about section 531 to 535 of the Internal Revenue Code. I have talked about that before. That is the section which prohibits corporations from buying their own stock except under certain conditions. Stock buy-backs are big business nowadays, multi-billion-dollar business. Yet, there is a section in the Code that nobody wants to explain to me why it is not being enforced.

I have talked to quite a number of important people in the tax structure and have not been able to find out. If they were to collect that revenue, that is one of the areas where, if that bit of corporate welfare was ended, that is one of the areas where we gain additional funding to deal with some of the problems related to school construction and other problems that require money and education.

In other words, I do not really think we have a real problem with no money for school construction. Yes, I do think it is a problem. I think we lack the will to deal with school construction to spend the money that is necessary. We could get it if we wanted to, but we throw up a roadblock with the fact that there is no money. And, of course, the same problem is occurring at the local level and at the State level.

The argument is made that there is just not enough money to provide decent education. We are wasting money in many different ways. And not until the full wrath of public opinion and the wrath of the voters and not until the common sense of the voters comes down harder on public officials have to make these decisions, we have an understanding that we cannot just talk about education, we have to put some real dollars behind the effort to reform education and make it adequate for people at every level of our society.

Let me start by talking about schools first and education, because they were on the agenda of this Congress this week. They were on our agenda right up until the very last minute today. In fact, I think our last vote taken today on a bill was on passage of the D.C. appropriations bill. And that contest, that vote, it was a very close vote.

It was a situation where the time had to be broken by the Speaker of the House, it was that close, where many of us felt the House of Representatives had gone far in the direction of extreme control of local government and extreme control of decision-making that should be taking place at the local level.

We were shocked to see that the Republican majority which has consistently emphasized local control, local decision-making, which has made a great deal out of ending mandates by the Federal Government on local government, we were quite shocked to see to what extent the Republican majority in the House is willing to go with respect to mandating local control of Washington, D.C., going right into the school system and telling them what they have to do in terms of how to take care of their ongoing problem.

There is a very serious problem in the education in D.C. The District of

Columbia spends more than $9,000 per child and has some of the worst education in the Nation. The problem has to be addressed. The people of the District of Columbia made a decision last year. Little more than a year ago, I think, they made a decision, had a referendum on whether or not they wanted vouchers, and they voted that they did not want vouchers as part of their solution to the school problem. We had local citizens involved in seeking a solution to a problem, and they rejected one possible approach.

The D.C. voters said, ''No, we do not want vouchers.'' On the other hand, D.C. voters decided they would like to try an experiment with charter schools. The charter schools are a good alternative to vouchers, even among those people who insist that we have to have vouchers, for the purpose of shaking up the public school system, the bureaucracy, we need vouchers in order to provide competition for the public school system; to show innovative approaches, we need vouchers to provide an alternative.

Well, charter schools provide an alternative, and the residents of the District of Columbia voted, ''We want the charter school alternative. We do not want vouchers.'' Yet, here we worked until late this afternoon pressing to push, the majority was pushing, and they finally won by one vote a solution on the people of D.C., which requires that they experiment with the voucher program for the next 5 years.

Now, I hope that that does not prevail, because the other body has already acted on this matter. The President says he will not accept a bill, he will veto any bill that forces the people of the District of Columbia to experiment with vouchers. So I hope it does not prevail. But it did pass this House. So here we were in a situation where the majority party, which has pushed for maximum local control, was trying to force it down the throats of the people here.

We had another problem today in our Committee on Education and the Workforce. I serve on the committee, and we had a Reading Excellence Act that was on the agenda for markup today. The Reading Excellence Act is designed to replace the President's proposal for America Reads.

The President's proposal has great emphasis on volunteers being used to tutor young people, students, to read. And the Reading Excellence Act takes a different approach and moves in the direction of teaching teachers to teach reading better and have teachers do the coaching of the reading and having professional groups contracted to provide the tutorial services.

Now, it is an interesting approach. There may be grounds for some kind of compromise. I hope so, because I would not like to see this first year of the 105th Congress end without doing something positive about the problem that clearly has been identified as a major problem.

If children cannot read, they cannot advance in school, they are bound to fail. That is well established. Everybody agrees they must learn to read. So the emphasis on teaching students to read as soon as possible and as thoroughly as possible is an appropriate emphasis. It is a place where there is no debate.

Surely, in an area where we do not have any debate, we ought to be able to go forward in this first year of the 105th Congress. Surely, we will not leave here with nothing being done in terms of a new Federal initiative when the President started the year with the State of the Union Address proposing an initiative, the America Reads was proposed. And now we have the Republican majority in the Committee on Education and the Workforce proposing the Reading Excellence Act.

We did not get to it today because we were on another bill. But in that Reading Excellence Act, there was another one of those mandates to the local level. It even goes beyond the local government right into the classroom. There is a mandate that they must use the phonics method.

Never before has the Federal Government gone so far in a matter that relates to education as this Reading Excellence Act proposes to go. That is to mandate, if you are going to get these funds and be a part of this program, phonics has to be used as a method of teaching reading.

We are going to go right into the pedagogy instruction processes and we, the Federal Government, are going to put our finger on a method that has to be used. That is one of the serious drawbacks of the Reading Excellence Act.

I hope some other features of that act can be combined with the President's America Reads program in the next 20 days or 15 days, whatever we have left here, that we do reach some agreement on some kind of program to push some new initiative in the area of teaching children to read.

We did not get to the markup of that bill because we spent a lot of time on a bill to encourage expansion of charter schools, which was proposed by the majority. But I voted for it because I think it is a small step forward in the area of the Federal Government encouraging the development of charter schools. It is a small step forward.

It is woefully inadequate. I hope that we come back next year and that we do something which is far more thorough with respect to charter schools. I worry about charter schools in several respects. The first is that we are playing around the edges of educational reform with this whole matter of charter schools.

We have about 700 charter schools now and 86,000 traditional public schools. If we want to really experiment with charter schools, we have got to have enough charter schools in enough different situations to be able to really study whether they are of any relevance or not.

We also cannot leave charter schools out there on the fringes so that elite groups only will be experimenting with charter schools. We need a greater variety of groups. We also cannot let charter schools become little pet projects of people who want to play around with education for a few years.

Maybe it is parents, while their children are in a particular school, they want to have a charter school. But when that is over and their children graduate from that elementary school, the interest dies down and the school collapses. We have to safeguard against creating problems in education. We ought to have some kind of Federal encouragement of the States to develop sound systems for regulating and developing charter schools.

There is a serious problem out there. If public funds are going to go to a group, they ought to be a stable group, ought to be a group that has some kind of promise of continuity, ought to be a group that is going to do a thorough job beyond just their individual or family interests.

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So we cannot have charter schools that are set with just a handful of teachers and a handful of parents and their immediate interests taken care of, and that is all. We need a more soundly grounded effort where we have a board of directors of some kind of group that is going to continue and really build an educational institution.

We should not waste funds on dilatory experience. That is one problem we are really going to have to come to grips with. The Federal Government cannot do it, but we can encourage States to do it by conditioning the funding of, Federal funding of charter schools for those States that take different approaches to the regulation of charter schools, to the development of accountability standards. They can take different approaches. We would not dictate the approaches, but take a sound approach to guaranteeing accountability, have a sound approach to guaranteeing longevity. Do not leave children to be victimized by dilatory experimentation.

I think all of this happened in one day with respect to education, and it is altogether fitting and proper that we should be that preoccupied with education on the floor and in the committee. Education is a number one issue for the majority of people and that is the way it should be. Common sense dictates that we ought to be more concerned and involved.

I do not think there can be too much discussion of education matters. I do think that we have to understand that no one person has the answers, and that the danger of fads and the danger of powerful people pushing through their particular remedies is always there, so we have to have the broadest possible participation and decisionmaking, and legislation ought to be based on some kind of set of fundamental principles.

Reform, in my opinion, ought to go forward across the board where we have a lot of different components of the effort to reform our schools. Charter schools are just one component. Whole school reform is another. There are many different components that ought to be there so that we can have a good look at what works and what does not work, and as fast as possible move on to institutionalize those things that do work.

Schools are very important back in New York. We have education in schools as a number one issue in the mayoral campaign. We have a great debate there as to what has happened to our schools and who is to blame. We had a situation where the schools were radically cut, the budget of the school system was radically cut under the present mayor, and now that it is an issue, there is an insistence that it was not really cut, that the cut did no damage, and that it is a figment of everybody's imagination that our schools are overcrowded.

Mr. Speaker, 91,000 children in 1996 could not find a place to sit. I understand it went down to about 80,000 in 1997. When school opened, they were that short of places, decent places for children to sit. A desk of their own was not there for large numbers of young people, even in this election year, and strange things are happening to make the problem disappear before the eyes of the citizens of New York.

There are efforts being made to keep one candidate out of schools. Ruth Messinger was not allowed to go into certain schools, or if she went into the schools, the press was not allowed to accompany her. That is unusual. In all previous mayoral campaigns, the schools have been open to candidates. We have had here in Washington in the last few days Members of Congress attend a school and go into the school to announce a program. The Republican majority went into a school just before they announced a new initiative on education.

So the fact that the present mayor has maneuvered to ban his opponent from schools is very unusual. New York is, unfortunately, not up in arms about this, even in the city university system, at the college level where college students certainly are able to determine, make up their own minds about the truth or falsity of a situation with respect to candidates, and they certainly ought to have the benefit of the maximum open debate. However, certain colleges have refused to allow the mayor's opponent to speak there. So education is such a hard issue, until there are some oppressive, totalitarian tactics that are being developed to keep the issue at a certain level and to avoid confronting it fully.

A few days ago we had a school in Harlem closed also because of the fact that it was a newly renovated building and the fumes were so strong in the building that they had to evacuate the students. Now, that is a building that used to be a dry cleaning plant, it is a building that was renovated to make it a school, and before it was purchased for renovation, the board of education was warned that it was on the site of a dry cleaning plant. Even after, as it progressed and they made some renovations, tests were done and the fumes were detected. They were warned again, but the bureaucracy pressed on.

I do not want to place the blame on the mayor's office; the mayor's office certainly was not involved with this, it is bureaucracy that might be corrupt or may not be corrupt. It may be that somebody paid somebody off to guarantee that the test of the fumes was not anything alarming, and the children could be put in there. But now they are in there, and the tests show that the fumes are too strong to keep young children in the building. These are fumes that could very much affect the development of young people in various ways and they should not be subjected to this. But this is the bureaucracy.

This is one of the reasons why in a school system as large as New York, no matter what we do, there is a need to have some way to shake up that bureaucracy. Competition is one way. Alternative schools, charter schools, some ways must be found to show them that we do not have to do business this way.

We do not have to have situations where somebody in the bureaucracy for some reason allows a building which is unfit for habitation to be renovated, paid for by the board of education, and actually march youngsters in there and start having classes and then to have to evacuate. It is one more example of how a system of 1,100 schools and more than 1 million children and more than 60,000 teachers is kind of unimaginable, certainly in its present form, and something needs to happen to come to grips with the fact that time goes by, reforms come and go, and we still have these horrendous problems such as the occupation of a building that costs millions of dollars to renovate for children and they are exposed to deadly fumes.

There is some good news in New York. On November 4 there is a referendum on the ballot which will deal with $2 billion for school construction. So maybe we will have the kind of school construction funds which will allow for the construction of new buildings, and we will not be renovating old dry cleaning plants in the first place. We will not be renovating some other sites that are undesirable that have been called to my attention, schools near dumps and schools in just other predicaments. With a $2 billion initiative for school construction, maybe New York City will be a part of the State which gets priority and we can eliminate more than 250 schools that still have furnaces that burn coal.

There is a great deal of alarm about youngsters being exposed to dry cleaning fumes. Well, dry cleaning fumes are pretty pungent and can be identified easily, but when we have furnaces burning coal in an area, it spews its filth into the air, it pollutes the air all around, and we have come to accept it as almost normal, those little granules out there. The things that make up soot that poisons the lungs of young children and increases the asthma rate are not alarming enough people. The whole sense of urgency and emergency is not there when it comes to dealing with furnaces in schools that burn coal.

In other words, there is a state of crisis certainly in big city schools, and I am not privy to the facts, but I am certain that New York is probably not the only city still with schools that burn coal in their furnaces. Asthma is a problem in a lot of other cities, as well as New York City, but we certainly are not moving with dispatch in New York to deal with something as obviously unhealthy as coal-burning furnaces in schools.

I have also talked before about the fact that I think it is child neglect and child abuse to force children to eat lunch at 10 o'clock in the morning because schools are overcrowded and they have to have several different rounds of feeding in the cafeteria, and in order to feed all of the children in an overcrowded school they have to start feeding some lunch at 10 o'clock. Ten o'clock is when they have just had their breakfast, and some do not eat lunch until after 2 o'clock when they are getting ready to go home for supper. All of these things go on and on, and they are accepted as normal.

My problem is, they are accepted as normal at the local level, and even in this mayoral campaign there does not seem to be much alarm about the fact that it continues this way. They accept it as normal at the national level. The school construction initiative, which made a lot of sense, has now been put on the back burner. Nothing will be done about it this year. Our only hope is that with the gentlewoman from New York [Mrs. LOWEY] and the cosponsors of that bill growing every day, almost all the Democrats are now on the school construction initiative, we will have some action on school construction in the next half of the 105th Congress.

However, if we have a child in school, we know that they only live one life. Postponing these urgent matters is serious business. Postponing school reform or saying that we will get around to it and eventually in 5 or 10 years schools will be better, that is not enough. Our children go through the process only once, and in the African-American communities across the country the anger and the frustration is moving toward panic.

The panic results in a cry for vouchers in many cases, without really knowing the full story as to how vouchers are going to work. Anything that is offered becomes a cure when we are in desperate need of some relief, and parents see their children as going through a process that they will only

go through once, and nothing of any great momentum has developed to change the way public schools in our big cities are being administered. We have to have a greater sense of urgency and understand that there is an emergency that has to be addressed.

America's concern for education is on target, but the sense of urgency is not great enough. We do not have at this point real momentum behind the Federal school construction initiative. I hope we will get it next year. We must work harder to bring some relief by having a Federal stimulus. The Federal Government cannot do it all. If we start it, the States are more likely to pick up on it and the local governments also.

Budget cuts at the local level are still devastating schools. This year, an election year, the mayor of New York has put computers in junior high schools and restored some funds cut, but the budget cuts that were instituted a few years ago still have a devastating effect on schools. The devastating impact is still there because they encouraged the school system to cut its budget by laying off, encouraging the retirement of the most experienced principals and administrators and teachers.

We have lost our most experienced principals, administrators and teachers as a result of the encouraging of those people to retire, because they are at the high end of the salary scale and we save money. When a teacher in the system for 20 years, 25 years, retires and a new teacher comes in, we save a lot of money. But in the process of saving money, we cut radically into the quality of education and administration.

Money is always there. Money is a great roadblock to making even the most obvious kinds of changes. Education reform, a lot of controversial items are involved but some are not so controversial, and one is construction, and that requires money. The purchase of equipment for laboratories, the purchase of books, a number of education reform items are clear of any controversy.

□ 2045

They do not require debate. We know they are needed. Money is the obstacle. Which brings me to the second part of my discussion today. Money is the obstacle, and it has been always thrown up as a reason for not taking action.

The reason we do not have a construction initiative is because in the process of the negotiation of the balanced budget, that was on the table, and the Republican majority decided they did not want to support it. The President, in the process of negotiation, he had to take some of his items off the table. He took off the school construction initiative.

We do not have the money, we say. We give the impression to the American people that this is an almost bankrupt Nation and that we cannot afford to reform our schools. At the same time, there is a tremendous amount of waste. I want to go into a discussion of where all the waste is.

Obviously, there is plenty of it in the military budget, still. The President vetoed some items that were sent to him recently in terms of military construction. There are a lot of items in that military budget that have not been vetoed and are not even being discussed.

NATO is still our primary responsibility, while very prosperous nations in Europe do not shoulder their part of the burden.

We still are spending far more for weapons systems than we need to spend. In an era when the cold war is no longer existing, there is no great sense of need for emergency development of weapons systems.

There are a number of places where we could cut the budget, Mr. Speaker, but I am not going to talk about that tonight. I want to talk about the revenue side, and the fact that one area that we have been pursuing is the fact that corporate welfare takes many forms. One form of corporate welfare is the refusal of the IRS to enforce the Internal Revenue Code against corporations.

Corporations enjoy corporate welfare in many ways. The list is very long. We have heard discussions of it. We have taken some steps to lower the amount of corporate welfare. There have been some reductions in the agricultural subsidies, there have been some reductions in the overseas advertising budgets for American products. There have been some reductions in a number of different items that were identified as corporate welfare 2 years ago. But there is still a great deal left to be done.

In the area of reforming the Internal Revenue Service, we ought to take a hard look. The whole discussion and debate about the Internal Revenue Service should not go forward as a debate dominated by the right, by people who want to change the Tax Code in order to make it easier for people who are wealthy to hold on to more of their wealth, a greater percentage of their wealth than poor people do, or to take advantage of the marvelous economic system that we have and not pay back to that system.

Corporations in particular, if they are not subjected to what Congress has decided in the Tax Code should be done in terms of taxation, then they are, in a way, being subsidized. Every time we refuse to carry out one of the items, one of the sections of the Internal Revenue Code Congress has put in there, we imbalance the whole situation, because each part of the Tax Code was put in to realize a certain amount of revenue.

I am very concerned about an area that was identified by a friend of mine who works with an agency that prepares corporate taxes, that led me to inquire of the Internal Revenue Service why it was not being enforced. Sections 531 to 537 of the Internal Revenue Tax Code was called to my attention by a friend who noticed that large amounts of buy-backs of stock are underway by corporations. Some corporations have been buying back their stock for many years, and there has been an escalation in the number of big corporations that buy back their stock.

The question was raised, and I have talked about it on the floor here before, as to why are they violating sections 531 to 537 of the Internal Revenue Tax Code, which says that you cannot do that except for certain specified reasons.

This friend of mine did further research, and a staff member of mine helped to do research also, which identified that the buy-backs which are made in order to distribute them as stock options to the employees, buy-backs which are made in terms of specific things that are being done in that particular financial game plan, they are all legal and they are there.

But then he subtracted those kinds of purposes for buying back stock from the non-stated purposes, and he had a big amount left. Billions of dollars have been bought back by corporations for no reason, other than that they are stockpiling their own wealth, which raises some serious questions.

I guess Congress must have been concerned when they passed 531 to 537, that section, they must have been concerned about the fact that when corporations buy back their own stock it does set up a situation where you could manipulate or seem to be manipulating the market, because they are in a position to sort of keep the prices up artificially by buying back their stock. But I do not want to go speculating. I am not an expert in taxes. That direction is not the direction I want to take tonight.

I merely want to say that if it is on the books, if there is a clear prohibition against buying back stock, except for certain stated purposes, then why is it being allowed in such great amounts? Why is it escalating? If we want to get more revenue, then instead of the Internal Revenue Service pursuing middle class taxpayers with such fervor, instead of going overboard to guarantee that they squeeze every penny out of taxpayers who do not have the wherewithal to hire expensive tax lawyers and accountants, who get frightened by the fact that they got a letter from the IRS, instead of pursuing that course, which is reflected in the fact that over the years, since 1944, more and more of the tax burden has shifted from corporations to individuals and families.

I have talked several times about the fact that families and individuals pay an inordinate amount of this burden of the income tax, up to about 44 percent. They used to pay somewhere down near 28 percent, and the corporations paid the greatest percentage. Now corporations pay around 11 percent, and individuals are still up there and families

are still up at 44 percent. So it could be attributed to the way Congress has written the law. That is part of it. The laws have been written to favor corporations. There are laws, as we have noted before, which really amount to corporate welfare. Part of the Tax Code does that.

There may be another factor. As we pursue the reform of IRS, as we pursue hearings related to what the Internal Revenue Service is doing to families and individuals, let us bear in mind that the question ought to be asked, what are they not doing to corporations? Why are they, in a very zealous manner, pursuing middle class taxpayers and families and individuals, while they are not pursuing certain clear aspects, certain clear items of the Tax Code with respect to corporations?

I sent a letter to the commissioner of IRS, Mrs. Richardson at that time, and she has resigned since, I think, and I asked about the enforcement of sections 531 to 537 of the Internal Revenue Tax Code, and why is the section, called unreasonable accumulation of surplus provisions, why was that unreasonable accumulation of surplus section not being enforced.

I never got an answer from the then commissioner of IRS. It was sent to one of her agents, who then sent it to his secretary. I got an answer finally from a person who identified themselves, it sounds as if they were a low-level clerk. They really had no title of any great significance.

That is the kind of answer I got, and it was not a letter that I wrote alone, but there were 30 Members of Congress, 29 Members of Congress, who joined me. So 30 Members of Congress wrote a letter to the IRS requesting, and I read this letter before on this floor, requesting that we get an explanation as to why sections 531 to 537 of the Internal Revenue Tax Code were not being enforced.

I got no letter back from the commissioner. I got an answer back from a low-level person who, in part of the letter, implied that it is too difficult to pursue these cases. That statement, that it is too difficult to pursue these cases, certainly runs parallel to a statement that I had heard made in one or two previous administrations. It was either the Nixon administration or the Reagan administration.

A statement was leaked out that the word had come down from the White House to the Tax Commissioner at that time that they should stop wasting so much time pursuing corporations, that corporations had lawyers and accountants and it was very difficult to get them to pay their taxes properly, so revenue collection was lagging. In order to make sure revenue collections did not lag, they were being advised from the top to pursue middle class taxpayers more vigorously and leave corporations alone.

The answer that I got sort of implied that that is pretty much the strategy that is used. If we are going to have hearings, then let us ask that question. If we are going to have hearings on reform, then let us include in the reform some kind of reporting system which tells us how many audits are being done of corporations, and in what ways; why is a provision like sections 531 to 537 not being pursued?

It has a penalty built in, but it is not unlawful. In other words, if you do not follow sections 531 to 537, they are not going to put you in jail. However, if you are caught you pay a very stiff penalty.

It is a very interesting part of the tax law. We know there are many provisions in the tax law which say if you do not comply, you go to jail. If you do not file, you are at risk of going to jail. There are a number of items that are pretty clear. You can be jailed if you do not do them. Yet, here is a provision which has no threat of jail, but it says if you are caught, you pay a penalty.

The penalty is a very stiff penalty, 39 percent. If you are caught violating that section of the law and the amount of buy-backs is $1 million, say, then 39 percent of $1 million is the penalty. That is in the law. It is clear. It used to be fuzzy as to what the target was. They said at one time it was written only for closely-held corporations, family corporations, but in 1984 they clarified that.

There is a section in the law, in the revision of the Tax Code in 1984 or 1987, 1984, Congress in the Revenue Act of 1984 amended the statute by adding section 532(c) which reads, ''The application of this part to a corporation shall be determined without regard to the number of shareholders of such corporation.'' So not small, closely-held corporations only, but all corporations are subject to sections 531 and 537.

If we are going to have hearings, the Committee on Ways and Means, and certainly I serve on the Committee on Government Reform and Oversight, and we are now having hearings on campaign finance reform, I hope we can go to some more productive hearings related to the IRS and the IRS's methods of targeting people for collection; why corporations are not being given the same kind of scrutiny that individuals and families are given; why are we letting corporate welfare take place by not enforcing the Tax Code?

There are some good articles that have emerged over the last few weeks related to the IRS, and there is one I would like to quote from, here, related to what needs to happen at the IRS. This is written by a gentleman who used to be an IRS commissioner. His name is Fred Goldberg. He was IRS commissioner from 1989 to 1991.

Mr. Goldberg agrees with me in one very important area. That is, ''The buck stops at the top. When things go wrong in any organization, the temptation is to blame the workers. Don't. What's missing is top-down focus on what we want from the IRS, and the expertise, continuity, and accountability to meet those expectations. That's why the restructuring commission recommended sweeping changes in IRS management, governance, and oversight. IRS commissioners now have no set term. Most serve for only a couple of years. They have neither the tenure nor the tools to build a management team and hold that team accountable. Give the commissioners a 5-year term and the power to reward employees who do the job and fire those who don't.''

□ 2100

Instead of wildly fluctuating budgets, give the IRS stable, long-term funding that will let them get the job done. Require coordinated, ongoing congressional oversight that focuses on broad strategic issues.

I repeat, I am quoting from an article that appeared in Newsweek magazine, October 13, an item written by Fred Goldberg, a former commissioner of the IRS from 1989 to 1991. ''Require coordinated ongoing congressional oversight that focuses on broad strategic issues.'' I cannot emphasize that too much: Broad strategic issues.

Yes, we ought to deal with the fact that people had their homes taken away from them. Mistakes have been made in arithmetic that have led to endless anguish. Papers were lost and records confused. All kinds of things have happened which require attention.

But we need to focus on the broad strategic issues of what is the IRS here for and why should it be in the business of fervently pursuing middle-class taxpayers who are easy to pursue, while it neglects corporations that would yield a far bigger dividend if they were made to obey the law?

Mr. Goldberg continues by saying, and I quote,

> Mind what you measure, because that is what you will get. Congress and the administration talk a lot about fair and reasonable treatment of taxpayers. But at present, the primary IRS performance measures are limited to raw enforcement data like how much money the agency claims taxpayers owe after audits . . . Congress, the administration, and senior IRS management make the rules. When they start measuring and rewarding fair and reasonable treatment of taxpayers, that is what we will get.

In other words, I sent the letter asking the question about section 531 to 537 to Commissioner Richardson. I got no answer from her. I got an answer from a low-level employee. I sent back another letter asking her to provide me with a better answer and please do it herself. I got no answer.

I sent the letter to Secretary Rubin. In the structure of the Federal Government, the IRS is under the Secretary of the Treasury. The Secretary of the Treasury is under the President.

Now, I am not going to blame the Democrats or the Republicans for what the IRS does, because despite the fact that this is a Federal agency, it is part of the executive branch of government, and the IRS commissioner does report to the Secretary of the Treasury. The Secretary of the Treasury does report

to the President. It is a huge institution of 100,000 employees, and only a handful of them are appointed through any political process.

So the vast majority of IRS employees have been there through Democratic and Republican administrations. We cannot move them politically. It is not a political problem. There is a management problem, there is a philosophy problem, and there is a problem of administrative philosophy.

Congress makes the laws, and the administration is supposed to enforce the laws. If there is a section 531 to 537 and nobody from the top is willing to even reply to Members of Congress who inquire as to why they are not enforcing it, then we have a problem.

Do not blame the IRS clerks, do not blame the agents who are in that system who are going to respond to the pressure from the top. Ask the basic question: What is coming down from the top?

Mr. Goldberg talks about how important it is to make any reform effort bipartisan. The IRS would be a fat political target, but we should not fall into partisan politics. In this present effort since we have focused a lot of attention, begun to focus a lot of attention, on the IRS, let us have a bipartisan effort to reform the IRS. Let us have a bipartisan effort on behalf of the average ordinary taxpayer out there who wants to be treated fairly.

Let us have a bipartisan effort, because in the whole scheme of collecting revenue, which, again, as I said before, liberals and progressives, people who make up the ''Caring Majority,'' have traditionally ignored the revenue side of the fiscal operation of government. We have not paid attention enough to what happens in terms of how revenue is collected. We have only campaigned for improvements in expenditures. We have campaigned against waste. We campaigned in favor of setting new sets of priorities.

The priority we set in education is constantly being pushed aside and frustrated by the claims being made that the Nation is too poor to afford expenditures for programs like education that are needed. The effort is being made to balance the budget as a top priority, and we cannot balance the budget unless we stop all new programs.

The school construction initiative is considered a new program. That is one of the reasons why it is receiving such stiff opposition from the Republican Majority. No new programs unless we identify the source of the money we are going to get to pay for it.

So, Mr. Speaker, that is why I am here. Being primarily concerned about education, I am here talking about revenue because we must wade into that side of the equation and prove that without unbalancing the budget, without affecting the present move toward a balanced budget, we could, in addition to cutting waste elsewhere, we could improve the revenue side without hurting the average American citizen out there. There is revenue to be collected by enforcing the Internal Revenue Code in a way which is impartial and does not back away from the enforcement of the Code with respect to corporations.

We are going to have a new tax bill next year. Probably in this 105th Congress there will be a different kind of tax reform. Since I have been here, I have gone through the Reagan tax reform and gone through the Clinton tax improvements, reforms, and they all dealt with the ways we deal with the brackets and new deductions, and there are a number of things that have happened which most of the reformers are claiming are complicating the Tax Code even more.

This kind of reform is being proposed to deal with some items that certainly should have been dealt with before. It is unthinkable that we have not had more oversight hearings on the Internal Revenue Service.

During the 15 years that I have been here, I have served on the Committee on Government Reform and Oversight. It used to be called Government Operations Committee, but it has the same mission. Never has there been a thorough review of the Internal Revenue Service.

We have dealt with a lot of issues which I consider trivial, but we have never dealt in a serious way with looking at the IRS and its major role in the life of every American and deciding that we want a first class agency administratively, we want the most modern equipment, we want procedures that are second to none. In a Nation which prides itself on the most advanced computers in the world and the most advanced business procedures, certainly the IRS should lead the way.

The gentleman from Ohio [Mr. PORTMAN] has an article in this week's Hill newspaper, the Wednesday, October 8, issue of Hill under the Opinion section. Mr. PORTMAN talks about the fact that there will be new legislation proposed and it is called the IRS Restructuring and Reform Act of 1997. He is cosponsoring that with the gentleman from Maryland [Mr. CARDIN], and Senators BOB KERREY and CHARLES GRASSLEY, one Democrat and one Republican in the Senate.

They are sponsoring a bill which will deal with these very vital fundamental issues related to the administration of the IRS that is long overdue. They point out the fact that we recently had to pay a $4 billion bill, if we want an example of government waste, we had to pay $4 billion for a failed computer modernization effort at the IRS. A failed computer modernization effort cost us $4 billion. They are going to have to redo it.

The IRS requires that we file accurate returns, but they have never balanced their own books. We have an outrageous situation like this in Federal agencies, and recall that the CIA, Central Intelligence Agency, lost $4 billion in their petty cash fund. That was on the front pages of the New York Times and the Washington Post, yet most people just do not believe it happened. They reported it, and finally there was a statement made that the Agency had discovered, rediscovered, $4 billion that it did not know it had.

So in big government agencies that do not have oversight, these kinds of problems would occur. It is up to Congress to take a more vigilant role in terms of oversight. In the process of exercising oversight, my point, as I come to a close here, is that we should do more than dwell on the clerical, administrative problems. They need to be resolved. We need the best information technology. We need customer service that flows out of the IRS that is the best in the world. We need to show that we have a great concern for the people who pay taxes at every level.

There is no reason why we cannot get from the IRS service as good as we get from our local bank. After all, all taxes are local, and they come from ordinary people, and they deserve to be treated with great respect. All of that needs to be done.

But, Mr. Speaker, we also need to address ourselves to the question of, what are the priorities and how is the Tax Code being uniformly enforced across the board? Who is the beneficiary of special treatment? Are we using the IRS, the Tax Code, for corporate welfare by choosing not to enforce certain portions? What corporations benefit, and how much? By choosing not to enforce certain portions, how are we placed in a situation where more pressure has to be applied on the middle-class taxpayer because we are not reaping, not collecting, the kind of revenue that was projected and predicted when Congress developed the codes in the IRS, in the Internal Revenue Code? All of that should be on the table.

Why is it that over the years since 1944, the amount of taxes collected, the percentage of taxes collected from corporations, although corporations have been booming, we have had unparalleled prosperity, why is the percentage of the income tax burden that they bear, why has it gone down while the percentage of income tax burden borne by individuals and families has gone up?

Why can the IRS give us some statistics without divulging individuals', and I am sure they can, categories? They can tell us exactly what kinds and how much revenue was produced in each section of the Code. There are ways to analyze without getting into individual discussions of corporations and individuals. All of that can be done, and it will give us a fairer system.

The time we spend on the IRS will be far more productive. We will do more than give our constituents a joyful feeling that finally somebody is going after those guys. It is long overdue. But we should also get to the root of the matter. Why are they pursuing, relentlessly pursuing, the average taxpayer, the families and individuals,

when there is so much that they are not doing with respect to corporations?

And when they do make the revenue collections, we can identify the fact that there is money available for the priorities that we have identified in education. We want to know where the money can come from. It can come from corporations paying their penalties for the violations of section 531 and 537. That section alone will produce all the money we need for school construction over the next 5 to 10 years. The two are very much related.

Education is very important. The IRS review is very important. Both parties in a nonpartisan, bipartisan way should pursue both of these objectives, and I would certainly hope that we will spend part of the remaining weeks of the first year of the 105th Congress doing this. But in the 105th Congress in the second year, we will give our full attention to a bipartisan effort to collect the taxes that are not being collected in the corporate welfare and divert the money that we raise that way into the coffers for the improvement of the public schools across America, starting with a new school construction initiative.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Washington (at the request of Mr. ARMEY), for today after 2 p.m., on account of attending his daughter's wedding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative programs and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of California, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. DELAY, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. CRAPO, for 5 minutes, today.

BILL 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, a bill of the House of the following title:

H.R. 1122: An act to amend title 18, United States Code, to ban partial-birth abortions.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. SCARBOROUGH). Pursuant to the provisions of House Concurrent Resolution 169 of the 105th Congress, the House stands adjourned until 10:30 a.m. on Tuesday, October 21, 1997, for morning hour debates.

Thereupon (at 9 o'clock and 15 minutes p.m.) pursuant to House Concurrent Resolution 169, the House adjourned until Tuesday, October 21, 1997, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5420. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Standards for Approval of Cold Storage Warehouses for Peanuts (RIN: 0560–AF04) received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5421. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—HUD Disaster Recovery Initiative [Docket No. FR–4254–N–01] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5422. 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 of New Source Review (NSR) Implementation Plan Addressing NSR in Nonattainment Areas; Louisiana; Louisiana Administrative Code (LAC), Title 33, Environmental Quality, Part III. Air, Chapter 5. Permit Procedures, Section 504, Nonattainment NSR Procedures [LA–14–1–7239; FRL–5905–7] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5423. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—California State Implementation Plan Revision; Interim Final Determination That State Has Corrected Deficiencies [CA 198–0056; FRL–5907–2] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5424. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Minnesota; Evidentiary Rule [MN40–03–6988; FRL–5906–3] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5425. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants: Approval of Delegation of Authority to New Mexico [FRL–5904–8] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5426. A letter from the AMD—Performance Evaluation and Records Management, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System [FO Docket 91–301, FO Docket 91–171] received October 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5427. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 98–07), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5428. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 98–06), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5429. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 98–05), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5430. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Available for New Jersey [Docket No. 961210346–7035–02; I.D. 100197A] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5431. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawal from Federal Regulations of Nineteen Acute Aquatic Life Water Quality Criteria Applicable to Alaska [FRL–5903–7] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5432. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of the Polychlorinated Biphenyl Human Health Criteria in the Water Quality Guidance for the Great Lakes System [FRL–5907–4] (RIN: 2040–AC08) received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5433. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawal From Federal Regulations of Arsenic Human Health Water Quality Criteria Applicable to Idaho [FRL–5903–4] received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5434. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit or abatement; determination of correct tax liability [Rev. Proc. 97–48] received October 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. DIAZ-BALART: Committee on Rules. House Resolution 265. Resolution providing for consideration of the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes (Rept. 105–317). Referred to the House Calendar.

Mr. ARCHER: Committee on Ways and Means. H.R. 2513. A bill to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives; with an amendment (Rept. 105–318 Pt. 1). Ordered to be printed.

Mr. STUMP: Committee on Veterans' Affairs. S. 923. An act to deny veterans benefits to persons convicted of Federal capital offenses; with amendments (Rept. 105–319). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 2367. A bill to increase, effective as of December 1, 1997, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (Rept. 105–320). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER (for himself and Mr. CRANE):

H.R. 2644. A bill to provide to beneficiary countries under the Caribbean Basin Economic Recovery Act benefits equivalent to those provided under the North American Free Trade Agreement; to the Committee on Ways and Means.

By Mr. ARCHER (for himself and Mr. RANGEL):

H.R. 2645. A bill to make technical corrections related to the Taxpayer Relief Act of 1997 and certain other tax legislation; to the Committee on Ways and Means.

By Mr. ARCHER (for himself and Mr. GINGRICH):

H.R. 2646. A bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; to the Committee on Ways and Means.

By Mrs. FOWLER (for herself, Mr. COX of California, Mr. GIBBONS, Mr. GILMAN, Mr. HUNTER, Mr. HYDE, Mr. SAM JOHNSON, Mr. MCINTOSH, Mr. MARKEY, Ms. PELOSI, Mr. ROHRABACHER, Mr. ROYCE, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. SPENCE, and Mr. WOLF):

H.R. 2647. A bill to ensure that commercial activities of the People's Liberation Army of China or any Communist Chinese military company in the United States are monitored and are subject to the authorities under the International Emergency Economic Powers Act; to the Committee on International Relations.

By Mr. BACHUS (for himself, Mr. RILEY, Mr. KING of New York, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, Mr. WATTS of Oklahoma, Mr. LARGENT, Mr. COOKSEY, and Mr. ADERHOLT):

H.R. 2648. A bill to amend title 18, United States Code, to make illegal all private possession of child pornography; to the Committee on the Judiciary.

By Mr. SKAGGS:

H.R. 2649. A bill to repeal the Line Item Veto Act and to amend the Congressional Budget and Impoundment Control Act to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, 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. SKAGGS:

H.R. 2650. A bill to repeal the Line Item Veto Act of 1996; to the Committee on the Budget, and in addition to the Committee on Rules, 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. DEFAZIO (for himself, Mr. FILNER, Ms. KAPTUR, Mr. BONIOR, Mr. LIPINSKI, Mr. MILLER of California, Mr. SANDERS, Mr. DELLUMS, Mr. STARK, Mr. PASCRELL, Mr. TIERNEY, Mr. COSTELLO, Mr. HINCHEY, Ms. SLAUGHTER, Mr. BROWN of Ohio, Mr. ABERCROMBIE, Mr. EVANS, Ms. WATERS, Mr. STUPAK, Mr. PALLONE, Mr. BALDACCI, Mr. DELAHUNT, and Ms. DELAURO):

H.R. 2651. A bill to establish an Emergency Commission To End the Trade Deficit; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2652. A bill to amend title 17, United States Code, to prevent the misappropriation of collections of information; to the Committee on the Judiciary.

By Mr. COOKSEY:

H.R. 2653. A bill to direct the Director of the United States Fish and Wildlife Service to conduct a study of the feasibility of establishing a national recreational fishing license; to the Committee on Resources.

By Mr. GREENWOOD:

H.R. 2654. A bill to amend the Solid Waste Disposal Act to permit States and political subdivisions to control the disposal of out-of-State municipal solid waste within their boundaries; to the Committee on Commerce.

By Mr. HOEKSTRA (for himself, Mr. NORWOOD, Mr. MCKEON, Mr. GREENWOOD, Mrs. EMERSON, Mr. MCINTOSH, Mr. BOEHNER, Mr. WICKER, Mr. BALLENGER, Mr. TALENT, Mr. BUYER, Mr. SAM JOHNSON, Mr. HILLEARY, Mr. PITTS, Mr. KNOLLENBERG, Mr. PETRI, Mr. BARRETT of Nebraska, Mr. HOSTETTLER, Mr. HASTINGS of Washington, Mr. GRAHAM, Mr. SCARBOROUGH, and Mr. BURTON of Indiana):

H.R. 2655. A bill to repeal certain Federal education programs; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA:

H.R. 2656. A bill to prohibit Federal funding for the election of officers and trustees of the International Brotherhood of Teamsters; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON (for himself, Mr. HERGER, Mr. CHRISTENSEN, Mr. HOUGHTON, Mr. RAMSTAD, Ms. DUNN of Washington, Mr. ENGLISH of Pennsylvania, Mr. WELLER, and Mr. HAYWORTH):

H.R. 2657. A bill to amend the Internal Revenue Code of 1986 to prohibit the summons and examination of source codes for third-party computer programs and the disclosure of executable computer software obtained by the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. KINGSTON (for himself, Mr. MCNULTY, and Mr. RAMSTAD):

H.R. 2658. A bill to amend the Internal Revenue Code of 1986 to prohibit the Internal Revenue Service from using the threat of audit to compel agreement with the Tip Reporting Alternative Commitment or the Tip Rate Determination Agreement; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 2659. A bill to prohibit non-emergency take-off and landing at the Fulton County Airport, Brown Field, located in Atlanta, Georgia, when the airport's tower is closed; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia (for himself, Ms. CARSON, Mr. LEACH, Mr. DELLUMS, Mr. PAYNE, Ms. FURSE, Mr. TOWNS, Ms. PELOSI, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. OBERSTAR, Ms. RIVERS, Mr. BROWN of California, Mr. DEFAZIO, Mr. MARKEY, Mr. OWENS, and Mr. HINCHEY):

H.R. 2660. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for nonmilitary purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself, Mr. BAESLER, Mr. BONILLA, Mr. BOYD, Mr. BUNNING of Kentucky, Mr. COOKSEY, Mr. CUNNINGHAM, Mr. LINDER, Mrs. MORELLA, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Ms. PRYCE of Ohio, Mr. BOB SCHAFFER, Mr. SNOWBARGER, and Mr. WICKER):

H.R. 2661. A bill to establish peer review for the review of standards promulgated under the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. MENENDEZ (for himself, Mr. STARK, Mrs. MALONEY of New York, Ms. KILPATRICK, Mr. GREEN, and Ms. LOFGREN):

H.R. 2662. A bill to amend the Truth in Lending Act to prevent credit card issuers from advertising and offering one type of credit card and then issuing another type of credit card without the informed consent of the consumer, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. METCALF:

H.R. 2663. A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. PALLONE (for himself, Mr. MEEHAN, Mr. MCDERMOTT, Mr. KLUG, Mr. FILNER, Ms. LOFGREN, Mr. PETRI, Mr. BROWN of Ohio, Mr. FROST, Mr. MCNULTY, Mr. WEXLER, and Ms. FURSE):

H.R. 2664. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. PASTOR (for himself, Mr. KILDEE, Mr. MARTINEZ, Mr. TOWNS, Mr. FROST, Mrs. MINK of Hawaii, Mr. HAYWORTH, Ms. ROYBAL-ALLARD, and Mr. KENNEDY of Rhode Island):

H.R. 2665. A bill to improve Indian reservation roads and related transportation services, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN:

H.R. 2666. A bill to provide for adjustment of status of certain Nicaraguans; to the Committee on the Judiciary.

By Mr. ROYCE (for himself, Mr. KASICH, Mr. TAUZIN, Mr. ARMEY, Mr. BASS, Mr. BOEHNER, Mr. BONO, Mrs. CHENOWETH, Mr. COBURN, Mr. CRANE, Mr. EHRLICH, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. INGLIS of South Carolina, Mr. KINGSTON, Mr. KLUG, Mr. LARGENT, Mr. LIVINGSTON, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NEUMANN, Mr. NUSSLE, Mr. PARKER, Mr. PAUL, Mr. PITTS, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. RYUN, Mr. SANFORD, Mr. SCARBOROUGH, Mr. SHADEGG, Mr. SOLOMON, Mr. STEARNS, Mr. SUNUNU, Mr. TALENT, Mr. THORNBERRY, Mr. TIAHRT, and Mr. WELDON of Florida):

H.R. 2667. A bill to dismantle the Department of Commerce; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Banking and Financial Services, International Relations, National Security, Agriculture, Ways and Means, Government Reform and Oversight, the Judiciary, Science, and 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. SALMON (for himself, Mr. STUMP, Mr. HAYWORTH, Mr. SHADEGG, Mr. GOSS, Mrs. KELLY, Mr. FOLEY, Mr. COBURN, Mr. CAMPBELL, Mr. PAUL, Mr. MCCRERY, Mr. SESSIONS, Mr. ROYCE, Mr. PAPPAS, Mr. MCINTOSH, Mr. ENSIGN, Mr. HOEKSTRA, Mr. TALENT, Mr. HASTERT, Mr. SENSENBRENNER, and Mr. SOUDER):

H.R. 2668. A bill to amend title XVIII of the Social Security Act to remove the sunset and numerical limitation on Medicare participation in MedicareChoice medical savings account (MSA) plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANFORD:

H.R. 2669. A bill to amend the Social Security Act to provide simplified and accurate information on the Social Security trust funds, and personal earnings and benefit estimates to eligible individuals; to the Committee on Ways and Means.

By Mr. SAXTON (for himself and Mr. PALLONE):

H.R. 2670. 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; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. STEARNS, Mr. WELDON of Florida, Mr. KENNEDY of Rhode Island, Mr. FOLEY, and Mr. CAMPBELL):

H.R. 2671. A bill to amend title XVIII of the Social Security Act to assure payment for ultrasonic nebulizers as items of durable medical equipment under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. WISE:

H.R. 2672. A bill to amend the Higher Education Act of 1965 to prevent Federal student assistance need analysis from penalizing parents for investing in prepaid tuition programs; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD:

H.R. 2673. A bill to ensure the safety of children in regard to firearms; to the Committee on the Judiciary.

By Mr. DAVIS of Virginia (for himself, Mr. WYNN, and Mrs. MORELLA):

H.J. Res. 96. A joint resolution 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; to the Committee on the Judiciary.

By Mr. CRANE (for himself, Mr. STUMP, Mr. HOSTETTLER, Mr. BARR of Georgia, Mr. GIBBONS, and Mr. SNOWBARGER):

H. Con. Res. 170. Concurrent resolution expressing the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999, and to permit the United States to act independently to continue to protect the Panama Canal and to guarantee its regular operation; to the Committee on International Relations.

By Mr. MOAKLEY:

H. Res. 266. A resolution recognizing and congratulating Northeastern University on its one-hundredth anniversary; to the Committee on Education and the Workforce.

By Mr. PAPPAS (for himself, Mr. ENSIGN, Mr. PORTMAN, Mr. HASTERT, Mr. BARRETT of Nebraska, Mrs. LINDA SMITH of Washington, Mr. WATTS of Oklahoma, Mr. REDMOND, Mrs. CHENOWETH, Mr. HYDE, Mr. RILEY, Mr. HALL of Texas, Mr. SUNUNU, and Mr. HUTCHINSON):

H. Res. 267. A resolution expressing the sense of the House of Representatives that the citizens of the United States must remain committed to combat the distribution, sale, and use of illegal drugs by the Nation's youth; to the Committee on Education and the Workforce.

By Mr. PAXON (for himself, Mr. MCHUGH, Mr. KNOLLENBERG, Mr. HOSTETTLER, Mr. EWING, Mr. NEUMANN, Mr. HERGER, Mrs. EMERSON, and Mr. THORNBERRY):

H. Res. 268. A resolution expressing the sense of the House of Representatives that no new energy taxes or fees should be imposed on the American public for the purposes of complying with the global warming treaty; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GEJDENSON introduced a bill (H.R. 2674) to authorize issuance of a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. LAHOOD.

H.R. 44: Mr. KILDEE, Mr. HINCHEY, Mr. OLVER, and Mr. DAVIS of Virginia.

H.R. 100: Mr. REYES.

H.R. 158: Mr. STUPAK.

H.R. 303: Mr. TURNER.

H.R. 339: Mr. SHIMKUS.

H.R. 404: Mr. TORRES and Mr. ROTHMAN.

H.R. 414: Mr. CRAPO.

H.R. 465: Mr. BLILEY.

H.R. 536: Ms. LOFGREN.

H.R. 746: Mr. HASTERT.

H.R. 754: Mr. SMITH of New Jersey.

H.R. 758: Mr. REDMON and Mr. CHABOT.

H.R. 789: Mr. LUCAS of Oklahoma.

H.R. 805: Mr. BARTON of Texas.

H.R. 815: Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. MOAKLEY, Mr. ANDREWS, Mr. DOOLEY of California, and Mr. DAN SCHAEFER of Colorado.

H.R. 859: Mr. THORNBERRY.

H.R. 883: Mr. LUCAS of Oklahoma.

H.R. 939: Mr. HOLDEN.

H.R. 965: Mr. BONO, Mr. COLLINS, and Mr. SALMON.

H.R. 981: Mr. GUTIERREZ.

H.R. 983: Mr. BARRETT of Wisconsin and Mr. GUTIERREZ.

H.R. 991: Mr. ROTHMAN.

H.R. 1018: Mr. KILDEE.

H.R. 1025: Mr. SHERMAN.

H.R. 1054: Mr. LEWIS of California, Mr. SESSIONS, Mr. BURTON of Indiana, Mr. SPRATT, Mr. FARR of California, Mr. CALLAHAN, Mrs. TAUSCHER, Mr. RADANOVICH, Mrs. MORELLA, and Mr. MOAKLEY.

H.R. 1063: Ms. SLAUGHTER, Ms. DELAURO, Mr. BURTON of Indiana, Mr. HEFLEY, Mr. WAMP, Ms. DUNN of Washington, and Mr. HALL of Ohio.

H.R. 1070: Ms. HARMAN and Mr. MATSUI.

H.R. 1071: Mr. BROWN of California.

H.R. 1114: Mr. ETHERIDGE.

H.R. 1151: Mr. SERRANO, Ms. WOOLSEY, and Mr. COSTELLO.

H.R. 1234: Mr. DELLUMS, Ms. BROWN of Florida, Mr. GUTIERREZ, Mr. JEFFERSON, and Ms.VELAZQUEZ.

H.R. 1289: Mr. FOX of Pennsylvania.

H.R. 1371: Mr. SMITH of Michigan.

H.R. 1378: Mr. CHABOT, Mr. WELDON of Florida, and Mr. LARGENT.

H.R. 1415: Mr. MARTINEZ, Mr. BOYD, Mr. CLYBURN, Ms. STABENOW, Mr. LOBIONDO, Mr. EWING, and Mr. BUNNING of Kentucky.

H.R. 1441: Mrs. EMERSON.

H.R. 1534: Mr. BURR of North Carolina and Mr. TAYLOR of Mississippi.

H.R. 1565: Mr. NEY, Mr. BAKER, and Mr. EVANS.

H.R. 1586: Mr. DEFAZIO.

H.R. 1595: Mr. BLILEY and Mr. HOBSON.

H.R. 1608: Mr. KUCINICH, Mr. SPENCE, Mr. TAYLOR of Mississippi, Mrs. THURMAN, and Mr. BOB SCHAFFER.

H.R. 1614: Mr. SCHUMER.

H.R. 1625: Mr. WAMP, Mr. SMITH of Michigan, Mr. SMITH of Oregon, Mr. SMITH of Texas, Mr. FOX of Pennsylvania, Mr. UPTON, Mr. CHRISTENSEN, Mr. PITTS, Mr. GANSKE, Mr. JONES, Mr. HANSEN, Mr. STUMP, Mr. BUNNING of Kentucky, Mr. TAUZIN, Mr.

BAKER, Mr. SHUSTER, Mr. EHRLICH, Mr. COBLE, Mr. OXLEY, and Mr. HYDE.

H.R. 1679: Mrs. KENNELLY of Connecticut.

H.R. 1689: Mr. ADAM SMITH of Washington, Mr. FRELINGHUYSEN, and Mr. FORBES.

H.R. 1697: Mr. ENGLISH of Pennsylvania, Mr. BARCIA of Michigan, Mr. FRANK of Massachusetts, Mr. DOYLE, and Mr. DELLUMS.

H.R. 1735: Mr. FROST.

H.R. 1737: Ms. WOOLSEY, Mr. BARRETT of Wisconsin, Mr. EVANS, Mr. MEEHAN, and Mrs. MORELLA.

H.R. 1741: Mr. THORNBERRY.

H.R. 1753: Mr. GRAHAM.

H.R. 1763: Mr. GILMAN and Mrs. LOWEY.

H.R. 1872: Mr. FOLEY, Mr. DAVIS of Florida, and Mr. LARGENT.

H.R. 1891: Mr. BUNNING of Kentucky, Mr. CRAMER, Mr. ENGLISH of Pennsylvania, Mr. HOUGHTON, Mr. HOLDEN, Mr. MCCRERY, Mr. NETHERCUTT, and Mr. HERGER.

H.R. 1913: Mr. TURNER.

H.R. 2185: Mr. MCGOVERN.

H.R. 2202: Mr. BILBRAY and Mr. CHRISTENSEN.

H.R. 2221: Mr. STUMP.

H.R. 2224: Mr. LIPINSKI and Mr. LANTOS.

H.R. 2253: Mr. FARR of California.

H.R. 2273: Ms. WOOLSEY, Mr. KILDEE, Mr. MCHALE, Mr. ETHERIDGE, Mr. BEREUTER, Mr. MCINTYRE, Mr. FAZIO of California, Mr. TOWNS, Mr. BORSKI, Mr. TURNER, Mr. MURTHA, Mr. MASCARA, Mr. PALLONE, and Mr. SISISKY.

H.R. 2276: Mr. KIND of Wisconsin, Mr. KLECZKA, Mr. BROWN of Ohio, Mr. BARRETT of Wisconsin, Mr. FROST, Ms. LOFGREN, and Mr. LUTHER.

H.R. 2292: Mr. BACHUS, Mr. WHITFIELD, Mr. LAHOOD, Mr. HUNTER, Mr. MCINTYRE, Mr. WHITE, Mrs. NORTHUP, Mr. BOB SCHAFFER, Mr. INGLIS of South Carolina, Mr. COBURN, Mr. LUCAS of Oklahoma, Mr. TAYLOR of Mississippi, Mr. KINGSTON, Mr. SAXTON, Mr. WOLF, Mr. TURNER, Mr. HEFLEY, and Mrs. EMERSON.

H.R. 2302: Mr. MORAN of Virginia, Mr. BLAGOJEVICH, Mr. DOOLEY of California, Mr. BURR of North Carolina, and Mr. PETERSON of Minnesota.

H.R. 2313: Mr. MCHALE.

H.R. 2362: Mrs. TAUSCHER.

H.R. 2377: Mr. EWING and Mr. LUCAS of Oklahoma.

H.R. 2397: Mr. WOLF and Mr. GOODE.

H.R. 2403: Mr. PORTER, Mr. GRAHAM, and Mr. HULSHOF.

H.R. 2404: Mr. EVANS.

H.R. 2438: Mr. HAYWORTH, Mr. CANADY of Florida, Mr. SMITH of Texas, and Mr. MCCRERY.

H.R. 2449: Mr. NETHERCUTT, Mr. GOODE, Mr. GOODLATTE, Mr. HAYWORTH, Mr. WATTS of Oklahoma, Mr. COOKSEY, Mr. BLILEY, and Mr. EHRLICH.

H.R. 2451: Mr. GUTIERREZ, Mr. KENNEDY of Rhode Island, Mr. ACKERMAN, and Ms. PELOSI.

H.R. 2456: Mr. KNOLLENBERG, Mr. KLUG, Mr. TAYLOR of Mississippi, Mr. CALVERT, Mr. PORTER, Mr. EVERETT, Mr. LEACH, Mr. LIPINSKI, Mr. STUPAK, Mr. LUCAS of Oklahoma, Mr. REGULA, Ms. LOFGREN, Mr. PETRI, Mr. MATSUI, Mr. QUINN, Mr. LAZIO of New York, Mr. SHAYS, and Mr. FRANKS of New Jersey.

H.R. 2462: Mr. HOEKSTRA, Ms. GRANGER, Mr. LARGENT, Mr. NEUMANN, Mr. PITTS, and Mr. EHRLICH.

H.R. 2476: Mr. MCGOVERN and Mr. STARK.

H.R. 2480: Mr. MCDERMOTT.

H.R. 2481: Mr. OBERSTAR, Mr. PAXTON, Mr. WALSH, Mr. SOLOMON, Ms. DUNN of Washington, Mr. GOODE, Mr. NETHERCUTT, Mr. LEVIN, Ms. DANNER, Ms. FURSE, Mr. GILLMOR, and Mr. SMITH of Michigan.

H.R. 2483: Mr. MCINTOSH, Mr. TALENT, Mrs. CHENOWETH, Mr. PETERSON of Minnesota, Mr. MILLER of Florida, Mr. PETERSON of Pennsylvania, Mr. CAMPBELL, Mr. ENSING, Mr. PAUL, and Mr. MCCRERY.

H.R. 2490: Mr. ADERHOLT, Mr. COX of California, Mr. BALLENGER, Mrs. CUBIN, Mr. DEAL of Georgia, Mr. FOLEY, Mr. LUCAS of Oklahoma, Mr. MCINTOSH, Mr. METCALF, Mrs. MYRICK, Mr. PETERSON of Minnesota, Mr. SALMON, Mr. SANFORD, Mr. BOB SCHAFFER, Mr. SHADEGG, Mr. STUMP, Mr. TALENT, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WHITFIELD, Mr. HUTCHINSON, Mr. BLUNT, Mr. BURTON of Indiana, Mr. CHRISTENSEN, Ms. GRANGER, Mr. KLUG, Mr. HASTERT, Mr. SMITH of New Jersey, Mr. SPENCE, and Mr. WICKER.

H.R. 2493: Mr. THOMAS and Mr. DOOLITTLE.

H.R. 2495: Mr. ANDREWS, Mrs. MINK of Hawaii, Ms. FURSE, and Mr. COLLINS.

H.R. 2503: Mr. MEEHAN and Mr. OLVER.

H.R. 2509: Mr. GRAHAM, Mr. HOLDEN, and Mr. LATHAM.

H.R. 2515: Mr. PETERSON of Minnesota, Mr. DEAL of Georgia, Mr. PICKERING, Mr. SKEEN, Mr. CHAMBLISS, and Mr. HERGER.

H.R. 2517: Mr. MCGOVERN, Ms. CARSON, and Mr. HOSTETTLER.

H.R. 2519: Mr. MEEHAN and Mr. COOK.

H.R. 2523: Mr. BROWN of California and Mr. ETHERIDGE.

H.R. 2525: Mr. CLAY, Ms. DEGETTE, and Mr. HINCHEY.

H.R. 2527: Mr. KUCINICH, Mr. KILDEE, Mr. BOEHLERT, Mr. DOYLE, Mr. BOYD, Mr. BALDACCI, Ms. HOOLEY of Oregon, Mr. TORRES, Mr. TIERNEY, and Mr. MANTON.

H.R. 2535: Mr. WELLER.

H.R. 2551: Mr. HILLEARY, Mr. PETERSON of Minnesota, Mr. QUINN, and Mr. PAXON.

H.R. 2560: Mr. SAWYER, Mr. LAMPSON, Mr. EVANS, Mr. KENNEDY of Rhode Island, Mrs. MORELLA, and Ms. FURSE.

H.R. 2593: Mr. HULSHOF, Mr. SMITH of New Jersey, Mr. EVANS, Mr. ANDREWS, and Mr. KENNEDY of Rhode Island.

H.R. 2597: Mr. FROST and Mr. HINOJOSA.

H.R. 2598: Mr. BLUNT, Mr. BRADY, Mrs. EMERSON, Mr. EWING, Mr. FROST, Mr. GIBBONS, Mr. PICKERING, Mr. RILEY, and Mr. SNOWBARGER.

H.R. 2602: Ms. FURSE.

H.R. 2609: Mr. CUNNINGHAM, Mr. STEARNS, Mr. WELDON of Florida, Mr. FOLEY, Mr. BARCIA of Michigan, Mr. HERGER, Mr. WHITFIELD, and Mr. NORWOOD.

H.R. 2610: Mr. SOUDER, Mr. BURTON of Indiana, Mr. BARR of Georgia, Mr. SESSIONS, Mr. MCCOLLUM, Mr. PORTMAN, Mr. CONDIT, and Mr. GOSS.

H.R. 2611: Mr. BOB SCHAFFER and Mr. DOOLITTLE.

H.R. 2624: Mr. LEWIS of Kentucky, Mr. HOSTETTLER, Mr. SCARBOROUGH, and Mr. SKEEN.

H.R. 2631: Mr. HOSTETTLER, Mr. NETHERCUTT, Mr. MURTHA, Mr. BUYER, Mr. HANSEN, Mr. BRYANT, Mr. MOLLOHAN, Mr. SCARBOROUGH, Mr. HILLEARY, Mr. HEFLEY, Mr. RAHALL, Mr. BISHOP, Mr. SHAW, Ms. ROS-LEHTINEN, Mr. MCCOLLUM, Mr. WELDON of Florida, Mr. SCOTT, Mr. CANNON, and Mr. THUNE.

H.R. 2635: Mr. PORTER, Mr. BROWN of Ohio, and Mr. BROWN of California.

H. Con. Res. 80: Mr. JOHN.

H. Con. Res. 106: Mr. DAVIS of Illinois and Mr. GEJDENSON.

H. Con. Res. 107: Mr. GOODLING and Mr. DAN SCHAEFER of Colorado.

H. Con. Res. 121: Mr. TALENT, Mr. LAZIO of New York, Mr. SOUDER, Mrs. MORELLA, Mr. LATOURETTE, Mr. RAHALL, Mr. TIAHRT, Mr. WEXLER, Mr. CHAMBLISS, Ms. WOOLSEY, Mr. PORTER, Mr. JONES, Mr. METCALF, Ms. RIVERS, Mr. ROTHMAN, and Mr. FOX of Pennsylvania.

H. Con. Res. 127: Mr. BLILEY, Mr. HAMILTON, Mr. HALL of Texas, and Mrs. LINDA SMITH of Washington.

H. Con. Res. 130: Mr. BEREUTER.

H. Con. Res. 144: Mr. ROTHMAN.

H. Con. Res. 148: Mr. BLAGOJEVICH, Mr. KLINK, Mr. HORN, Mr. TIERNEY, Mrs. KELLY, Mr. MCNULTY, and Mr. HOLDEN.

H. Con. Res. 150: Mr. ADAM SMITH of Washington, Mr. PETERSON of Minnesota, and Mr. METCALF.

H. Con. Res. 156: Ms. SLAUGHTER, Mr. MCGOVERN, Mr. MEEHAN, and Ms. FURSE.

H. Con. Res. 158: Mr. BARTON of Texas.

H. Con. Res. 164: Mr. MILLER of California and Mr. FILNER.

H. Con. Res. 165: Mr. WYNN.

H. Con. Res. 166: Mr. PORTER.

H. Con. Res. 168: Mr. DELLUMS, Mr. EVANS, Mr. KUCINICH, Mr. RAHALL, Mr. BROWN of Ohio, Mr. MARTINEZ, Mr. BLAGOJEVICH, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLINK, Ms. MCKINNEY, Ms. ROYBAL-ALLARD, Mr. EHRLICH, and Mr. FROST.

H. Res. 96: Mr. MATSUI.

H. Res. 224: Mr. LATOURETTE, Mr. POSHARD, Mr. GEKAS, and Ms. RIVERS.

H. Res. 235: Mr. PETERSON of Pennsylvania, Mr. DEUTSCH, Mr. CANADY of Florida, and Mr. YOUNG of Florida.

H. Res. 236: Mr. MORAN of Virginia, Mr. NADLER, Mr. MCDERMOTT, Mr. BALDACCI, Mr. CLEMENT, Mr. KLECZKA, Mr. BARRETT of Wisconsin, Mr. ENGEL, Mr. STRICKLAND, Ms. PELOSI, Mr. ETHERIDGE, Mr. STARK, Mr. YATES, Ms. STABENOW, Mr. ACKERMAN, Mr. TORRES, Ms. RIVERS, Mr. LEWIS of Georgia, Mr. DELAHUNT, Ms. LOFGREN, and Mr. MCHALE.

H. Res. 237: Mrs. THURMAN.

H. Res. 245: Mr. HILLIARD, Mr. HEFLEY, Mr. HASTINGS of Florida, Mr. TORRES, Mr. BORSKI, Mr. MORAN of Virginia, Mr. PITTS, Mr. BOEHNER, Mr. HALL of Ohio, Mr. BERMAN, Mr. DREIER, Mr. BEREUTER, and Mr. LATHAM.

H. Res. 246: Mr. BURTON of Indiana, Mr. WATTS of Oklahoma, Mr. FOLEY, Mr. TRAFICANT, Mr. SNOWBARGER, Ms. ROS-LEHTINEN, Mr. SAXTON, Mr. HORN, Mr. LOBIONDO, Mrs. KELLY, Mr. MCGOVERN, Mr. MCCOLLUM, Mrs. MORELLA, Mr. ENGEL, Mr. WAXMAN, Mr. SHAYS, Mr. KING of New York, Mr. MENENDEZ, Mr. MEEHAN, and Mr. MCNULTY.

H. Res. 259: Mr. TURNER.

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. 1415: Mr. DICKEY.
H.R. 1984: Mr. PORTER.
H.R. 2332: Mr. SPRATT.
H.R. 2579: Mr. BISHOP.

DISCHARGE PETITIONS

Under clause 3, rule XXVII the following discharge petitions were filed:

Petition 2, October 9, 1997, by Mr. PETERSON of Minnesota on H.R. 1984, has been signed by the following Members: Collin C. Peterson, Virgil H. Goode, Jr., Mike McIntyre, Norman Sisisky, Max Sandlin, Scotty Baesler, Jim Turner, Leonard L. Boswell, Sanford D. Bishop, Jr., Pat Danner, Charles W. Stenholm, and Marion Berry.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. YATES on House Resolution 141: Henry A. Waxman.

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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplian, Dr. Lloyd John Ogilvie, offered the following prayer:

Blessed God, whose love never lets us go, whose mercy never ends, whose strength is always available, whose guidance shows us the way, whose spirit provides us supernatural power, whose presence is our courage, whose joy invades our gloom, whose peace calms our pressured hearts, whose light illuminates our paths, whose goodness provides the wondrous gifts of loved ones and family and friends, whose will has brought us to the awesome tasks of today, and whose calling lifts us above self-centeredness to others-centered servanthood. We dedicate all that we have and are to serve You today with unreserved faithfulness and unfailing loyalty.

You are with us today watching over all that happens to us. You go before us to guide each step of the way. You are beside us as our companion and friend, and You are behind us to gently prod us when we lag behind with caution or reluctance. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the routine requests through the morning hour be granted, and that the Senate immediately proceed to 1 hour of debate.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

SCHEDULE

Mr. LOTT. Mr. President, following 1 hour of debate, a vote will occur on the motion to invoke cloture with respect to the campaign finance reform bill. If cloture is not invoked, a cloture vote will then occur on the Lott amendment dealing with paycheck protection to S. 25. Therefore, Members can anticipate two back-to-back rollcall votes at approximately 1 p.m. I will notify Members as to the rest of the day. We are working now with the Democratic leader to see if we can get some understanding as to how we will proceed throughout the remainder of the day and, of course, how we will conclude the week's schedule.

It is hoped that the Senate will be able to vote on the VA–HUD appropriations conference report. I believe that is pretty well agreed to. We are also hoping we will be able to get the papers and have a vote on the Transportation appropriations conference report, if a recorded vote is required. And we hope to have some discussion today on the ISTEA authorization bill. We have requests from Senators for a block of time around 4 o'clock. But we are trying now to get an understanding of how we will proceed through the remainder of the day. Once that is worked out, we will notify all the Members. Of course, we could have some action on the Executive Calendar, in addition, before we go out tonight.

I yield the floor, Mr. President.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

BIPARTISAN CAMPAIGN REFORM ACT OF 1997—CLOTURE MOTION

Mr. ROBERTS. Mr. President, I am making today one of those ''I did not intend to make a speech, but here I am making a speech'' speeches. I think most would agree that opponents of so-called campaign reform—a term, by the way, which should top the oxymoron list of the 1990's—the opponents of this ill-advised attack on free speech have just about worn everybody out, even in Washington where people actually talk about such topics over dinner.

Some months ago, thanks to the distinguished Senator from Kentucky, I spoke on this issue and made what I thought was a pretty fair defense of free political discourse when the distinguished Senator from South Carolina proposed withdrawing first amendment protection from that same political discourse. Senator HOLLINGS, by the way, was up front. He was candid in his approach, as opposed to the current proposals of so-called reform.

Having been through at least three campaign reform efforts in the House of Representatives as a member of the then Administration Committee and goodness knows how many campaign task forces, and having paid attention to the current debate, I have been hard pressed to figure out what can be said that has not been said. However, it appears as if there is a sure bet in regard to this topic. It is that those who insist that they propose reform, regardless of the consequences, and wave their reform banners from self-consecrated, high moral ground, they never seem to suffer from arm fatigue. When it comes to campaign reform, the high road of humility is not bothered by heavy traffic in this town.

Despite the fact there is no clear consensus or a majority in the Senate regarding alleged campaign reform, there is no mercy from the proponents of the effort to further federalize the American electoral system, and we will apparently debate and vote, debate and vote and say the same things over and over and over and over again. I would surmise this is going to get a little tiresome, if not painful. But apparently the failure of past reforms does not deter or change the minds of current reformers.

Well, when you know all the answers, you haven't asked all the questions.

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But in this debate, there is a new axiom: The fewer the facts, the stronger the opinions, and apparently the less a thing can be proven, the angrier we get when we argue about it.

Nevertheless, I think we have an obligation to at least try to set the record straight in regard to this issue and, in that regard, I would like to make the following observations:

First, the distinguished Democratic leader of the Senate, Senator DASCHLE, a good friend, stated on the floor that there should be no confusion—no confusion—that the question is, do you support meaningful reform in response to the hearings regarding all of the illegal campaign activities apparently conducted in the last Presidential campaign.

The only problem with the Senator's statement is that the campaign finance reform bill is not reform. Let me repeat that, it is a reform bill that is not reform. It will not work. It again leads us down the road to a maze of election laws, rules, and regulations that favor incumbents, restricts desired political participation on the part of the American people, and would tripwire honest candidates and citizens into criminal acts. To make matters worse, the bill is fundamentally flawed and is what I hope—I hope—is an unintended attack on the most basic right of individuals guaranteed by our Constitution, and that is the right of free speech, the right written first, the right without which no other right can long exist.

Well, I know that people who think they know it all often annoy those of us who really do, but for the life of me, how this concoction can be labeled or disguised as ''reform'' is beyond me.

Senator MCCONNELL said it best when he stated:

> My goal is to redefine reform, to move the debate away from arbitrary limits and toward expanded citizen participation and political discourse.

He said McCain-Feingold is a failed approach. It is. We already have it in the Presidential system. It is a failure.

So, for all the good press and good intentions, McCain-Feingold is a bad bill. Why? The basic premise of the bill is flawed, Mr. President. That premise is that too much money is corrupting politics. No, it is not.

Oh, now, now, I realize that our opponents and all of the so-called special interest groups—those groups who do not agree with us—they have too much money, I know that. And I realize when they spend it on negative ads opposing me or positions that I favor, that spending should be banned or limited—boy, I'm for that—or at least capped.

Too much spending? Compared to what? The Citizens Research Foundation has reported that campaign spending for all offices in 1996 added up to about $4 billion. All offices of the United States, $4 billion. That is a lot of money. But that compares to one-twentieth of 1 percent of the gross domestic product in our country of $7.6 trillion. One-twentieth of 1 percent is too much to set priorities on how those trillions will affect our daily lives and pocketbooks in the next generations of Americans? Compared to what?

Americans spend $20 billion on dry cleaning and laundry. One 30-second Super Bowl ad could finance three campaigns for Congress. Columnist George Will points out that millions of Americans gave $2.6 billion to 476 congressional campaigns and still had enough left over to spend $4.6 billion on potato chips. We can apply the same thing to yogurt or almost anything the American people will spend their hard-earned dollars on.

While having the privilege of presiding in this body, I remember well the chart displayed by proponents of this bill. It showed the so-called dramatic increase in campaign spending since 1976. It did not show the causes—the increase in postage, radio, TV, newspaper ads, printing, phone banks, campaign workers, all of that. It did not show virtually everything else that Americans must purchase in this country has also increased—homes, education, automobiles, health care—not to mention the purchasing power of the individual citizen.

Senator MCCONNELL has pointed out that in 1996, we had a pretty high-stakes election, a very important election. There was a fierce ideological battle over the future of this country. On a per eligible voter basis, the congressional elections cost $3.89. Every voter in America, dividing it up equally, is $3.89, about 4 bucks. The Senator pointed out that that is roughly the cost of a McDonald's extra value meal.

The second major flaw I think in McCain-Feingold is that no matter how you try to regulate or cap the flow of money to campaigns, it reappears, most of the time in the murky and illegal shadows with little or no public disclosure. Witness the circumvention of current campaign laws in regard to the money laundering scheme among certain interest groups, the Democratic National Committee and the Teamsters Union.

To make matters worse, McCain-Feingold compounds the felony. Instead of focusing on blatant violations of current law, the reformers want to place limits on money spent to support or defeat candidates for election.

And therein, Mr. President, lies the ''Aha!'' of this current debate, what is really going on. As Paul Harvey says, the rest of the story. It is pretty simple, really. Just take the interest groups who are pushing for this so-called reform and then take a look at their legislative agenda. I wrote it down. I had a staff member go through it. All the interest groups that are for campaign finance reform and then their legislative agenda:

Nationalized health insurance; status quo on Medicare and Social Security—this is my version; increased Federal role in education; opposition to liability and tort reform; opposition to tax cuts; increased Federal role in environmental protection. I might support part of that. Opposition to a balanced budget; reduced defense spending; opposition to current welfare reform.

I am not trying to perjure these positions. They are honest positions. The AARP, AFL–CIO, Common Cause, and the many so-called nonprofit consumer groups have every right to express their views, and they do. These issues are bigtime stuff. How we decide these issues will affect the daily lives, pocketbooks, and future of every member of these organizations, every American.

Organized labor should weigh in. Boy, they sure as heck did in the last election in my campaign. But so should the business community and farmers and ranchers and small business Main Street America, and all of the folks who might just disagree on how we get there from here on these issues. The truth of it is this reform is skewed to a particular political point of view. It is called unilateral retreat from the political playing field for those who have a political view different from you, but we will continue our vote, our vote buying, really, through the Federal budget.

Take the proposal to ban so-called soft money. Ban soft money and all of the interest groups whose future is and will be decided in part by the decisions of those who propose the ban will simply bypass the Republican and Democratic Parties and will conduct their own campaigns, and we will have a further weakening of the two-party system. That is wrong. That is detrimental.

I know soft money has become a pejorative, but, in fact, it is the only money spent today on campaigns by the American people that is not under control of the Federal Government. We haven't got our fishhooks into the regulations and redtape and all that goes with it.

Are we really saying, Mr. President, are we really saying that in America citizens and various interests groups whose very economic future depends on the decisions we make in this Congress cannot support or oppose those candidates? Think about it. ''I'm sorry, you cannot invest in good government, you cannot express your point of view independent from the FEC.'' There are many countries in which that is the case—China, Iraq, Iran, North Korea. I do not think we want to go down that road.

''I am sorry, Farmer Jones, you cannot run an ad or distribute a handbill opposing PAT ROBERTS in his freedom-to-farm bill 60 days before the election. That's soft money. You can't do it.'' The same thing for farm organizations or commodity groups—unless, of course, you are a newspaper or a labor union.

How do you define a newspaper, by the way? It used to be to be a newspaper you had a hatrack, and then you had a typewriter, and you had a letter press, and you had somebody run it. You had a list. You had advertisers.

You had to get your printing equipment somewhere. You had the local printing contract for the county.

Today, a newspaper is when you have a computer. You can manufacturer your own newspaper—Pat Roberts Weekly News, published every day. I do not know how you are going to define this. Who is going to be in charge?

Finally, let me stress the most serious flaw in the McCain-Feingold bill, and that is money spent to express your views or the views of voters cannot be regulated or banned without being at odds with the first amendment. We simply cannot improve the integrity of any political system by restricting the political speech under the banner of reform.

Speech controls in the last 60 days of a campaign envisioned in the bill represent the lawyer full-employment act. Just read the provisions exempting the voter guides and try to figure it out.

Well, finally, I must say, with all due respect—this may be viewed as a little partisan on my part—but with all due respect, that the administration's position in regard to campaign finance represents a new threshold for what is political chutzpah. Here we have evidence presented before the Senate Governmental Affairs Committee itemizing campaign malfeasance that includes everything from Buddhist nuns; unprecedented misuse of our Nation's intelligence agencies—let me repeat, unprecedented misuse of the CIA for campaign activities—that is unprecedented; money laundering in exchange for taking sides in a Teamsters election; a fugitive influence peddler bribing his way to the President's side—he did not get his way, thank goodness—soft money turned to hard, circumventing existing campaign limits; and now missing tapes of the White House coffees or fundraisers.

In answer to all of this, Mr. President, the people who have been caught with their hands in the campaign violation cookie jar say we need a new cookie jar. President Clinton stating he will take the bully pulpit for campaign finance reform is like somebody charged with drunk driving insisting we lower the speed limit for everybody else.

Mr. President, in regard to President Clinton, the administration and the proponents of reform that is not reform, the greatest of faults is to be conscious of none. In this regard, I do not mean to malign the President or my dear friends across the aisle, but this is not reform. I urge a ''no'' vote on cloture. Let us get on with the business of the Senate in the United States.

Oh, and real campaign reform? As stated by Robert Samuelson in his column in Newsweek, ''The best defense against the undue influence of money is to let candidates raise it from as many sources as possible—and most important—'' most important, do not infringe upon the first amendment, ''let the public see who is giving.'' They can figure it out. They are six jumps ahead of Washington and any proponent of reform we have in this body. ''That would be genuine reform.''

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I want to take a moment to thank my good friend from Kansas for really an excellent speech and important contribution in this debate. Not only was he right on the mark, he was fun to listen to.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I, too, commend the Senator from Kansas for his illuminating remarks and the Senator from Kentucky for enduring this process for now years.

I want to come to the reference to the Constitution by the Senator from Kansas. The Constitution that says that: Congress shall enact no law to abridge speech.

It does not say there are no exemptions. It says the Congress shall enact no law to abridge speech.

Let us put this in context. This language is in the first amendment of the Bill of Rights which grants us the right to speak as we would, the right to worship as we would, the right to assemble, which is also part of this debate, and the right to petition our Government without fear.

All of us would like to see the campaign process improved. There have been many who have mentioned transparency or disclosure, making sure that the American people know what is happening and when it is happening and trust in their judgment to make good decisions about whether they like it or do not.

This legislation abridges the Constitution, begins to manage speech, picks winners and losers, and attacks the fundamental rights of assembly.

You have to go back. In the early days, particularly 1775, before you could create a society or an association in the United Kingdom—which was the genesis of all the secret societies. The forefathers here knew of all of this activity. So that is why they framed the language that Congress shall enact no law to abridge freedom of speech or the right to associate. They had vivid memories of governments that prohibited and managed speech and threatened and intimidated people who spoke freely and forbid organizations from joining together for the purpose of petitioning or speaking out. The language in the Constitution is derived from the fear those people had of what goes on when governments tell people what they can say and when they can say it.

This legislation picks corporations that can say anything they want and picks other corporations and says they cannot say anything. People up here in the gallery are represented by corporations that would have no prohibition whatsoever. Cox Broadcasting, one of the largest communications institutions in the world, could say anything it chose through all of its affiliates, the Atlanta papers, their cable television, whatever, could say anything they chose about any candidate, their motives for or against any vote as often as they wanted at any time they chose under this legislation, but Georgia Pacific, which grows trees, could not.

I want to know, what is the difference between corporation A that happens to print a newspaper and corporation B that happens to grow trees? The forefathers said there shall be no difference. But this legislation says that we will manage the difference here. Cox Communications, say anything you want. Georgia Pacific, you're out. Shove off.

It picks certain kinds of corporations that are at liberty to participate and others that are removed from participation. That is an abridgement of the Constitution.

Let us come to this business of association, the right to associate, to say what you want, and what constitutes free speech.

In those days there were pamphlets. Now it is television and radio, telecommunications and computers. This legislation says free speech is only given to certain kinds of institutions and it is denied others. You know, the basic right to assemble, it says to those people, you can assemble, but, boy, you cannot say anything about a campaign for the 2 months before it. You cannot mention a candidate's name. You cannot participate. You cannot express your view, if you are for or against a candidate.

So it is not only a violation of the principle of freedom of speech, but it is a violation of the principle of assembly. The forefathers envisioned people—the Farm Bureau—people coming together to make a case, to speak to an issue. This says, ''No; that's a deterrent in our society. We're going to have to manage you. And we're going to remove you from the political process.''

The last point I will make, Mr. President, is this: After you have tried to manage these processes, and you have given some people freedom of speech and others not, some that can assemble and some that cannot, what have you ended up with, outside of abridging the Constitution? You have reinforced the power of incumbents. Because if the money can only flow to candidates, which candidate is it going to flow to? The incumbent in power or the challenger? The person that is more known and has access to the facilities of that power or the person that is on the outside?

Well, you do not have to be a rocket scientist to know the money will flow to the incumbent. You can call this the Incumbent Protection Act. It will be a magnet. It will move money to power. And it intimidates and chills people

from speaking out, which has been—you know, the genesis of all American glory is our freedom. The genesis of all American glory is that we have been a free people, and it has made us behave in unique ways. We are bold. We are visionary. We are builders. And we are not afraid. This kind of legislation chills and separates and is not healthy to the Republic.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

This morning we have another opportunity to speak again about this issue, campaign finance reform, which many people wish would go away but it is not going to. Again, it is a chance to review sort of the kaleidoscope of arguments that have been used to condemn our efforts on the McCain-Feingold bill and other campaign finance reform proposals.

Listening to the Senator from Georgia, we hear again the claim that what is really wrong with this bill is that it violates the first amendment—which, of course, we dispute and also find just a little amusing when you consider, first of all, that if there is any problem with this bill under the first amendment, we still do have nine people across the street who know how to handle that.

But many of the same Senators who are condemning our bill from the point of view of the first amendment are some of the first in line who are ready to amend the first amendment. That is part of the agenda of many of the folks on the other side of the aisle.

There is no compunction at all on the part of some of these folks to pass a flag-burning amendment to the first amendment, to make an exemption of free speech there. No concerns at all with regard to the first amendment and related rights in passing a school prayer amendment, which many of our opponents believe would not be a violation of the first amendment and which I think would be.

Virtually every opponent of this bill had no problem at all coming out here on the floor of the Senate and voting for the Communications Decency Act, which to me was the most blatantly anticonstitutional censorship bill we have seen in a very long time, and every single Member of the Supreme Court agreed; 9–0 they ruled that this bill, the Communications Decency Act, was unconstitutional. Where were all the Senators out here talking about the first amendment when I came out here in a rather lonely manner and said, ''By the way, this on its face cannot possibly pass muster''? Where was the concern for the first amendment? It was not there.

So I am puzzled about what the fear is. If it is so easy to play with the first amendment when it comes to school prayer and flag burning and the Internet, what is the problem with sending up a bill that reasonable people disagree about with regard to one aspect of its constitutionality? What is the threat to the Republic? Nothing, unless we have somehow eliminated the third branch.

Then, of course, we have been treated again to my favorite argument in opposition to this bill, that there is not enough money in politics. We heard it again today.

I have to tell you, that argument has proven to be the biggest loser of all with the American people. Does anyone really believe that the best thing that can happen in this society is that more money gets spent on election?

Let's remember what Mr. Tamraz said before the Governmental Affairs Committee on September 18, 1997. He is one who certainly understands what to do and what it means if we are going to keep expanding the role of money in politics. This is what he had to say in response to a question from our colleague, the Senator from Connecticut [Mr. LIEBERMAN].

Senator LIEBERMAN. So, do you think you got your money's worth? Do you feel badly about having given the $300,000?

Mr. TAMRAZ. I think next time I'll give $600,000.

Our colleague from Michigan, Senator LEVIN, asked a very direct question:

Senator LEVIN. Was one of the reasons you made these contributions because you believed it might get you access? That's my question.

Mr. TAMRAZ. Senator, I'm going even further. It's the only reason—to get access, but what I am saying is once you have access what do you do with it? Is it something bad or is it something good? That's what we have to see.

Mr. President, this is a picture, a portrayal of the vision that some of my colleagues have. The more money, the merrier. The more Mr. Tamrazes, the more $300,000 contributions, the continuing buying of access.

Their answer is to do absolutely nothing, to do nothing, to let this campaign financing arms race continue. Another tactic is to somehow pretend—this is the tactic of the majority leader—that the whole problem is just one group of people, the working people of this country as represented through unions. As if anyone in the United States of America honestly believes that the only group that has participated too much in the money aspect of the system is organized labor. As if it doesn't involve corporate spending. As if it doesn't involve the spending of ideological groups. I have to tell you I have absolutely no concern that even the most conservative antilabor person in America doesn't believe that the whole campaign finance system problems have been caused by labor. Nobody believes that. Yet that has been the strategy employed on the floor—to say unless you interfere with the basic rights of people that join together in a union on a voluntarily basis, that the whole issue isn't worth discussing.

Then of course we heard again from the Senator from Georgia, this notion that our bill would protect incumbents. Well, it is rare I'm on the floor and I just laugh out loud, but how can a system that already exists and has a 90-percent reelection rate for incumbents get much more proincumbent? What are we going to do, force people to stay in office? Are we going to have instead of term limits, term requirements—you have to stay here? It is absurd to suggest that our bill would have any impact to protect incumbents. It is just the opposite.

If we had a fair chance to raise the issue, we would have brought up what Senator MCCAIN and I like to call the challenger amendment to provide incentives and opportunities for candidates who cannot afford a great deal to participate in the process by getting the benefit of reduced costs in their television time.

These are some of the arguments that have been used that I think are pretty well worn. In fact, let me just illustrate how serious this ratification of the current system is by going back to one example. This is the example of the Federal Express Corp. This is what is being ratified, by the attempt to kill campaign finance reform. We are doing nothing to prevent the episode that I'm about to describe. In fact, we are telling Corp.s in this country if you are going to protect your shareholders and fulfill your fiduciary duties, you better play this soft money game and play it hard and fast or otherwise you will lose out in the competitive world.

In other words, it is the opposite of what I thought the other party was about—free enterprise. This is the antithesis of free enterprise. This encourages the purchasing of access and power in Washington, not the fair, free-market competition that so many of us believe is the underpinning of our economy. This is the polar opposite of that.

Now, the Federal Express Corp. wanted, for a very long time, to get a provision into the law that would prevent their unions from organizing in a way that would be meaningful and allow them to get the benefits that they need and the salaries they want from the Federal Express Corp. The record of FedEx with regard to employees and unionization is not a good one, and the Federal Express Corp. tried repeatedly to get a rider attached to various bills that would do this. They never had a hearing on a rider in the House Aviation Subcommittee; they tried to attach it to the fiscal year 1996 omnibus appropriations bill and failed; the House Republicans tried to attach it to the fiscal year 1996 omnibus, another appropriations bill, and failed; they tried to attach it to the National Transportation Safety Board Authorization Act and failed; they tried to attach it to the Railroad Unemployment Act and failed; the Senate Republicans supported attaching the Labor-HHS Appropriations Act in the Appropriations Committee and failed; it was not included when the FAA Reauthorization Act passed the House; it was not included when it passed the Senate.

And only at the end of the road, with no positive vote in favor of this provision at any point, it was placed in conference committee and brought out to the floor. We remember well last year the fact that we had to actually keep the Senate a few days in session to make the point on this. This was not a technical correction, as was argued. In fact, what happened here was that at the very same time this effort was being made by FedEx Corp., some campaign contributions were being made.

Mr. MCCONNELL. Will the Senator yield?

Mr. FEINGOLD. After I finish this.

Mr. MCCONNELL. About getting speakers in before 1 o'clock.

Mr. FEINGOLD. I will try to conclude quickly.

Mr. President, at this time, the Federal Express Corp., according to Congressional Quarterly on October 2, 1996, had contributed, between October 17 and November 25, $200,000 to the Democratic Senatorial Campaign Committee and $50,000 to the national Republican Senatorial Campaign Committee. Specifically, the company also gave $100,000 to the Democratic National Committee and $100,000 to the Republican National Committee right before this provision was stuffed into conference committee.

Now, this is the kind of democracy that we are ratifying.

I ask unanimous consent to have printed in the RECORD an article from the New York Times dated October 12, 1996, entitled ''This Mr. Smith Gets His Way in Washington, Federal Express Chief Twists Some Big Arms.''

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

[From the New York Times, Oct. 12, 1996]

THIS MR. SMITH GET HIS WAY IN WASHINGTON—FEDERAL EXPRESS CHIEF TWISTS SOME BIG ARMS

(By Neil A. Lewis)

WASHINGTON, Oct. 11.—As the Senate rushed to adjournment earlier this month, one odd and seemingly inconsequential item stood in the way: the insertion of a few words in a 1923 law regulating railway express companies.

It was not the kind of thing that would ordinarily seize the attention of senators eager to go home barely a month before Election Day. But they stayed in session until the language was enacted, because the beneficiary of the arcane language was the Federal Express Corporation, which has become one of the most formidable and successful corporation lobbies in the capital.

Federal Express wanted the language change because it might exempt its operations from the National Labor Relations Act and, as a result, help it resist efforts by unions to organize its workers. Despite passionate speeches by opponents on behalf of organized labor, the company was able to engineer a remarkable legislative victory, prevailing upon the Senate to remain in session two extra days solely to defeat a filibuster by its opponents.

''I was stunned by the breadth and depth of their clout up here,'' said Senator Russell D. Feingold, a first-term Democrat from Wisconsin who had opposed the change. In the end, Mr. Feingold was one of 31 senators who voted against Federal Express.

Senators say the ingredients in Federal Express's success are straightforward, distinguished from other corporate lobbying by degree and skillful application: a generous political action committee, the presence of popular former Congressional leaders from both parties on its board, lavish spending on lobbying, and a fleet of corporate jets that ferry dozens of officeholders to political events around the country.

Mr. Feingold said that as he tried to rally support against the Federal Express legislation, he was frequently and fervently rebuffed by colleagues who said they had acquired obligations to the company.

''The sense I got was that this company had made a real strong effort to be friendly and helpful to Congress,'' Mr. Feingold said.

He would not identify the lawmakers but said that as he approached them about the legislation, he discovered that many just wanted to talk about how Federal Express had helped them. ''In these informal conversations, people mentioned that they had flown in a Fedex plane or gotten other favors,'' he said.

Senator Ernest F. Hollings, a South Carolina Democrat who proposed the amendment to help Federal Express, said he did so because he was grateful to the company for its willingness to use its planes to fly hay to his state during droughts.

But others say lawmakers benefit more directly. Senator Paul Simon, an Illinois Democrat who is retiring this fall, said that in a caucus of the Senate's Democrats just before the recess, one senior senator refused to oppose the company, bluntly telling his colleagues, ''I know who butters my bread.''

Mr. Simon would not identify the lawmaker except to say he was a longtime member of the Senate.

''I know that I have ridden in their planes several times,'' said Mr. Simon, who opposed Federal Express on this bill. ''But what happened here was just a blatant example of the power of their political efforts. If the John Smith company came along and asked for the same thing, it wouldn't have a prayer.''

Federal Express, Tennessee's biggest private employer, makes no apologies either for the merits of the legislation it sought or for its efforts to establish relationships with members of Congress.

''We play the game as fairly and aggressively as we can,'' said Doyle Cloud, the vice president of regulatory and government affairs for Federal Express. ''We have issues constantly in Washington that affect our ability to deliver the services our customers demand as efficiently as possible.''

For example, Mr. Cloud said, Federal Express regularly seeks to make clearances through customs easier to increase efficiency. ''To do things like that, it's absolutely necessary that we are involved politically as well as regulatorily,'' he said.

In addition to its cargo fleet, Federal Express maintains four corporate jets that when not used for company trips are made available to members of Congress. Mr. Cloud said that they were used mostly to ferry groups of lawmakers to a fund-raising event and only rarely for an individual lawmaker.

Congressional regulations require that lawmakers using corporate aircraft reimburse the company for the equivalent of first-class air fare, and Mr. Cloud said that was always done. Records maintained publicly by Congress do not show how often members use corporate flights. Federal Express declined to make the company's records available, but Mr. Cloud said that during political seasons, Federal Express might fly a group of lawmakers, about once a week.

Two popular former lawmakers, meanwhile, serve on the Federal Express board: George J. Mitchell of Maine, the former Democratic leader of the Senate, and Howard H. Baker Jr., the former Republican leader of the Senate.

The company's political action committee is one of the top five corporate PAC's in the nation. In the 1993–94 election cycle it gave more than $800,000 to 224 candidates for the House and Senate. According to the Federal Election Commission, it gave $600,500 to candidates in this cycle through August. The company has also donated more than $260,000 this year to the Democratic and Republican parties.

In the first six months of 1996, Federal Express reported spending $1,149,150 to influence legislation, an investment that included the hiring of nine Washington lobbying firms. Typically, a company hires a number of lobbying firms because each one has a relationship with an individual lawmaker who may be important on particular issues.

''The sky's the limit for Federal Express when it wants to get its own customized regulatory protection made into law,'' said Joan Claybrook, president of Public Citizens, a Washington-based government watchdog group.

During the legislative debate last week, it appeared that the company also used a United States Ambassador to press its case, but the diplomat and company have denied that.

When a lobbyist for organized labor sought to talk to Senator J. Bennett Johnston about the Federal Express issue, Mr. Johnston replied in the presence of several witnesses that he already had made up his mind, because he had just been successfully lobbied on the issue on behalf of Federal Express by James R. Sasser, Mr. Sasser, a former Democratic senator from Tennessee, is the current Ambassador to China and would be prohibited from lobbying on behalf of Federal Express.

Mr. Johnston, a retiring Democrat from Louisiana, said through his spokeswoman that his comment was a ''terrible slip of the tongue.'' The spokeswoman said that Mr. Johnston had just been lobbied by Frederick Smith, the founder and chairman of Federal Express, and that he had meant to use Mr. Smith's name.

The spokeswoman, Audra McCardell, said that Senator Johnston had lunch earlier in the week with Ambassador Sasser and that the Federal Express matter had come up ''in chitchat.'' She said that Mr. Johnston had merely told Mr. Sasser how he was going to vote on the issue. For his part, Mr. Sasser, who was retained as a consultant by Federal Express before his confirmation as an ambassador, said in a telephone interview that he did not lobby Mr. Johnston, although they might have discussed the issue.

Mr. Smith spends considerable time in Washington, where he is regarded as Federal Express's chief advocate. It was Mr. Smith who hit a lobbying home run in 1977 when he persuaded Congress to allow the fledgling company to use full-sized jetliners to carry its cargo, rather than the small planes to which it had been restricted. Mr. Cloud said that was the watershed event that allowed the company to grow to its present dominating position in the industry, with almost $10.1 billion in annual business.

Federal Express has also been able to get other special provisions written into the law. In 1995, for example, Congress gave it an exemption from certain trucking regulations. It has also won exemptions from noise abatement requirements.

The provision that Federal Express successfully sought last week was insertion of the words ''express company'' in legislation that designates companies that can be organized by unions only under the Railway Labor Act. Under that law, unions are allowed to organize only in national units,

rather than locally. Federal Express is fighting efforts by the United Automobile Workers to unionize its drivers. Of the 130,000 domestic employees of the company, only its 3,000 pilots are unionized.

Allen Reuther, the U.A.W.'s chief lobbyist, said that the union found it ''especially outrageous for the Senate to provide this special interest provision for just one company.''

Federal Express and its supporters in the Senate attached the legislative language as a rider to an airport bill that promised dozens of local airport improvements and enhanced security measures. Many lawmakers who usually vote with labor decided the bill had to pass, even with the Federal Express provision.

But the votes of 17 Democrats to help Federal Express by ending a filibuster against the provision—including that of Senator Thomas A. Daschle of South Dakota, the minority leader—angered labor officials, especially John J. Sweeney, president of the A.F.L.–C.I.O. Some union leaders said they might withhold future contributions to the Democratic Senate Campaign Committee.

But after Senator Edward M. Kennedy of Massachusetts, who led the filibuster, visited Mr. Sweeney on Thursday with a note of thanks for his support, the tension eased and union officials relented. President Clinton signed the airport measure into law on Wednesday.

Mr. FEINGOLD. I ask unanimous consent a related article a year later in the New York Times, August 25, 1997, entitled, ''Face Time for Federal Express'' be printed in the RECORD.

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

[From the New York Times Aug. 25, 1997]

FACE TIME FOR FEDERAL EXPRESS

When a big corporate political donor is invited to press his company's case at the White House before the President, he is probably going to expect results. But the attempt by Federal Express to buy influence with the Clinton Administration over an economic dispute with Japan, which was disclosed last week, has not helped anyone.

Instead of advancing his company's interests, Frederick Smith, the Federal Express chairman, has probably set them back. Thanks to the now well-documented tendency in this White House to mix policy-making with insatiable political fund-raising, a sensible objective for the United States has been tainted and the 1996 Democratic fundraising effort has been revealed once again as structurally corrupt.

President Clinton says he is proud of the fund-raising he and his party carried out in recent years, and that there were no direct quid pro quos for donors. But the episode involving Federal Express, first reported in the Washington Post, provides a case study in why the system he embraces not only has polluted American politics but has actually damaged American interests abroad.

At issue is a long-running demand by Federal Express to fly cargo through Japan to its new hub at Subic Bay, the former American naval base in the Philippines. A 45-year-old aviation agreement between the United States and Japan clearly requires Tokyo to grant access to Federal Express, as this page argued to years ago. Both the Bush and Clinton Administrations have supported the company's cause, by Federal Express wanted sterner action. Mr. Smith used his meeting with Mr. Clinton to press for sanctions against Japan. Federal Express also ponied up $506,000 in campaign contributions to the Democrats last year, along with $540,000 to the Republicans.

Federal Express has been a major success story in the competitive global economy, and is worthy of American support. Its gamble in setting up a hub at Subic Bay has revitalized the area around the old naval base. It makes sense in the new age of commercial diplomacy for the United States to help American companies in their attempts to win contracts and market access. But such an approach is simply undercut in the eyes of the world when it looks like nothing more than a payoff for a large political donation.

In addition, the United States needs to be sensitive to the risks of favoring one company's interests over another's, however plausible that company's case. The appearance of evenhandedness was undermined by Mr. Clinton's ill-advised meeting with Mr. Smith. Until now, the United States has refrained from the tougher approach of the sanctions demanded by Federal Express. Though sanctions might well be justified and certainly would be legal, there was good reason to hesitate. Sanctions could well invite Japanese retaliation, which, in turn, would almost certainly damage other American companies doing business in Japan. In negotiating with Tokyo, the United States has to weigh the interests of everyone, not just Federal Express.

The point is that the United States' bargaining position with Japan has been weakened because of Mr. Smith's clumsy intervention and the Administration's willingness to peddle White House meetings. Even among those in the White House who opposed the idea of sanctions, there was agreement that Mr. Smith had a legitimate complaint. It will be understandable now if Japan takes less seriously an American demand that looks so obviously like a favor to a political contributor.

Other airlines have reason to fear that Federal Express will gain an upper hand over them. The way to remove such suspicions is obvious. Enacting legislation banning open-ended contributions by individuals and corporations is the only way to restore integrity to the process in Washington.

Mr. FEINGOLD. That article details a similar series of activities that had to do with FedEx's desires with regard to trade and Japan. Here is the real conclusion of the story, and I want others to have a chance to speak, so let me continue by saying we all remember that the United Parcel Service had a strike not too long ago. It was the biggest news in America. Who is their competitor? The Federal Express Corp. The Federal Express Corp. used this process, this fundraising process, this access process, this soft money process, to get a special benefit so they don't have that kind of union. They don't have that kind of strike because their folks can't get together to do that because of Federal law.

What happened? Apparently, as a result of the UPS strike, FedEx benefited. The Federal Express Corp., according to one report, is gaining market share because of its adroit handling of additional business during the recent UPS strike, analysts say. Some analysts estimate that the UPS market share slipped to about 70 percent of the U.S. package delivery market from 80 percent before the strike.

Mr. President, there is a difference between FedEx and UPS, and the difference was the ability of campaign money to prevent FedEx employees from organizing the way they want. That is the kind of democracy and economy that we will have if the filibusterers prevail.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today along with my colleague from Vermont to express my disappointment and regret that the Senate has missed an opportunity today to coalesce around a middle ground that would allow campaign finance reform to advance.

Together with Senator MCCAIN, who deserves our gratitude for his courage and tenacity in bringing this issue to the fore, along with Senator JEFFORDS and Senator SPECTER, I have worked over the past week to forge a compromise that would address the two concerns that have emerged as the chief stumbling blocks to Senate passage of campaign fiance reform. Namely, the objection of Republicans to a package that does not address the issue of protecting union members from having their dues used without their permission for political purposes with which they may disagree. And the objection of Democrats to singling out unions while not providing similar protections for members of other organizations, or for shareholders in corporations.

Last week, in response to concerns which had been raised by the minority leader, we proposed an alternative that would provide the same protections to members of organizations across the board, and to shareholders of corporations. Together with Senator JEFFORDS, Senator SPECTER and Senator MCCAIN, we fine-tuned the proposal into a balanced approach with the potential to move this debate forward. It appeared our plan was the best hope of preventing a filibuster and advancing campaign finance reform.

Unfortunately, our efforts to make the process work in this instance will not succeed today. Despite our willingness to forge a compromise which would address the concerns of both sides—we have not been able to secure an agreement to ensure passage of the compromise.

The criticisms of our proposal from both sides are typical of the concerns when a proposal strikes a balance between two dies. Nobody really likes it. One side feels we go too far. The other side feels we don't go far enough.

But in the legislative arena, when both sides are committed to moving forward and finding a solution, that is how we do it. Both sides give. While we have not been able to reach a conclusion today, given the artificially short time limits imposed by the nature of the parliamentary procedure under which we are forced to consider this issue, I believe if Senators are truly committed to campaign finance reform, then it is definitely dead in this session of Congress.

I am saddened, because we have not only an obligation to provide legislative solutions, but to restore the public's faith in the integrity of the process. If we ultimately fail to coalesce around a middle ground, it would serve only to confirm the public's belief that we lack the will to address this issue in a fair and bipartisan manner. And it will certainly point to the consequences of a shrinking middle in American public life.

Mr. President, I have worked hard over the last week with my colleagues on this compromise because I earnestly believe that's what people expect of us. They expect that the U.S. Senate will conduct itself as the deliberative body it was designed to be, and they have a right to that expectation.

We should be putting our heads together, not building walls between us with intractable rhetoric and all-or-nothing propositions.

I have been part of the legislative process in Congress for over 18 years. I am here because I believe in finding solutions. That is our job, Mr. President: finding solutions. Now, I've been here long enough to know that that is not always possible. And I've been here long enough to know that it is always difficult. But then we were sent here to do a difficult job. So I say let's have the difficult conversations and really give thoughtful consideration to how we can hurdle our most challenging obstacles. That's the way it should be—that's how we end up with better legislation.

The fact is, this issue will not go away. The public disillusionment with our campaign finance system will not disappear absent meaningful reform. It will come back again and again and again.

I believe each and every time it will come down to the basic issue of enacting reform that does not unfairly disadvantage either party. As long as we have two-party government, no reform will ever pass unless it truly levels the playing field.

This is an issue that need not be intractable, as we demonstrated with the proposal we put forward in this debate. It is my belief that eventually the basis for evenhanded reform is embodied in the middle ground approach we proposed. Unfortunately, that day will not be today.

Finally, I want to issue a challenge to the majority leader and the minority leader. It is the duty of leaders to lead. I urge them to do just that by appointing a bipartisan working group of Senators who want to make the system work.

I entered public service to help make Government work. It is a task made more daunting by the mounting chorus of partisanship that has engulfed our Nation's politics.

The status quo, Mr. President, is unacceptable to virtually everyone except apparently to many Members of this body. There are, however, those of us on both sides who want to resolve this problem. What we need is the leadership to bring this spirit to life.

We need to devote less energy to criticizing and judging each other and more to forging consensus and understanding. Only then can we come together and enact legislation that the majority of Americans feel is sensible and long overdue. Let's make, then, a historic statement that the old ways of doing business must be relegated to the annals of history. Let's return elections to the American people and restore confidence in our Government.

Mr. President, I would like to yield to my colleague and friend, the Senator from Vermont, who has worked so hard on the compromise that we try to put forward today.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Senator for a very eloquent statement on where we are and where we ought to be.

I think it is incredibly important that those of us who are as dedicated as she is and as I am—perhaps those of us in the middle, as so often happens in this body—have to take a look at what we can do to pull things together.

Now, I am personally convinced, having talked with a number of Democratic Senators and a number of Republican Senators, that there are at least 60 Senators who want meaningful campaign reform. However, we have postured ourselves at this time and particular moment in a situation where that will not occur. I am pleased in a way that we are going into a brief period of recess. I am dedicated, as I know the Senator from Maine is, to using that period of time to try to find, if we can, a common ground.

I think it is important for us to take a look at what we really need to do and where the real stumbling blocks are. We are two political parties, Republicans and Democrats. Some things advantage one and some things advantage another. So we have to find ways to reform the campaign finance system and do whatever is necessary to make sure that we can find something that both sides can—not willingly, but certainly with the public pressure out there now—do something. We can find a way to do that.

What needs to be done? The Senator from Maine has done superb work in trying to find a middle ground on one issue with the Democratic Party, and that is how to handle the situation with unions—and we would say all groups—to make sure that the people that are involved, that have to contribute the money, or do contribute the money, have a say in how that money is spent; first, so that they know how it has been spent in the past so they can better judge what happens in the future, but also that they have full disclosure and the ability to say no, or the ability to at least say ''not my money,'' which is what our amendment does. I think that is a very big step forward.

Now, there have been all sorts of technical problems raised with this, that, and the other thing. But the substance of it is one in which all America can agree. When you are in the situation where you have money taken from you, you ought to have at least a say as to where it is going and, even more important, to say ''not my money.'' ''You can spend your money and the rest of the money, but not mine.'' I think that is a pretty simple philosophy with which many Americans would agree.

The next area we have to take a look at—and this is critical for the Republicans and it is also the center of debate nationwide—is what happened at the White House with all this money pouring in, hundreds of thousands over here, and all that so-called soft money. We have to do something about that. But to say that, especially under the Constitution, we can just ban it, or we can set up rules where you can't use any of it, that is not going to work. It is not going to work because people have the right under our first amendment to be able to spend money on political campaigns, but how much and for what purposes, that can be controlled, as we have found.

I will tell you, the money will find a way, some way, to be spent. If we don't have it spent for ''party building'' as ''soft money,'' it will be in ''issue advocacy'' or ''independent expenditures.'' So the best thing to do is to make sure that there are limits placed on it, that there is full disclosure, and that there are ways to make sure that these funds are not abused or become dominant in the process. There are ways to do that. They are not ones that everybody is going to readily agree upon. But on the other hand, from a first amendment perspective, the way people want to help a political party ought to be something that we can find a solution for. So I hope now that we are in this situation where it is obvious that no final decision can be made, no way will be found in the next few hours for us to solve this, that we step back and work together. The Senator from Maine and I are both dedicated to finding those Senators in the middle that are willing to help us pull something together so that we can get at least 60 votes.

I hope now that we can move back to the regular legislative process in the interim, to move legislation along which is necessary to be moved along, and, hopefully, as the Senator suggested, the leaders will get together and we can find a way to pull that middle together. There may be kicking and screaming in order to do that, but possibly we can find a way to let this Nation know that we want campaign finance reform, we want the process to be one we can be proud of, one which is acceptable to the American people, and one which allows everybody to know what is going on. I thank the Senator for her statement. I am sorry that we are in this situation, but I think it is important that we take a breath of fresh air and come back in the next week or so and, hopefully, make some progress.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine still has the floor.

Mr. KERRY. Mr. President, under the regular order, the Senator from Maine cannot yield the floor.

Mr. KYL. Mr. President, for several days now the Senate has debated campaign finance reform legislation. Advocates of the so-called McCain-Feingold proposal deserve credit for advancing the issue. Unfortunately, in the view of a majority, they have been unable to construct a bill that does not violate the first amendment to the Constitution. There are other proposals for reform that I believe can address the problems without compromising the Constitution. Therefore, I will vote to bring at least one of those proposals—the Paycheck Protection Act—to a vote but not yet support consideration of McCain-Feingold.

Some have argued that details are less important than the general principle of reform. But reform to one is not necessarily reform to another. For example, most Republicans believe that all contributions to politics should be voluntary. Most Democrats, on the other hand, say they agree but they are unwilling to give up compulsory union dues that are then contributed to candidates. Thus, reform to us is not reform to them.

Recognizing that we approach the need for reform from different perspectives, I have tried to evaluate the issue by applying some basic principles that I think most of us would agree with. For example, our laws should be clear, simple, and enforceable. They should insist on full and timely disclosure. They should place constituent interest over special interest. They should ensure voluntary participation for all. And, they should protect our right to free speech—unregulated by the government. This last principle is significant because our constitutional rights to free speech, free assembly, and the right to petition our Government were specifically established to protect our political expression. The Supreme Court has confirmed this, declaring that political expression is ''at the core of our electoral process and of the first amendment freedoms.'' (*Buckley* v. *Valeo,* 424 U.S. 44 (citing *Williams* v. *Rhodes,* 393 U.S. 23 (1968))).

The McCain-Feingold proposal incorporates some of these important principles. For example, the bill requires more timely and detailed disclosure of campaign spending. This allows people to make more informed decisions regarding contributions made to their elected leaders. The bill calls for tougher penalties for campaign violations. This might make people think twice about breaking the law. The bill attempts to tighten the restrictions on fundraising on federal property and strengthen the restriction on foreign money ban. Both of these provisions would address some of the Clinton-Gore campaign finance improprieties. The bill prohibits those under 18 from contributing to campaigns, ensuring that only those who vote can contribute, again addressing a problem with the Clinton-Gore campaign. The bill also extends the ban on mass mailing by House and Senate Members from 60 days before an election to January 1 of an election year, thereby reducing an incumbent advantage.

I support the intent, if not the exact language, of each of these provisions. I also believe that any reform legislation should include a requirement that candidates raise a majority of their campaign contributions from within their respective States and that all political activities be funded with voluntary contributions and not extracted in the form of compulsory union dues. The first of these proposals is not included in the McCain-Feingold legislation, and I believe it is necessary to meet the principles of putting constituent interest over special interest. The second proposal is not adequately dealt with because of opposition from Senator MCCAIN's Democratic cosponsor.

The most extensive provisions of the McCain-Feingold proposal address so-called soft money and issue/express advocacy. While these provisions are well intentioned, I believe they would dramatically restrict party building activities and free speech for individuals, associations, and citizens.

The McCain-Feingold approach to so-called soft money contributions is to completely prohibit them. These are contributions of citizens and organizations to political parties and cannot be spent for individual candidates. Hard money, on the other hand, is contributed directly to candidates to be spent by them.

Unlike hard money, soft money can be contributed in unlimited amounts to support political party organizations by helping them to engage in grassroots volunteer activities. The bill's total ban on soft money contributions would restrict State and local campaign committees from supporting the following election activity: voter registration activity within 120 days before a Federal election; voter identification, get-out-the-vote activity, or general campaign activity conducted in connection with any election that includes a candidate for Federal offices—generally referred to as party building activity; and a communication that refers to a clearly identified candidate for Federal office and that is made for the purpose of influencing a Federal election. Thus, if the law were to completely ban soft money, it is not the candidates, but the political parties that would suffer the most. Is this the type of political activity we really want to get rid of?

The McCain-Feingold proposal also explicitly forbids so-called issue ads, ads that mention a candidate's name within 60 days of a Federal election. Issue advocacy can best be defined as any speech relating to issues and the policy positions taken by candidates and elected officials. It can be as simple as a statement such as, ''Senator Smith's position on school vouchers is dead wrong.'' Or it can be as involved as a multimillion dollar campaign of broadcast and print advertisements that spreads the same message. The Constitution protects the right of any group or individual to engage in issue advocacy. It is the essence of free speech.

Attempts to regulate and require disclosure of issue advocacy expenditure through statute and through FEC regulation have repeatedly been declared unconstitutional by the Supreme Court and lower Federal courts. The Court has always viewed issue advocacy as a form of speech that deserves the highest degree of protection under the first amendment. Not only has the Court been supportive of issue advocacy, the justices have affirmatively stated that they are untroubled by the fact that issue advertisements may influence the outcome of an election. In fact, in Buckley versus Valeo, the court stated:

> The distinction between discussion of issues and candidates and advocacy of the election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are often intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest. *Buckley* v. *Valeo*, 424 U.S.1, 42 (1976).

Moreover, defenders of the first amendment know that the freedom to engage in robust political debate in our democracy will be at risk if the Congress or the FEC is given the authority to ban issue ads close to an election, or evaluate the content of issue ads to determine if they are really a form of express advocacy. The Supreme Court recognized this danger long before Buckley versus Valeo. In 1945, in Thomas versus Collins, the Court states:

> . . . the supposedly clear-cut distinction between discussion, laudation, general advocacy, and solicitation puts the speaker in these circumstances wholly at the mercy of the varied understanding of his hearers and consequently of whatever inference may be drawn as to his intent and meaning. Such a distinction offers no security for free discussion. In these conditions it blankets with uncertainty whatever may be said. It compels the speaker to hedge and trim *Thomas* v. *Collins* 323 U.S. 516 (1945).

McCain-Feingold would impose regulations on issue advocacy in violation of Court declarations. Advocacy groups such as the National Right to Life, Sierra Club, and National Taxpayers Union, to name just a few, would be severely circumscribed in the exercise of their first amendment rights. The FEC has a poor track record of trying to broadly interpret current election statues to encompass issue advocacy speech.

In fact, as recently as October 6, 1997, the Supreme Court let stand a circuit court decision striking FEC regulations because they infringed upon a

group's right to characterize a candidate's position on abortion rights. *Maine Right to Life* v, *FEC* (1997WL274826, 65USWL3783) (October 6, 1997) (Case number 96–1818).

The result of the McCain-Feingold 60-day ban on issue advocacy before an election will be that associations or groups of citizens could not characterize a candidate's record on radio and television during that period. It would, thus, severely limit citizen involvement and speech.

The only recourse would be for such associations—nonprofit 501(c)3 and 501(c)4 organizations—to create new institutional entities—political action committees [PAC's]—to legally speak within 60 days before an election. Such groups would, thereby, also be forced to disclose all contributors to the new PAC.

Not all members of nonprofit organizations want to become members of PAC's. Separate accounting procedures, new legal costs, and separate administrative processes would be imposed on these groups, merely so that their members could preserve their first amendment rights.

It is noteworthy that none of these proposals seek to regulate the ability of the media to exercise its enormous license to editorialize in favor or against candidates at any given time.

Finally, as noted, McCain-Feingold does not ensure that American citizens have the right to voluntarily participate in the political process. I am specifically referring to the protection from mandatory withdrawals of dues from a worker's paycheck for political activities without prior approval. Contrary to the claims of its supporters, McCain-Feingold does not provide such protection.

As written, the McCain-Feingold legislation applies only to nonunion member employees. These are workers who choose not to join a union, but who under a collective bargaining agreement must pay dues—that is, agency fees—to support the costs of union representation. McCain-Feingold covers only 10 percent of the roughly 18 million dues-paying employees nationwide. I support Senator LOTT's Paycheck Protection Act, which covers all 18 million.

McCain-Feingold also requires labor unions to notify these nonunion members that they are entitled to request a refund of the portion of their dues or agency fees used for political purposes. The effect of this proposal is to place the burden on the worker—after the fact—to petition for a refund of these automatically withdrawn dues. By contrast, Senator LOTT's Paycheck Protection Act requires unions to obtain union and nonunion employee's written permission first before using any portion of his or her dues for political activities.

Simply put, I believe all contributions to political activities should be voluntary. No one should have automatic political withdrawals from his or her paycheck unless consent is first given. The Paycheck Protection Act codifies this right. McCain-Feingold does not.

To conclude, I strongly believe certain aspects of our campaign finance system need reform. But reform that is consistent with the principles I outlined earlier. Although well intentioned, McCain-Feingold layers more regulation on top of current regulation and also infringes upon the constitutional rights to free speech and association. And it does not guarantee voluntary participation in the political process. For these reasons I cannot support it in its current form.

Mr. DODD. Mr. President, I rise today in strong support of the campaign finance reform legislation sponsored by Senators MCCAIN and FEINGOLD.

The McCain/Feingold bill is a beginning, and is an important step towards reforming how we finance campaigns. It ends soft money contributions to national parties, expands disclosure requirements, and strengthens election law. It puts guidelines on hard money contributions and begins to address the problem of so-called ''issue advocacy'' advertisements that may be designed to persuade the public about a candidate instead of educating the public about an issue. It also requires labor unions to notify non-union members that they are entitled to request a refund of the portion their agency fees used for political purposes. Make no mistake about it—one bill cannot end the spiraling cost of campaigns or stop the coercive influence of money in our government. But it is a beginning.

I am more convinced than ever that our current approach to funding political campaigns is broken and desperately in need of repair. My good friend, Senator FORD from Kentucky, cited the great cost of campaigns and the immense time needed to raise money as the reason for his retirement from the United States Senate. He explained that to run for re-election in 1998, he would need to spend the next two years raising $100,000 per week. Today, a run for the Senate may require over $5 million. On average, a Senator needs to raise $16,000 per week during their six year term to accumulate the funds needed to run a credible campaign.

Not only are distinguished elected officials leaving public service due to the daunting cost of running for office, but many Americans have decided not to seek office because it simply costs too much money. This robs us of leaders with new ideas and diverse backgrounds, and it threatens to undermine our country's participatory democracy.

Our democracy rests upon the fundamental principle that every person's vote is equal. A citizen walks into a voting booth, casts his or her vote, and the majority rules. But only fifty percent of Americans vote and only four percent of the population contribute to campaigns.

The American people worry that those who wrote the checks now expect to write the laws. They see powerful lobbyists working to turn back the clock on 25 years of environmental protection, and to unravel laws that keep our workplaces safe and protect the food we eat. This appearance of undue influence supports the public's cynicism.

Incredibly, those who defend politics as usual are not concerned about the amount of money in our political process. These leaders insist that the political process is fine, even though a record $765 million was consumed on House and Senate campaigns in 1996. In fact, Speaker GINGRICH and other leaders in his party complain that too little, not too much, money is spent today on political campaigns.

We all know that the Government Affairs Committee is, even as we speak, holding extensive hearings on the campaign finance practices of the last Presidential election. Yet, as we have seen here on the floor this week, the Majority Leader and most of those in his party would do nothing. However, there are a few Republicans, including one of the leaders on this issue Senator MCCAIN, who have voted the responsible way and I commend them. It is now time to come together in a bipartisan manner and focus on the future of elections in America for all Americans.

Since I was elected to Congress as part of ''Class of 1974,'' I have consistently fought for campaign finance reform. Since 1985, I have cosponsored seven campaign finance reform bills to remove the influence of money in elections and bring democracy back to the people of this country. In an attempt to curb the threatening influence of money, I have supported prohibitions in ''soft money'' in federal elections, and as the General Chairman of the Democratic National Committee, I challenged my counterparts to do the same. In another effort to limited the influence of money, I have supported caps on PAC contributions to candidates and limits on the total amount Senate candidates can accept from PACs. To level the playing field, and help challengers gain exposure, I have agreed to proposals for free or reduced response advertisement costs for candidates attacked by independent expenditures. I have supported requirements that Senate candidates raise most of their money from their home states in an attempt to bring elections back home to the people. Finally, I voted for a Constitutional amendment allowing Congress to set campaign spending limits. I know many of my fellow colleagues share my commitment to reform.

As we debate reform, I am concerned that we stand behind the Federal Election Commission, which is charged with monitoring and watching campaign finance violations. The FEC must have the finances and resources it needs to promptly and effectively enforce the laws that govern our campaigns. Between 1994 and November

1996, the FEC's caseload rose 36 percent, and because complaints related to the 1996 election are still being filed, the FEC expects the caseload to ultimately rise by 52 percent. Of the 262 complaints filed with the FEC in the latest election cycle, only 88 are currently under active review.

To address the effectiveness of the FEC, earlier this year I authored the FEC Improvement Act. I am pleased that most of the proposals from my bill—including electronic filing, authorizing the FEC to conduct random audits, and stiffer penalties—have been incorporated into the McCain/Feingold legislation.

Time after time, Congress has talked about reform but in the end done nothing. Over the past 10 years, Congress has produced over 6,742 pages of hearings, members have made over 3,361 speeches, committees have produced more than 1,063 pages of reports, the Senate has recorded over 113 votes and formed one bipartisan commission. Yet in the end, it's just been business as usual, while the voice of the average American in our democratic process grows fainter, quality candidates say no to public service, and our democracy withers.

I regret that the Senate this week has again missed an opportunity to pass comprehensive reform. The Senate missed another opportunity even though 53 Senators voted to fully consider the bill. I am saddened that the majority leader, along with the majority of his Republican colleagues, deployed procedural tactics that thwarted real reform. I lament this maneuver.

It saddens me that the Republicans have chosen to sabotage this bipartisan bill. It saddens me even more that this procedural sabotage occurred after concerted efforts to accommodate Republican concerns. Important provisions including voluntary spending limits, free or discounted television and advertising time, and curbs on contributions to PAC's have all been modified in the spirit of bipartisanship. However, the Senate now may not even have a clean vote on campaign finance reform legislation this session.

I have voted against Senator LOTT's amendment because it was not a bipartisan effort. The Lott amendment was a partisan maneuver to end efforts for comprehensive campaign finance reform. I will continue to vote against any amendments that lack solid bipartisan support and harm a constructive effort for real reform. Conversely, I will consider supporting any amendments to the current legislation that have bipartisan support and would improve this bill. I will also continue to support any positive efforts by both sides to have campaign finance reform considered by the Senate for a full and complete debate this session.

I call on all my colleagues to chart a new course, to put aside our differences, and to put first and foremost in our deliberations the good of the Nation. As leaders, we must not shirk our responsibility to do all we can to the reform campaign finance system. The McCain-Feingold bill begins that process, and I believe that as a body we have a solemn responsibility to embrace this legislation.

Ms. MOSELEY-BRAUN. Mr. President, S. 25, the Campaign Finance Reform Act of 1997 does not represent my ideal package of reform. In fact, S. 25 is far from it. I believe, however, that this legislation does bring us one step closer to getting the kind of real, comprehensive campaign finance reform we so desperately need.

We need to get Americans back into the system and get them involved in decisions that affect their lives. We need campaign finance reform to restore the American people's faith in the electoral process. Americans are frustrated; many believe that the current system cuts them off from their government. A League of Women Voters study found that one of the top three reasons people do not vote is the belief that their vote will not make a difference. We saw the result of this cynicism in 1994 when just 38 percent of all registered voters headed to the polls. And we saw it again in 1996 when only 49 percent of the voting age population turned out to vote—the lowest percentage of Americans to go to the polls in 72 years.

I have noticed a difference in voter turnout since my own election. In 1992, I won with 2.6 million votes, which was 53 percent of Illinois' total vote. In 1996, Senator DURBIN won with a vote total of 2.3 million, which was 55.8 percent of the total vote. Senator DURBIN won by a greater margin but with fewer total votes cast.

Unfortunately, the effort needed to raise the average of $4 million per Senate race decreases the time Senators need to meet their obligations to all of their constituents. According to recent Federal Election Commission figures, congressional candidates spent a total of $765.3 million in the 1996 elections, up 5.5 percent from the record-setting 1994 level of $725.2 million. That figure does not include the huge amounts of ''soft money'' spent by political parties.

Furthermore, when voters see that the average amount contributed by PACs to House and Senate candidates is up from $12.5 million in 1974 to $178.8 million in 1994—a 400 percent rise even after factoring in inflation over that period—there is a perception that lawmakers are too reliant on special interests to make public policy that serves the national interest. More and more voters believe that Members of Congress only listen to these special interest contributors, while failing to listen to the very constituents who put them into office.

That is part of the reason why there is overwhelming public support for reform. And make no mistake, there is a real public consensus that reform is needed—now. Ordinary Americans want—and deserve—government that is responsive to their needs and problems. The way to do that is through spending limits. Spending limits will make our system more open and more competitive. Spending limits can help focus elections more on the issues, instead of on advertising.

We must be sure that we don't have a process that only further empowers political elites that are already empowered. We want campaign finance reform that allows candidates more time to talk to voters. Voters want to know that the system works for ordinary Americans and not just those few who can devote substantial time and money to politics. They deserve better than the present system.

S. 25 addresses some of these needs. This bill prohibits soft money contributions to national political parties, increases the amount of ''hard'' money individuals may contribute to State parties for use in Federal elections, and increases the amount of ''hard'' money an individual may contribute in aggregate to all Federal candidates and parties in a single year.

In addition, S. 25 expands disclosure requirements and strengthens election law violations to lessen the influence of ''big money'' in campaigns.

I believe that these are vital first steps toward addressing the problems of the current system. Campaign finance reform cannot work for every American, however, unless it also works for every candidate, including minority candidates and women. Minority and women candidates currently have less access to the large sums needed to run for office than other candidates. That financial inequity is one of the primary reasons both women and minorities have long been under represented in both the Senate and House. The increased occurrence of big money candidates feeding their own campaigns and driving up the costs of campaigns overall only adds to the barriers keeping women and minorities out of public office.

Unfortunately, S. 25 does little to stop or control these upward spiraling costs, and that is disappointing, because self-financing candidates continue to be a rapidly growing phenomenon in our current political system. While it is true that these millionaires don't always win, no one can honestly deny that these individuals contribute to the increasing campaign costs that turn so many voters off. In 1994, for example, one candidate for the Senate spent a record setting $29 million, 94 percent of which was his own money. And during the last election cycle, a presidential candidate spent $30 million of his own money for just the primary elections.

Even more appalling is the fact that self-financing candidates do not have to demonstrate broad financial support to either launch or support their candidacies. Allowing these self-financing candidates to avoid having to show a broad range of support is, I believe truly undemocratic. In fact, I believe

that every candidate should be able to demonstrate that they have the support of a broad range of individuals and organizations, that their candidacy has, in fact, come about as a true desire of the ''people.''

If we could prove that spending exorbitant amounts of money on campaigns increased voter turnout, we would have an excuse for allowing the costs of campaigns to continue escalating. But we cannot. While the total amount raised for the 1996 election by both Democrats and Republicans increased by 70 percent over the same period during the 1991–92 cycle, voter turnout has plummeted to its lowest point since 1924. What's more, these funds are often used to finance negative, nongermane, and personally distasteful ads that do nothing more than turn off the voters and take attention away from issues of vital importance to all Americans, such as retirement security, education, and children's health. If we continue this trend, the wealthiest Americans will be the only ones who will be able to afford to participate in our political system, leaving the rest of us to only dream about contributing to this democracy.

If candidates were required to seek and demonstrate support from a broad range of individuals—an important component of the democratic process—the Supreme Court might see the First Amendment issue somewhat differently. An appropriate analogy would be the laws that require candidates to obtain a certain number of signatures as a requirement for access to the ballot. In other words, the reason for this limit would not be to equalize resources, but to ensure that the amounts candidates spend have some relation to breadth of support. This proposal may be at least arguably consistent with Buckley, since the Court in that case recognized that the government has ''important interests in limiting places on the ballot to those candidates who demonstrate substantial popular support.''

In fact, it is that statement by the Court which demonstrates the flaw in the Buckley versus Valeo decision. In the not too distant past, a candidate had to have the endorsement of a political party, or have his or her own strong, grass roots organization in order to have the large number of people it takes to gather sufficient petitions to be put on the ballot. Now, however, it is actually possible to hire people to collect petition signatures, so petitioning does not necessarily demonstrate broad support the way it used to. In fact, a wealthy candidate, under the current state of the law, doesn't have to have any broad support at all to gain access to the ballot, only enough money to hire enough petition collectors. If the important government interest the Buckley Court acknowledged is to be protected, therefore, some limits on the use of money by wealthy candidates is required. The use of money by wealthy candidates has to be brought into the bill's reforms.

This bill could have only been strengthened by a provision that would have created some mechanism to control this form of campaign financing. It is unfortunate that this bill does not have such a provision, as I have no doubt that, ultimately, unregulated financing will have no result but to drive voters, and talented but less wealthy candidates, out of the electorate.

Despite this shortcoming, I fully support the goals and the spirit of S. 25. It is a solid bill, and a firm step toward the type of comprehensive campaign finance reform that our nation needs to ensure that our electorate becomes involved and has more faith in the people they send to Congress to represent them. S. 25 has the potential to reduce some of the cynicism many Americans feel toward the electoral process, and therefore has the potential to ignite in many Americans the type of desire to become more involved in debates on fundamental issues like retirement security, healthcare security, and education.

Voters, and not money, should determine election results. The money chase has gotten out of control, and voters know that big money stifles the kind of competitive elections that are essential to our democracy. S. 25 is a crucial first step in bringing campaigns back to the people. I urge my colleagues to support S. 25, and I urge my colleagues to continue considering ways in which we can encourage the American people to continue playing a role in our democracy.

Mr. ABRAHAM. Mr. President, I rise today to explain my vote against cloture on the McCain-Feingold Campaign Finance Reform legislation.

As a supporter of campaign finance reform, I have previously outlined the standards which any reform legislation MUST meet in order to gain my support. In addition, I insist that there be some objectives which should be evident in any reform bill. The McCain-Feingold bill, unfortunately, falls short of reaching both of these standards, thus I voted against cloture.

First in the ''must'' category is that any reform legislation must be consistent with the First Amendment of the Constitution of the United States. Mr. President I could not support McCain-Feingold because some provisions of the bill would establish prior restraint on political speech. Specifically, section 201 of the bill which seeks to redefine ''express advocacy'' raises serious constitutional questions and would in my judgement fall short of the constitutional standard established in Buckley Valeo (1976), the landmark case on campaign finance reform.

Second in the ''must'' category is that the legislation must not impede or intrude on the prerogatives of the states and local units of government with respect to how they conduct political campaigns. Mr. President, there are provisions in the McCain-Feingold legislation that will limit the ability of the state and local political party committees to conduct legitimate election activity. Moreover, I feel that as presently constituted, McCain-Feingold would set in motion a process which ultimately would result in even further intrusion of state and local government election law.

Any campaign finance reform legislation must also, in my judgement, maintain a proper balance between the first amendment rights of the actual candidates and the political parties they represent and the rights of those who are not directly in the arena. Unfortunately, McCain-Feingold tilts the balance strongly in the direction of special interest groups. As these special interest groups grow in dominance, they simultaneously diminish the roles of the candidates and political parties. This, Mr. President, is not the way our founding fathers envisioned that our democratic electoral system would conduct itself. Candidates, political parties and interest groups should all be able to participate in the electoral system under the first amendment, however one entity should not be able to dominate the political speech arena. Otherwise, Mr. President we will end up with a system in which the candidates themselves are more bystanders than participants and in which the various interest groups on all sides of all the issues are doing all of the talking.

Furthermore, any campaign reform legislation we pass must be balanced. I believe that McCain-Feingold was not balanced and clearly contained provisions that would protect and enhance the ability of the Democratic Party to raise funds from its traditional sources, while disproportionately limiting the ability of the Republican Party to conduct itself.

Finally Mr. President, to have my support, any new campaign finance legislation must address what I find in my state to be the most disturbing aspect of the way American federal elections are funded: namely, the increasing extent to which the campaigns of candidates for the House and Senate are financially supported by people who are not even constituents of the candidates themselves. McCain-Feingold does not even address this problem. There was no attempt in this bill to limit out of state or non-constituent contributions to a candidate.

As I mentioned previously, I do support reforming the method by which our federal campaigns are financed. Any campaign finance reform bill I support must be consistent with the Constitution, not impede on local and state government prerogatives, affect both parties fairly and equally, and address the problem of special interest, out-of-state money. Unfortunately, the McCain-Feingold legislation failed to meet these tests and, therefore, did not have my support.

While Congress will continue to work on this issue, I feel it is unnecessary to

wait for legislation before those of us who are concerned take action. In fact, during my campaign in 1994, I voluntarily imposed my own limits on the flow of PAC and out-of-state dollars to my campaign. Instead of simply waiting around for Congress to act, I will continue to observe voluntary caps and encourage other Members to act themselves in ways they might choose to address concerns they have with our system.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, in an effort to try to accommodate the Senators here, we have about 9 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. Would it be agreeable to the Senator from Massachusetts and the Senator from Wyoming that they each take 4 minutes, and I will have the last minute, as I have not spoken in this hour? Would that be fair?

Mr. KERRY. Mr. President, is it possible to get an extra 2 minutes?

Mr. MCCONNELL. It is 9 minutes until the vote. I say to my friend from Massachusetts, if we quit talking about it and enter into an agreement, you will have 4 minutes, Senator ENZI will have 4 minutes, and I will have 1.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes.

Mr. KERRY. Mr. President, let me speak rather quickly as to where we find ourselves. Notwithstanding the comments just heard with respect to the desire for campaign finance reform, there is one simple fact that the country is about to witness. The U.S. Senate is about to see campaign finance reform stay off the calendar and only come back, not as a matter of automatic debate on the floor of the Senate, only come back if the majority leader decides he wants to bring it back.

Effectively, we are witnessing 45 Democrat U.S. Senators prepared to vote today for McCain-Feingold, for campaign finance reform, and we have at least 4 Republican Senators prepared to vote for it today, and we are being denied the ability to be able to have that up-or-down vote on campaign finance reform. That is the bottom line. That is what is happening here.

The fact is that we have had an awful lot of straws sort of put up as the reason for doing this—people hiding behind the first amendment, people hiding behind the notion that incumbency is at stake. Incumbents get most of the money today. The current system protects incumbents.

Under McCain-Feingold and under the Supreme Court, both have said you can't limit issue advocacy. There is nothing in this bill that restrains the capacity of any American to go out and talk about an issue. There is something in this bill that tries to say we are going to draw a distinction between that which is really advocacy for an issue and that which is trying to elect or defeat a candidate.

The bottom line, Mr. President, is here is what this fight is about. We have a group of people who believe that their hold on power and their ability to be elected is dependent on the money that they spend. They are seeking a partisan political advantage in whatever structure they try to form as campaign finance reform. Now, that is not new here. I have seen that on this side of the aisle, too. My colleagues are fairly—and I underscore ''fairly''—concerned about whether or not, if they are limited in some regard, people who oppose them—in some instances labor—are going to have an unfair advantage. We ought to have a fairer playing field.

But what Senator SNOWE and Senator JEFFORDS offered us as we tried to negotiate was not a fair playing field. We wound up with labor having to have its members give their written consent as to what they would allow their dues to do. But a member of the National Rifle Association, a stockholder of AT&T whose money also winds up going into political purposes, would not be treated the same.

So, in effect, we will see a failure today because the Republicans decided they wanted to try to legislate an unfair advantage to themselves. We are simply not going to allow that to happen. It is a tragedy for the American people that partisan efforts are going to take precedence over what is an overwhelming desire by the American people to see their democracy protected and not to have it increasingly become a dollar-ocracy or whatever you want to call it. Increasingly, this system is broken. Everybody knows it. For the Senate simply to sort of fall prisoner to a parliamentary process of partisanship rather than a genuine effort to try to come to agreement, I think, does not serve any of us well here. I regret that. I regret it for the institution. For the 13 years I have been here, we have been trying to deal with campaign finance reform. One side or the other is always trying to find that advantage. We have shown how you can do it fairly. Everybody in the country, I think, has a pretty good definition of that fairness. I hope my colleagues will recognize as they go home that their citizens and constituents are really fed up and want change.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise in favor of campaign reform, but not the proposal before us. I resent that we must apparently be for this bill before us or we are pictured as being opposed to reform.

This bill has gone through somewhat of a transformation, but not much. Rather than reform the way campaigns are financed, this legislation would infringe on the first amendment rights of millions of American citizens and place enormous burdens on candidates running for office. We must ensure the enforcement of the current law before we build a whole new bureaucracy. That is what we are talking about.

I believe this debate over changes in campaign laws is especially timely in light of the recent discovery of the video tapes of the White House coffees. It is illegal to campaign, it is illegal to raise money on Federal property. They are more suspicious since the White House withheld the critical evidence from the investigative committee for over 8 months. They just found the tapes? They just found part of the tapes—44 out of 150? How hard can tapes be to find? Don't they have a procedure for storing tapes? If they are important enough for history in the first place, should there not be a mechanism for finding them?

While it's not clear what took place, it calls out for a serious investigation and the appointment of a special prosecutor.

Now we want to add extra criteria. If we just add them, will Congress be the only ones who have to abide by them? Will an acceptable defense be that everybody is doing it, even if that is not true? One of the lessons I learned in my 18 years in elected office is that you don't increase compliance with existing laws by increasing the complexity. We haven't talked about truth in advertising. We haven't talked about how much money is being spent and a way to disclose and to get accurate and complete disclosure from all groups that are involved in the process. We are only touching on campaign finance reform, and we are calling it the whole ball of wax, the whole answer to everything.

Mr. President, while the McCain-Feingold legislation claims to clean up elections, it does so by placing unconstitutional restrictions on citizen's ability to participate in the political process. For the past few weeks, we have heard Members of this Senate bemoan the fact that various citizen groups have taken out ads criticizing them during their elections. Having just run my first statewide campaign last year, I can sympathize with my colleagues who have been the object of often pointed and critical campaign ads. I've said frequently that campaigns need a good truth in advertising law. That's not restriction of free speech. That's requiring honest speech. Yes, there are fine lines of spin, but we haven't even tried to clean up the blatantly wrong ads. Instead we want to restrict the right to even tell the truth. I believe that in a free society it is essential that citizens have the right to articulate their positions on issues and candidates in the public forum. The first amendment to our Constitution was drafted to ensure that future generations would have the right to engage in public political discourse that

is vigorous and unfettered. Throughout even the darkest of chapters in our Nation's history, our first amendment has provided an essential protection against inclinations to tyranny. Our political future relies on the protection of free speech.

The Supreme Court has consistently held that the first amendment protects the right of individual citizens and organizations to express their views even through issue advocacy and even if its aimed at an individual. The Court has consistently maintained that individuals and organizations do not fall within the restrictions of the Federal election code simply by engaging in this advocacy.

Issue advocacy includes the right to promote any candidate for office and his views as long as the communication does not in express terms advocate the election or defeat of a clearly identified candidate. As long as independent communication does not cross the bright line of expressly advocating the election or defeat of a candidate, individuals and groups are free to spend as much as they want promoting or criticizing a candidate and his views. While these holdings may not always be welcome to those of us running campaigns, they represent a logical outgrowth of the first amendment's historic protection of core political speech. We talk about how much money is spent that way for advocacy, but we are just guessing. We are jumping to the step of precluding that right of free speech talking about how much the cost of campaigns have gone up, but we don't even have a mechanism for reporting that in any meaningful way. That should be the first step. We need quick and complete disclosure of all funds spent in a campaign, directly and indirectly. That means hard money and soft. We need to know from where and whom it comes and for what it was spent. Obviously we need to know how the money got there. We need to know that the laws on collecting it apply to everyone. That's a simpler step than what is proposed and more constitutional too.

These unconstitutional restrictions of this bill would increase the power of the media elites at the expense of the average American voter. Our Founding Fathers drafted the first amendment to protect against attempts such as these to prohibit one segment of our society from entering into public discourse on issues that greatly affect them.

I commend the sponsors for eliminating from the most recent version of their legislation the provision that forced businesses to give away their product in the form of free broadcast time. I also appreciated them taking out the complicated funding formulas. Nonetheless, I still cannot support legislation that stifles the free speech of the American citizens and gives expanded new powers to a Washington bureaucracy. For these reasons, I must oppose the revised McCain-Feingold legislation. I ask my colleagues to join me in paying trouble to the first amendment and opposing the McCain-Feingold legislation.

I thank the Chair and yield the remainder of my time.

Mr. MCCONNELL. I thank the Senator from Wyoming for his important contribution to this debate. We have 25 speakers in opposition to McCain-Feingold, and a growing number of our Members want to speak out in opposition to this piece of legislation.

I think a very encouraging thing happened this morning that I would like to report to my colleagues right before the vote.

I had an opportunity to attend an announcement of a new organization called the James Madison Center for Free Speech. What the James Madison Center for Free Speech is going to do is handle litigation all across the country in cases involving political speech. We have heard it announced that the forces of reform who want to shut Americans out of the political process and being frustrated in Washington are taking their cases out around America. There have been various State laws and referenda that have passed—all of them, so far, struck down in the Federal courts. But the James Madison Center is going to be there to represent litigants all across America who stand up for first amendment free speech.

I think that is an important announcement. The proponents of campaign finance reform have said they are not going to go away. The opponents are not going to go away. The James Madison Center is going to be there every time free speech is threatened anywhere in America.

Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 25, as modified, the campaign finance reform bill:

Thomas A. Daschle, Carl Levin, J. Lieberman, Wendell Ford, Byron L. Dorgan, Barbara Boxer, Jack Reed, Richard H. Bryan, Daniel K. Akaka, Christopher Dodd, Kent Conrad, Robert Torricelli, Charles Robb, Joe Biden, Dale Bumpers, Carol Moseley-Braun, John Kerry.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 25, a bill to reform the financing of Federal elections, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida, [Mr. MACK] is necessarily absent.

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—52

Akaka	Feinstein	McCain
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Thompson
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	
Feingold	Lieberman	

NAYS—47

Abraham	Faircloth	Lugar
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Helms	Smith (NH)
Coverdell	Hutchinson	Smith (OR)
Craig	Hutchison	Stevens
D'Amato	Inhofe	Thomas
DeWine	Kempthorne	Thurmond
Domenici	Kyl	Warner
Enzi	Lott	

NOT VOTING—1

Mack

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 1258 to Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, D. Nickles, Jon Kyl, Slade Gorton, Mitch McConnell, Connie Mack, Larry Craig, Strom Thurmond, Gordon Smith, Jesse Helms, Kay Bailey Hutchison, Christopher S. Bond, Bill Frist, Charles Grassley, Thad Cochran, Rick Santorum.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on amendment No. 1258 to S. 25, a bill to reform the financing of Federal elections, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—51

Abraham	Enzi	Lugar
Allard	Faircloth	McCain
Ashcroft	Frist	McConnell
Bennett	Gorton	Murkowski
Bond	Gramm	Nickles
Brownback	Grams	Roberts
Burns	Grassley	Roth
Campbell	Gregg	Santorum
Chafee	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchinson	Smith (OR)
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Domenici	Lott	Warner

NAYS—48

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Snowe
Dodd	Kohl	Specter
Dorgan	Landrieu	Torricelli
Durbin	Lautenberg	Wellstone
Feingold	Leahy	Wyden

NOT VOTING—1

Mack

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

PROVIDING FOR CONDITIONAL ADJOURNMENT OF BOTH HOUSES OF CONGRESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the adjournment resolution, House Concurrent Resolution 169; that the resolution be agreed to; and that the motion to reconsider be laid upon the table, all without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 169) was agreed to, as follows:

H. CON. RES. 169

Resolved by the House of Representatives (the Senate concurring) That when the House adjourns on the legislative day of Thursday, October 9, 1997, it stand adjourned until 10:30 a.m. on Tuesday, October 21, 1997, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, October 9, 1997, Friday, October 10, 1997, or Saturday, October 11, 1997, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, October 20, 1997, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

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.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I don't have a complete schedule yet, but I believe we are ready to go to the HUD–VA appropriations conference report. We are trying to get clearance to go to Transportation appropriations conference report after that. We are still working with Senator DASCHLE so that we can outline the schedule for the remainder of the day. We are arranging for some debate time. We are also working on clearing some Executive Calendar nominations. Hopefully, within the next few minutes, we will be able to make some further specific announcement and try to get a UC on all of that. I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Arizona is recognized.

CAMPAIGN FINANCE REFORM

Mr. MCCAIN. Mr. President, a minority has prevailed for the moment in blocking campaign finance reform. They will not prevail forever. Sponsors of campaign finance reform knew from the outset that our legislation faced long odds. We knew that finding a supermajority of Senators to cut off debate would be very difficult. Not impossible, but difficult.

What we had hoped might occur is that as the amending process on the bill proceeded, Senators from both sides of the aisle would begin to find common ground on this subject, and the basis for a fair bipartisan compromise would be discovered. That was not to be the case, however, because the rules of this debate were structured to prevent anyone from offering any amendment. No vote on any single aspect of campaign finance reform was allowed, and that's unfortunate.

The chief opponent of our bill, the Senator from Kentucky, very forthrightly claimed that he would proudly cast a vote against any bill that sought to reduce the amount of money that currently soaks our Federal election system. I commend him for his candor and having the courage of his convictions.

Mr. President, I wish all opponents of campaign finance reform were so forthright. I wish all Members of the Senate could have had the opportunity to unambiguously register their support for or opposition to campaign finance reform in all its forms so that the American people would have a clear public record of where we all stood on the subject. I can only assume that the public was denied a clear record because some of us are apprehensive about how the public would react to our votes. I cannot find any other explanation for the elaborate lengths opponents of the bill went to in order to prevent a single vote on any amendment to this legislation.

I do not resent the use of the filibuster to obstruct reform. I regret it, but I do not resent it. It is a frequent roadblock to action in the Senate, and I and the other sponsors of the bill always understood that we must overcome it to prevail. Necessary to our efforts to overcome this institutional obstruction, however, is the amendment process. We believe that if Senators are obliged to vote yea or nay on various aspects of reform, the public's reaction to our votes might persuade 60 Senators to vote to limit debate. But as I have noted, we were precluded from offering and disposing of amendments.

As I made clear to everyone before debate on this bill began, if the supporters of McCain-Feingold were denied an up-or-down vote on the bill or on amendments to the bill, we would exercise our rights as Members of the Senate to offer amendments related to reform on legislation subsequently considered by the Senate. Now we are confronting a parliamentary tactic that is intended to deny us the opportunity to offer amendments to the highway funding bill. I don't think that it is fair, even if it is sanctioned by Senate rules. Nor do I think the tactic will permanently preclude us from offering reform amendments to other legislation.

Mr. President, no Member of this body can be permanently disenfranchised from the right to offer amendments. It is a practical impossibility. Unanimous consent is required for nearly all the work of the Senate, and Members who are denied their right to amend legislation are not likely to consent to moving that legislation forward. Every Senator knows that their colleagues who intend to offer campaign finance reform amendments will eventually succeed in doing so. At some point, the support or opposition of Senators will be a matter of public record. Therefore, I am at a loss to understand what purpose is served by attempting to temporarily prevent us from offering these amendments.

We cannot be disenfranchised permanently, Mr. President, because to do so would disenfranchise the American people. The people have a right to know where their elected representatives stand on the issue of campaign finance reform so that they may render an informed judgment at election time

about how fairly we represent their concerns.

The supporters of reform intend to offer amendments related to various aspects of reform, and as I have stated previously, I intend to offer an amendment banning soft money, the unregulated ocean of money which is drowning the integrity of our political system and which occasioned so much scandal in the last election. I am looking forward to the great debate on the first amendment that supporters of soft money will offer in opposition to the ban.

I know that the Senator from Kentucky will enthusiastically engage in that debate, and I again commend him for having the courage of his convictions, for his clear willingness to have his opposition to reform recorded unambiguously for the people to judge. Will the other Senators join him? I don't know. I don't think support for unlimited soft money is quite so clear as his opposition to other reform proposals. I think we would win a vote banning soft money. I am not certain, but I am fairly confident, and I intend to find out.

We will keep trying until the Senate agrees to provide the people we serve with an honest, clear record of our support or opposition to campaign finance reform. They will then make a judgment as to whether they approve of our position or not.

Finally, again, Mr. President, I am hopeful that at some point, there will be sufficient requests by the American people, including a million signatories, 1 million Americans signing a petition asking us to address this issue of campaign finance reform. I hope that sooner or later that and the better angels of our nature will persuade us that it is time to sit down and work out a campaign finance reform which is fair to everyone and gives and restores the American people control of their Government.

I yield the floor.

Mr. KERRY addressed the Chair.

Mr. BOND. Without objecting, may I say, we are trying to arrange for the expeditious consideration of the VA–HUD report.

Mr. KERRY. I just ask for 3 minutes or so. I want to respond to Senator MCCAIN.

Mr. BOND. I have no objection.

THE SENATE WILL ULTIMATELY BE HEARD

Mr. KERRY. Mr. President, I would like to thank the Senator from Arizona for his comments, for his steadfast efforts and leadership on this and, speaking for Senator DASCHLE who is not here at this moment and for the leadership on this side, we would like to make it very clear that what Senator MCCAIN has said we are determined to try to help effect. We are determined that we will bring back campaign finance reform again and again and again until we have the ability to vote up or down on either McCain-Feingold or on some measure of full reform. I think Senator MCCAIN has appropriately suggested that ultimately the will of the Senate can't be held down on a matter like this. Senators will have to vote one way or the other in order to make their positions clear, and the will of the Senate ultimately will be heard.

We, on our side, are particularly grateful to Senator FEINGOLD for his leadership, but, Mr. President, we regret enormously that the American people were not permitted to have one amendment properly voted on and debated. Not one. Not once in this important issue, where 88 percent of the American people believe we ought to have reform, was the U.S. Senate, known as the world's greatest deliberative body, able to truly deliberate. Some would argue deliberation comes in many forms and a filibuster is a form of that deliberation. But everyone knows that a majority of this Senate was prepared to vote for this bill as it is today. This bill will come back again and again until the Senate has a chance to work its will.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

UNANIMOUS–CONSENT AGREEMENT—CONFERENCE REPORT ACCOMPANYING H.R. 2158

Mr. BOND. Mr. President, I ask unanimous consent that the Senate now turn to the VA–HUD conference report; that the report be considered read; and that there be 20 minutes equally divided between the majority and the minority, plus 5 minutes for the Senator from Washington, Senator GORTON; that following the conclusion or yielding back of time, the conference report be agreed to and the motion to reconsider be laid upon the table, all without intervening action or debate.

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

DEPARTMENTS OF VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

Mr. BOND. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2158) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 6, 1997.)

Mr. BOND. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am pleased to present the Senate with the conference report accompanying H.R. 2158. The bill provides a total of $90.7 billion in new budget authority, including $21.5 billion in mandatory spending, which is $855 million less than the President's request.

As with most legislative activity in this body, the bill is not perfect, but I do think it reflects a very balanced approach to a number of particularly difficult funding and policy decisions. In achieving that balance, I owe a special debt of gratitude and express my sincerest thanks to my hard-working ranking member, Senator MIKULSKI, whose cooperation, guidance, and wise counsel has helped to craft a consensus in reaching many of these difficult decisions.

We have done our best to ensure that both the spirit of the budget agreement and the highest priorities of the President have been met without jeopardizing key programs, such as veterans' medical care and the space program which were not protected in the budget agreement.

For the VA, the highest priority in the VA–HUD conference report is afforded to veterans' programs which total $40.45 billion and veterans' medical care in particular. The conference report provides $17,060,000,000 for VA medical care, which is $100 million more than the President's request and more than $300 million above the amount assumed for veterans' medical spending in the budget agreement. This level should ensure continued care to all eligible veterans and continued improvements to the VA medical system. Increases also are provided for the State Nursing Home Program construction and research.

For the Department of Housing and Urban Development, the conference report provides close to $25 billion for fiscal year 1998, including full funding of $8.2 million for section 8 contract renewals as provided through the budget resolution.

Other key programs include $310 million for drug elimination grants; $1.5 million for HOME; $4.7 billion for community development block grants; $600 million for the Native American Block Grant Program; $823 million for homeless assistance programs; $35 million for Youth Build; $25 million for Brownfields; and $138 million for the economic development initiative.

Unfortunately, we were unable to fund the preservation program due to the high cost of the program, reported

fraud and abuse, and HUD's lack of capacity to administer the program. To continue the program would cost some $2 billion over the next several years. Therefore, we have included instead $10 million to reimburse costs expended by project owners and nonprofit and tenant purchasers under the program.

This bill also authorized enhanced—or ''sticky''—vouchers which will protect tenants from being forced to move if an owner chooses to prepay a mortgage and higher rents are charged.

Mr. President, I also point out that we have worked with the Department of Housing and Urban Development and colleagues in the authorizing committee to craft an ongoing solution to the high-cost rental program under multifamily projects in a program known as mark-to-market.

We believe that the Senate's position, which finally has been accepted by the House, to deal with these programs to provide a continuation of housing services to those residents in particularly elderly and other projects funded under a multifamily basis, is the best approach to dealing with what otherwise would be a budgetary nightmare and potentially totally disruptive to the residents.

For EPA, the conference report provides $7.4 billion for fiscal year 1998, an increase of over $400 million over fiscal year 1997; and an additional $650 million for fiscal year 1999 for the Superfund program. The appropriation includes $3.3 billion for the operating programs, an increase of $200 million or 6 percent over fiscal year 1997.

State revolving funds would receive a total of $2.075 billion, including $1.35 billion for clean water and $725 million for drinking water. The President's proposed reduction of $275 million from the clean water State revolving fund was fully restored.

For Superfund, the conference report includes $2.1 billion, an increase of $750 million over the current level. This funding includes an advance appropriation of $650 million to be made available on October 1, 1998, so long as a Superfund reform bill is enacted by May 15, 1998. This reflects the budget agreement which assumed this additional funding only upon a comprehensive reform of the Superfund program.

In addition, given the priority the administration places on funding for Boston Harbor, the conference report provides $50 million, which is $27 million more than proposed by the House.

For NASA, the conference agreement recommends $13.6 billion, the same amount as proposed by the House and an increase of $148 million over the Senate level and the administration's budget request. This amount will help NASA deal with the recent problems with the space station program without jeopardizing critical programs, such as space science, earth science, and aeronautics.

For the National Science Foundation, appropriations would total almost $3.5 billion, a $60 million increase above the budget request. This funding includes an additional $40 million for plant genome research. Mr. President, this new comprehensive initiative is critical to the future of U.S. crop production, the ability of our strong agriculture sector to provide the food and fiber needed in this country and the world.

For the Federal Emergency Management Agency, this agreement recommends $830 million, including $320 million for disaster relief and $30 million for a new predisaster mitigation grant program intended to improve the Nation's ability to reduce the costs and impacts of natural disasters, particularly in communities with significant disaster risks.

For the National and Community Service Program, funding is $425.5 million, an increase of $25 million over the current year. Despite continued concerns many of us have with this program, we have acknowledged the priority the President has placed on the program. And, in addition, the $25 million is targeted directly to the critical issue of child literacy.

Community development financial institutions are provided $80 million. While this funding is $45 million less than the President's request of $125 million, the conference report funding represents a compromise which reflects significant concerns raised in the last several months over the lack of administrative capacity and accountability at CDFI, including concerns relating to the contracting of services. We expect that the Treasury Department will continue to put in systems, procedures and policies that will ensure that the CDFI program will be administered appropriately in the future.

As I said before, on the section 8 mark-to-market reforms, title V of the bill provides, beginning in fiscal year 1999, a comprehensive reform program that provides a mortgage and rent restructuring program to reduce the costs of oversubsidized section 8 multifamily housing properties insured under the FHA. Under this mark-to-market program, FHA-insured properties with above-market rents are eligible for debt restructuring to reduce the rent levels to market-rate rents or the project base rents needed to support operations and maintenance.

In response to concerns about HUD's capacity, the legislation shifts the management, administration, and restructuring of the portfolio to capable local entities with a public purpose. In most cases, State and local housing finance agencies will be responsible for the restructuring of projects and consultation with project owners, the tenants and the affected community.

In addition, the legislation requires the continuation of project-based assistance for projects that serve elderly and disabled families, thus ensuring the availability and affordability of low-income housing for the elderly and disabled.

I note that a number of provisions, some of which I do not support, were added in conference to ensure the passage of the bill in both the House and the Senate and to promote signing by the President.

In addition, we reached a number of accommodations with the White House with the cooperation and assistance of Senator MIKULSKI, Congressman STOKES, Congressman OBEY, and other members of the conference. We are grateful for their assistance.

I yield to Senator MIKULSKI for her opening statement.

Ms. MIKULSKI. Thank you very much, Mr. Chairman.

The PRESIDING OFFICER [Mr. INHOFE]. The Senator from Maryland.

Ms. MIKULSKI. Thank you, Mr. President.

I rise today to join my very distinguished colleague, the Senator from Missouri, to offer for the Senate's consideration the conference agreement on the VA-HUD bill.

This bill contains $99 billion—$99 billion—in outlay spending, of which almost $20 billion is in mandatory spending. This isn't just about numbers though. And it will not be about statistics; this is about people.

The VA-HUD bill is probably one of the most complex that comes before the Senate. In terms of dollar amounts, it ranks up there with defense, and it ranks up there with the Labor, Health and Human Services budget. What it does in terms of dollar amounts, though, is it really is focused on two policy objectives. No. 1, how do we respond to the day-to-day needs of our constituents, those veterans who need health care or access to a mortgage, or constituents who need housing, whether it is housing for the elderly, or housing for neighborhoods trying to rebuild themselves, or in response to the need for emergency assistance?

At the same time, this subcommittee gets America ready for its future. It is significant in public investments in science and technology. That is where we have tried to make wise and prudent choices, on how we respond to the day-to-day needs of the American people and at the same time help our country get ready for the future. I believe that, working on a bipartisan basis, we have been able to do this.

I thank my colleague, Senator BOND, for the collegial manner in which he and his staff have worked with my staff and myself to craft a bipartisan bill that represents the best interests of the American people.

I am very pleased to say that when it has come to meeting the health needs of our veterans, whether it has been making sure that the housing needs are met, and at the same time whether it is our space program or our investments in information technology, we have not played politics.

Isn't this what the American people want us to do? For the people who risked their lives at Iwo Jima, Pork Chop Hill, Desert Storm, the Mekong delta, they want us to get out there and get up every day and see how we

can be responsible in meeting their needs and not play politics with their needs. Well, we looked at people who need public housing or subsidized housing, how we can ensure that housing is not a way of life but a way to a better life. Isn't that what the American people want us to do?

When they look to not only the Stars and Stripes, but they look out there to the stars of the universe, they want the United States of America to lead the way. They do not want us to play politics with our space program. And we have not done that.

At the same time, they know a new century is coming, a new economy is on its way. We need groups like the National Science Foundation, in its investments in information technology and other basic scientific research, to do that basic research which the Federal laboratories and our universities are best at, so that we can then turn to the private sector to value add where public investments in publicly funded research will lead to the private-sector jobs. And they do not want us to play politics with that. And guess what? We did not.

So, Mr. President, as we come before you with this VA-HUD bill, I think that is what we have done. We have moved this legislation forward. I think the numbers speak for themselves.

We have provided $300 million more for VA medical care than the budget agreement because we said, ''Promises made should be promises kept to our veterans.''

We wanted to be sure that the VA medical research could continue to be funded in a way that meets the important practical clinical research that is important. I am so pleased that we are going to be doing research on gulf war syndrome. I am particularly pleased that we have the set-aside for both Parkinson's disease and prostate cancer. With quality VA medical care and research, we are providing real help for real people.

When we look at our housing and urban development, we once again make sure that we adequately fund the very successful program that funds housing for the elderly in our local communities.

This committee was concerned, though, about two things. First, we were concerned that the way section 8 was being funded could inadvertently result in yet one more unfunded liability to taxpayers and a hollow opportunity for the poor. The Senator from Missouri, Senator BOND, has been an architect of reform in this area. I have noted with great pleasure the way he worked with the administration in terms of fashioning a compromise where we meet our fiscal and social responsibility simultaneously.

We also fund something called HOPE VI which says that public housing should not be a way of life but a way to a better life. We have come up with not only a new physical infrastructure, but a new social infrastructure that says, if you get a subsidy, you have to get yourself, your family, and your community ready for the future because it mandates that you must be in job training and it mandates also that you must be engaged in community service in your own area.

This way we build the capacity of the individual, we build the community in which that individual lives, and we get value not only for the taxpayer, but the lives of residents will be transformed forever.

Again, this committee provided real help for real people. This year, when we looked at the environment, the President's request had many items we worked on, from Superfund to Brownfields, clean air to clean water. What we have been able to do is not only work on these issues, but also lay the groundwork for the research that needs to be done to be sure that we have sufficient science for a regulatory framework.

I am very grateful for the response of the Senator from Missouri when I came to him when Maryland was hit by a terrible tragedy in which we had a fish kill over on our Eastern Shore. We had thousands of fish die. Our great medical community was concerned that it was having a dire effect on the physical and public health of our community.

Before we responded inappropriately, we felt that we needed to have our Federal laboratories engaged so that they could support not only Maryland, but other affected States like Virginia and North Carolina, so we could come up with wise solutions to protect public health and also maintain the community.

I want to thank Senator BOND for responding to my request for $3 million that will fund EPA to find a solution to a problem called the pfiesteria, an ''X Files''-like organism that goes from a vegetable to an animal and then attacks fish in a vicious way. What we are able to do now is to provide the best science to come up with the best solutions to be able to protect lives, protect the Chesapeake Bay, and protect our economy. I want to thank the Senator for responding to that because it was a last-minute, but certainly a much needed request.

In NASA, we also talked about how we maintain our core programs—safety for the shuttle, we will fly high in the space station, and we will once again have adequate funding for Mission to Planet Earth. While we study the great universe, we also need to look back on the one planet where we do believe there is intelligent life, and that is our own dear planet Earth. Thanks to this we will be able to study our planet as if it were a distant planet and come up with new ways of doing business, where we can predict earthquakes, where we can predict floods, where we can predict famine, and using the tools of science, we can help countries all over this planet be able to protect themselves from either the dire effects of nature or the dire effects that we bring upon ourselves.

I am also particularly pleased that, once again, the chairman responded to a request from both the administration and from this side of the aisle to maintain the National Service Program. This is a program where we ask young people to volunteer in their communities, and while they are doing that, receive a voucher to reduce their student debts, and at the same time give back to their community.

There are many aspects of this bill which we could elaborate on, but the one that we probably have to respond to most immediately is the Federal Emergency Management Agency. FEMA is the 9–1–1 agency for the American people. Unfortunately, just about every Senator's State had a call on FEMA. We were able to respond to that, and once again, we worked on a bipartisan basis. What we are also going to do now is to practice the three R's of emergency management: readiness and preparedness, response when a disaster hits, and restoration. Only this time when we restore, we are not going to only restore, we will take steps to help communities reduce the impact from future natural disasters like hurricanes and floods.

Mr. President, we could talk about the legislation, but what I am here to say today is that what we have done in this subcommittee is that we have responded to the needs of the American people, we have gotten ourselves ready for the future, we have been fiscally responsible, and we have done it on a bipartisan basis. At the end of the day, I don't think we can do better than that. I will be able to go back to my constituents in Maryland and say, ''We think we have done a good job for you. We think we have done a good job for America.''

I thank Senator BOND and his staff for the way they worked with us, particularly John Kamarck, Carrie Apostolou, and a wonderful detailee, Sarah Horrigan. I also want to thank my staff, Andy Givens, David Bowers, and also another detailee, a science whiz kid like Sarah, Stacy Closson, who came to us to learn about how the Senate works, while we have a better insight into how science works.

Mr. President, I think that concludes my remarks. I yield the floor and I will look forward to the passage of the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, my remarks are directed at the two distinguished managers of the bill, and I hope they will be able to respond to the concerns I am about to raise.

On July 22, while this bill was being debated on the floor of the Senate, I shared with the Members of the Senate a series of scandals across Indian country with respect to a housing program for low-income Indian reservation residents. The scandal occurred in my own State in Washington in the construction of a 5,000 square foot, $400,000 home under this low-income program for the chairman of the housing council

of the particular tribe, and similar activities in other reservations across the country in which money had been misused not for the benefit of low-income Indians on reservations but for the benefit of the people who were managing the money themselves, most of whom were above average in income.

As a result of that set of facts, themselves a result of a long investigation on the part of the Seattle Times, the Senate unanimously passed an amendment that says ''The Secretary of Housing and Urban Development shall bar any person from participating in any activity under the native American housing block grants program under title I of the Native American Housing Self-Determination Act of 1996 or any activity under the jurisdiction of the Department of Housing and Urban Development where such person has substantially, significantly, or materially violated the requirements of any such activity. The Secretary shall pursue reimbursement for any losses or costs associated with these violations.''

Now, Mr. President, the two managers were delighted to accept that amendment. The Senator from Missouri told me a week or so ago that the House was greatly resistant to these provisions and that he greatly feared he would have to drop them. In fact, he has done so, Mr. President. I simply would like to get his explanation as to why Members of the House of Representatives seem to feel that someone can ''substantially, significantly, and materially violate the requirements of the law'' and suffer no consequences for doing so?

This seems to me to be a ratification of this widespread fraud. At least two people working for the Department of Housing and Urban Development were transferred, another has been forced into early retirement as a result. But why is it that a simple prohibition against what amounts to total fraud—effectively stealing not just the money of the people of the United States, but of poor members of these tribes, now is suddenly dropped from the bill?

What sanction contained in this amendment was regarded as so obnoxious by Members of the House of Representatives, I ask my distinguished friend and chairman, that they refused to include it in the final bill?

Mr. BOND. Mr. President, to respond to my good friend, I first commend him for calling attention to some of the abuses that occurred. When we accepted on the floor his proposal, it was in light of the abuses and the problems that were uncovered. As I have advised my colleague from Washington, the House had grave concerns about the breadth of this issue, fearing that it might bar not only people actively engaged in fraud but people with other problems in their background or in other time periods or in other areas. I cannot do a good job of explaining their objection because it was not my objection. We were unable to include it because we did not have adequate support from our side to overcome the resistance of their side.

I point out to my colleague from Washington that HUD currently has authority under this program to address fraud and abuse in this program and they have assured us that they will.

Having said that, Mr. President, I assure my friend from Washington, I am from Missouri, and assurances—frothy substances do not satisfy me; I am from Missouri, and you must show me.

I expect that the new Native American Housing Block Grant Program which is under consideration in the Banking Committee will include program administrative and oversight requirements. At this point we must defer to the Banking Committee which is currently looking at native American housing block grant reforms as part of a HUD extender bill which would extend the authorization of a number of the programs such as FAA and multifamily risk programs. We expect this bill will be considered by the House and the Senate before the end of the session.

I hope there would be an opportunity once again, for the Senator from Washington to address the very real concerns he noted.

Mr. GORTON. Mr. President, I appreciate those expressions on the part of my friend from Missouri and I emphasize that I know he supported this provision and that he did his best to keep it included in the bill.

I hope that at some future time in authorizing legislation or otherwise we will be able to do something similar to this. I, too, have heard the assurances of the Department of Housing and Urban Development that this will not happen again, but we have gotten those assurances in the past without them having been carried out.

I summarize by saying how anyone could say that a person who ''has substantially, significantly, or materially violated the requirements'' of this law should somehow or another not even receive so much as a tap on the wrist and should be allowed to go on doing in the future what that person has done in the past, is beyond my understanding. I am sorry this is not in the bill. I don't think the excuses of its opponents and the House conferees are adequate in the slightest, but I do know that the chairman and the ranking minority member sympathize with me on this and will support us as we continue on a crusade for honesty and straightforward dealing and using this money for the purposes for which it was intended. I know they will support that in the future.

Mr. BOND. Mr. President, I thank the Senator from Washington for his comments.

MULTIFAMILY ASSISTED HOUSING REFORM

Mr. D'AMATO. Mr. President, I wish to express my strong support for the inclusion of the Senate's ''Mark to Market'' reform legislation in the Fiscal Year 1998 VA-HUD Appropriations Conference Report. The conference report effectively incorporates The Multifamily Assisted Housing Reform and Affordability Act of 1997 (S. 513), as passed by the Banking Committee and full Senate with minor modification.

This legislation averts a serious affordable housing crisis by restructuring the Department of Housing and Urban Development's [HUD] Federal Housing Administration [FHA] insured section 8 project-based assisted portfolio. This legislation will save taxpayer money by reducing above-market rents on section 8 properties, will protect residents, and will help maintain a stock of affordable housing which will remain available for the future. The financial viability of assisted projects will be protected by refinancing and restructuring mortgages which are insured by the FHA.

I salute my friend and colleague Senator CONNIE MACK, Chairman of the Subcommittee on Housing Opportunity and Community Development, for his outstanding efforts in crafting this legislation and ensuring its swift enactment. Through his extraordinary leadership this legislation has been developed in a bipartisan, measured and thoughtful manner. I thank my friend Senator KIT BOND for the critical role he played in the development of this bill as a member of the Banking Committee in the last Congress and for his leadership as chairman of the VA–HUD Appropriations Subcommittee in bringing this measure to final passage.

Mr. President, this legislation is supported by a broad range of interest groups including resident organizations, owners, nonprofit housing associations, the National Governors Association, the National Affordable Housing Management Association, the National Housing Conference, the National Association of Home Builders, and the National Council of State Housing Finance Agencies. The New York Housing Conference and the New York State Tenants and Neighbors Coalition have been instrumental in the development of this bill and I thank them for their valuable input and support.

This legislation addresses the escalating costs of the HUD section 8 program and achieves fiscal year 1998 savings of $562 million. Importantly, this legislation will save the American taxpayer $4.6 billion over the next 10 years by reducing exorbitant rents in the section 8 program. At the same time, the legislation will protect the FHA multifamily insurance fund from losses due to defaults. The mortgage restructuring provisions contained in this bill will allow projects to continue to operate effectively with reduced rent levels.

Mr. President, millions of needy Americans depend on section 8 housing to provide them with affordable shelter. The average income of these families, elderly and disabled persons is similar to those in Federal public housing—approximately 17 percent of the

local area median income. In addition, over 35 percent of these persons are elderly. Many more are disabled or families with children. It is essential that we protect these residents.

Mr. President, the legislation protects residents from displacement and provides them with a meaningful voice in the restructuring process. Resident involvement is essential to prevent physical deterioration of buildings, identify criminal activity and threats to health and safety, and contribute to the long-term viability of the affected buildings and communities. The legislation provides for a strong role on the part of residents to participate in activities such as the determination of eligibility for restructuring, decisions to renew project-based contracts, the formation of the rental assistance assessment plan, capital needs and management assessments, and physical inspections.

In addition, resident involvement in the decisions which affect their communities and lives will be further ensured by the selection of resident-friendly participating administrative entities [PAE]. The legislation mandates that any organization selected as a PAE must have a demonstrated track record of working directly with residents of low-income housing projects and with community-based organizations. It is imperative that these PAE's provide for resident input that is meaningful. This will be achieved by the PAE providing residents timely, adequate and effective written notice of proposed decisions, timely access to relevant information and an adequate time period for analysis and provision of comments to the PAE and HUD. The PAE and HUD will take into account resident comments in a thoughtful and constructive manner.

Mr. President, the bill seeks to preserve affordable housing throughout our nation for the benefit of current and future residents. Criteria have been developed to assess whether a project should maintain project-based assistance or be converted, in whole or in part, to tenant-based assistance. Projects in disrepair will be rehabilitated, where feasible, and their proper maintenance will be ensured. The legislation contains important new enforcement tools for HUD to employ to crack down on fraud, waste and abuse by unscrupulous landlords. Landlords who break the rules will be banned from the program. New protections against equity skimming, as well as expanded civil money penalties will greatly assist efforts to eliminate owners who have cheated the Federal Government. In addition, the legislation refocuses HUD's efforts on oversight and enforcement. By devolving the primary responsibility for conducting mortgage restructurings to the State and local level, HUD staff will be able to concentrate on rooting out abuses within the system.

Rents on restructured properties will be set at local market rates based on comparable properties, or where comparables are unavailable, at 90 percent of HUD's Fair Market Rent [FMR]. The legislation provides that up to 20 percent of a given PAE's inventory may receive budget-based rents, capped at 120 percent of FMR, in order to maintain the financial viability of the projects.

The HUD Secretary may waive the 20 percent limitation upon a demonstration of special need. Report language accompanying The Balanced Budget Act of 1997 (S. 947), which passed the Senate on June 25, 1997, states:

> The Committee expects that the Secretary shall utilize this important discretionary tool to address the unique circumstances of various communities and regions throughout the nation. The Secretary should consider relevant local or regional conditions to determine whether good cause exists in granting such a waiver. Such factors should include, but should not be limited to: (1) whether the jurisdiction is classified as a ''high cost area'' under other federal statutes or programs; (2) prevailing costs of constructing or developing housing; (3) local regulatory barriers which may have contributed to increased development costs; (4) State or local rent control or rent stabilization laws; (5) the costs of providing necessary security or services; high energy costs; the relative age of housing in a jurisdiction; or (6) other factors which may have contributed to high development or operational costs of affordable housing in a given jurisdiction.''

By providing a priority to State and local housing finance agencies [HFA] to serve as PAE's, we recognize and build upon the increasing financial and housing management expertise of these public entities. HFA's are accountable to State and local governments and the public and are dedicated to increasing the availability of affordable housing. In addition, they have extensive experience with the section 8 portfolio itself and will be able to leverage additional resources for its benefit.

Mr. President, this legislation protects the interests of the Federal taxpayer, the security of our residents and the future of affordable housing. It is with great pride that I commend my colleagues in the Senate for working together to avoid the social and fiscal crisis which would have occurred had HUD's multifamily inventory not been reformed. This legislation was carefully crafted with the spirit of bipartisanship for over 2 years. I salute all who contributed to this important and essential effort and support immediate passage.

MARK TO MARKET REFORMS

Mr. D'AMATO. Mr. President, I would like to engage in a colloquy with the distinguished chairman of the VA–HUD Appropriations Subcommittee, Senator KIT BOND, for the purposes of clarifying the intent of the VA–HUD Conferees in regard to several aspects of the section 8 reforms included in the conference report.

First, I would like to clarify the intent of the conferees regarding determination of market rent levels. In my home State of New York, there are some 1.2 million apartments which are covered by State rent control and rent stabilization laws. It is particularly important that the participating administrative entities [PAE] which conduct mortgage restructurings in New York have the flexibility to consider the rents of these apartments, particularly those subject to rent stabilization or rent control regulation, in making determinations of market rents.

Mr. President, I note with regret that the Fair Market Rent [FMR] System currently used by HUD has numerous flaws, especially when applied to a metropolitan area as large and diverse as New York City and its surrounding suburbs. For instance, HUD utilizes a single Fair Market Rent estimate for the entire municipality which fails to take into account the various differences in true market rents between such disparate markets as Queens, Brooklyn, Manhattan, and Rockland County. These markets are vastly different, but HUD's FMR system does not reflect these variations.

This legislation, which originated in the Banking Committee, takes into account the shortcomings and limitations of the FMR System. Instead of relying on this flawed system, the bill adopts an approach which would allow participating administrative entities to estimate true market rents based on comparable properties. While it is true that rent levels which are subject to State and local rent regulation may not fully reflect true market rents, nevertheless they can often form the basis for estimating such true market rents. Indeed, many rent stabilized apartments in New York City are far closer to true market rent levels than HUD's FMR estimates.

Mr. President, I thank the conferees for including legislative amendments to the original Senate bill, S. 513, in the final legislation which will allow participating administrative entities to consider rent stabilized units for the purposes of estimating local market rents. I would ask my friend, Senator BOND, if my statements are consistent with the intent of the conferees?

Mr. BOND. Mr. President, my friend Senator D'AMATO, the chairman of the Committee on Banking, Housing and Urban Affairs, is entirely correct. His statements are consistent with the intent of the conferees to devolve decisionmaking responsibility to the State and local level. Clearly, the conferees recognize that participating administrative entities in some jurisdictions may find it necessary to take into account rents on units which are subject to local rent stabilization regulations in order to determine comparable market rent levels.

The conferees are mindful of the unique circumstances of New York rental markets. For that reason, the legislation was crafted to allow the consideration of rent stabilized apartments within the definition of comparable properties for the purposes of determining market rent levels.

Mr. D'AMATO. Mr. President, I thank the distinguished Senator for his clarifying remarks. I would ask for one additional point of clarification.

Mr. President, the section 8 reform provisions include a mandatory renewal of project-based assistance for restructured properties which have a significant number of elderly or disabled persons, or which are located in tight rental markets, such as New York City. In addition, there is a local option to replace project-based assistance contracts with section 8 vouchers, after completion of a rental assistance assessment plan by the PAE with meaningful consultation with the owner of the affected project.

This plan, as with all aspects of the overall mortgage restructuring and rental assistance sufficiency plan, shall also be developed with an opportunity for meaningful input by the affected residents as well. It is imperative that residents be kept informed of the process for mortgage restructuring and the possibility of receiving tenant-based assistance, and be offered ample opportunity to voice their preferences as to the type of assistance provided. It would not be outside the authority of the PAE to conduct a survey, on a project-by-project basis, as to resident preferences in this regard.

Mr. President, I would like to emphasize the role of State and local decisionmaking in making this determination. It is not the intent of the drafters of the legislation that HUD attempt to micromanage or second-guess the determination of the PAE. Neither is it their intent that the HUD implementing regulations include one-sided interpretations of the statutory language which will force a preference for tenant-based assistance upon the local decisionmakers. The criteria are intentionally objective and neutral and the final decision for applying them rests at the local level.

In addition, in interpreting these criteria, the participating administrative entities should, to the fullest extent possible, consider the local experience of the various forms of housing assistance. For instance, the PAE should consider the actual effectiveness of tenant-based assistance. In many cases, voucher-holders are unable to utilize their vouchers. In many areas too, voucher-holders often find their choices constrained to certain areas, neighborhoods and projects. The lease-up rates and need to utilize section 8 reserves in order to improve these rates by the local public housing authorities would be relevant in determining the local effectiveness of the voucher program.

Also, in determining the relative affordability of vouchers, the PAE should consider whether a resident's rental contribution could rise above 30 percent of his or her income. Recent data from HUD indicate that a large percentage of voucher-holders pay more than 30 percent of their incomes for rent, and many pay more than half of their incomes in rent. This data is extremely disturbing. The rent burden of voucher-holders is especially relevant in making these determinations. The PAE could consider the impact of reductions in the FMR to the 40th percentile of available units on tenant-choice and rent burden as well.

Whenever possible, the PAE should use local experience in making this determination rather than relying on national averages, which often are rendered meaningless when applied locally. PAE's should asses the need for a stock of affordable housing which will be available on a long-term basis, when judged in light of the housing needs identified in the local consolidated plan. PAE's should consider the amount of multifamily housing currently being developed in that area which is affordable to low-income families.

Mr. President, it is imperative that PAE's consider the characteristics of specific projects. For instance, a particular project could contain a number of apartments with three or more bedrooms in a geographic area where there is a dearth of such affordable housing available to large families. In all cases, PAE's should consider the long-term consequences of their decisions. I would ask my friend, Senator KIT BOND, whether my statements are fully consistent with the intent of the conferees?

Mr. BOND. Mr. President, the statements of the chairman of the Committee of Banking, Housing and Urban Affairs are indeed consistent with the intent of the conferees. Indeed, devolving responsibility and decisionmaking to the State and local level is one of the primary goals of this mark to market legislation. Not surprisingly, that is also the reason for the priority in selecting State and local housing finance agencies to be PAE's.

The decisions made by these entities will have long-term consequences. The PAE's therefore should be granted great deference in assessing the impact of these decisions on local housing markets. Also, I would reiterate the Senator's statement on the importance of resident and owner involvement in the decisionmaking process. We believe the local PAE's will be in a better position to make these determinations than Federal officials at HUD or the Office of Management and Budget.

Mr. D'AMATO. Mr. President, I once again thank my colleague for his clarifying remarks and I offer my congratulations to him on the passage of legislation which is fair, balanced and very effectively serves the needs of the American people.

DISQUALIFIED PROPERTIES UNDER ''MARK-TO-MARKET''

Mr. SARBANES. Mr. President, I am pleased that the mark-to-market legislation that is incorporated in the VA–HUD conference report contains some measures that deal with properties that are disqualified from the restructuring program. I believe that it is critical that flexibility is provided to the participating administrative entity [PAE] and HUD in dealing with disqualified properties. I am, however, concerned about those properties that are not part of the mark-to-market program but are disqualified from the renewal process.

Mr. MACK. I agree with Senator SARBANES that this flexibility is extremely important in dealing with disqualified properties and that with input from local governments, communities, and residents, hopefully some creativity can be used. I strongly believe that it is important that the Federal Government terminate its relationship with those owners who have abused the program and those properties where it is simply infeasible to continue to subsidize. However, we should not take a ''one-size-fits-all'' approach and ensure that the interests of residents, communities, and local governments are carefully considered.

I am also concerned about those properties, not eligible for mark-to-market, whose contracts are not renewed due to noncompliance actions by owners or the poor physical condition of the property. I have some reservations about HUD's policy to simply voucher out those properties instead of exploring other creative options such as transfers or sales to resident-supported nonprofit entities.

Mr. BOND. In addressing the Senators' concerns, it is my expectation that the Secretary of HUD will use the same procedures outlined in the mark-to-market legislation for those properties affected by the nonrenewal policy. The Secretary should not only explore the use sales or transfers to nonprofit organizations, but also allow these properties to retain project-based assistance if the ownership or physical condition problems are adequately addressed. I agree with Senator MACK that under no circumstances should we continue to subsidize bad landlords or bad properties, but that we need to be careful about how we handle these situations.

CONFLICTS OF INTEREST UNDER ''MARK-TO-MARKET''

Mr. MACK. Mr. President, under the ''mark-to-market'' title that is contained in the VA–HUD appropriations conference report, a strong priority to public entities is provided to act as participating administrative entities [PAE]. It is expected that qualified public entities will handle most of the work under this program. However, in instances where a qualified public entity is not available, the Secretary of Housing and Urban Development [HUD] is provided flexibility in selecting other qualified entities such as nonprofit and for-profit entities.

To ensure that these entities do not use their positions as PAE's for unfair financial benefit, the bill contains an important provision that would prevent conflicts of interests by PAE's. It is my understanding that this provision was included to permit the Secretary to establish guidelines that

would prevent conflicts of interest by a PAE that provides financing or credit enhancement as part of the restructuring process. Further, the provision allows the Secretary to establish guidelines to deal with other conflicts of interest issues that would prevent PAE's, especially nonprofit and forprofit private entities, from using their roles as PAE's in the restructuring program that go beyond the public purposes outlined in the legislation.

I would like to ask Senator BOND if this is also his understanding of the bill.

Mr. BOND. The Senator is correct. To handle the workload and complexity of transactions under mark-to-market, a significant amount of flexibility is provided to the PAE's. However, it is expected that the Secretary establish strict and coherent guidelines to ensure that PAE's do not go beyond their restructuring duties as intended under the bill. To further prevent any abuses, the bill forbids private entities that act as PAE's to share, participate in, or benefit from any equity in the restructuring program. Last, it is expected that those most affected by restructuring, namely residents, communities, and owners, are involved in the process to protect the public interests.

SECTION 8 RENEWAL POLICY

Mr. MACK. Mr. President, I understand that the VA–HUD appropriations conference report contains important renewal policy provisions related to expiring section 8 contracts. I would like to ask Senator BOND if my understanding is correct.

Mr. BOND. The Senator is correct. The bill provides renewal policies for projects which undergo restructuring under the mark-to-market program and those which do not.

Briefly, for fiscal year 1998, the conferees have approved a 1-year extension of the basic rent renewal policies in section 211(b) of the fiscal year 1997 VA–HUD Appropriations Act and the mark-to-market demonstration program to cover contracts expiring in fiscal year 1998.

This means that projects which undergo restructuring under the demonstration program—those with rents in excess of 120 percent of the fair market rent [FMR]—will receive rents determined under the restructuring plan. For projects that do not enter the demonstration program, contracts will be renewed at rents in effect upon expiration, but not to exceed 120 percent of FMR. The 120 percent of FMR limit, however, does not apply to rents for certain exception projects enumerated in the bill. These projects, which include section 202 elderly projects and publicly financed projects, for example, will be renewed at existing rent levels.

The legislation also establishes permanent renewal policy for fiscal year 1999 and beyond when the permanent mark-to-market program is implemented. Projects which are subject to the program—those with rents in excess of comparable market rents—will receive rents in accordance with the restructuring plan. For projects that do not undergo restructuring, the Secretary may provide section 8 assistance for all units assisted by an expiring contract at rents up to comparable market rent.

I also note to the Senator that to ensure consistency with the permanent mark-to-market program, we expect that the Secretary will use the definition of comparable market rents in section 514(g)(1) of title V of the bill when establishing guidelines for the permanent renewal policy.

Under the permanent renewal authority, there again will be certain exceptions. Generally, these contracts would be renewed at the lower of existing rents—subject to an operating cost adjustment factor—or budget-based rents—subject to a budget-based rent adjustment.

The approach agreed to by the conferees provides policy continuity for the expected 1 year period during which the new mark-to-market program is being developed, provides an incentive for projects to participate in the mark-to-market program, and makes clear a cost effective permanent renewal policy which will take effect in fiscal year 1999.

TENANT PARTICIPATION

Mr. KERRY. Mr. President, I want to again express my gratitude to my colleagues Senator MACK and Senator BOND for their unrelenting efforts to include the mark-to-market legislation in this bill, and congratulate them on their success.

As originally passed by the Banking Committee and the Senate, the mark-to-market legislation had more detailed language imposing specific requirements on PAE's with regards to tenant participation in the decisions regarding the restructuring and ongoing treatment of eligible properties. At the request of HUD, the conference report provides for a more streamlined approach. We accommodated the administration on this issue because we do not want to unnecessarily bog down the restructuring and rehabilitation process.

However, I want to make clear that the Congress fully expects that PAE's will establish procedures that ensure meaningful and effective participation for residents of the restructured projects and other affected parties, and that a streamlined process should not be construed to in any way allow the process of participation to be circumvented.

Is that your understanding?

Mr. MACK. Thank you, Senator KERRY. Let me say that I strongly support tenant and community participation in this process. As you know, I have consistently advocated for such a role for tenants and other community residents in both the mark-to-market legislation and the public housing legislation, which passed the Senate unanimously. So I would concur that we expect PAE's to take this provision seriously, while balancing this with the need to complete the restructuring process in a timely fashion.

Mr. BOND. I agree with my colleagues. In accommodating HUD's desire to streamline the tenant participation process, the Congress in no way intends to minimize the importance of meaningful and effective participation of project residents and others with a stake in the restructuring process, including local governments. I agree with my colleagues that this must be done in a way that also ensures that the mark-to-market process is completed in the 3-year window created by this legislation.

SECTION 517(C)

Mr. FAIRCLOTH. Mr. President, I want to clarify section 517(c) of the pending conference report. Let me be clear that the intent of this provision is solely to encourage the Government-sponsored housing enterprises, Fannie Mae and Freddie Mac, to provide technical assistance and other support for maintaining the availability of affordable housing.

Mr. MACK. The Senator from North Carolina is correct. This provision was contained in the legislation as it was initially reported out of the Banking Committee as part of the committee's reconciliation bill. At that time, the Banking Committee's report made it clear that nothing in the section was intended to be interpreted to impose any new regulatory mandate on Fannie Mae and Freddie Mac to continue existing section 8 contracts in their current subsidized form.

HUD ECONOMIC DEVELOPMENT GRANT, LEHIGH COUNTY, PA

Mr. SPECTER. Mr. President, I have sought recognition to thank my colleague, Chairman BOND, for including in the conference report $700,000 for a targeted grant for economic development for Lehigh County, PA. I am advised that these funds will be used to establish an aquatic and wellness center on the grounds of Cedar Crest College.

The center has much local support because it is designed to stimulate economic development in the Lehigh Valley. For example, the center is expected to host athletic events and bring as much as $3 million annually in economic benefits to the region. The center is also envisioned as a means of reducing juvenile crime in the Lehigh Valley. According to the center's planners, underprivileged inner-city youths will be provided free access to the center in the hope that it will provide a drug-free, healthy environment to juveniles and thus help break the temptations of street life and crime. We need to do much more to reduce juvenile crime, and offering civic diversions is an important means of accomplishing this goal. There will also be improved civic health for all social groups, particularly the elderly and the disabled.

Private sources have raised $2 million of the $9 million cost of constructing the facility, and the Commonwealth of Pennsylvania has included this project in its capital budget. Accordingly, I am pleased that the Congress has chosen to make available economic development funds for the center.

Mr. BOND. I thank my colleague for his comments and want to confirm his understanding that the $700,000 in the conference report is intended to be made available for this center at Cedar Crest College, which should contribute to economic development in the Lehigh Valley region.

Mr. COCHRAN. Mr. President, I would like a clarification of an item included in the fiscal year 1998 Veterans Affairs, Housing and Urban Development, and independent agencies appropriations bill.

The item on which I would like clarification was included under the Economic Development Initiative Program section of the bill and provides a grant of $1,000,000 to the city of Jackson, MS. The conference report states that the grant should be used for training facilities and equipment for a downtown multimodal transit center, phase II. The conference report incorrectly identifies what the grant is to be used for. In fact, the grant is for the acquisition and rehabilitation of facilities and related improvements for a downtown multimodal transit center, phase II, in the city of Jackson, MS.

These funds are specifically to be used for the aquisition and rehabilitation of a trolley barn, downtown employee shuttle park and ride lots, and a long-term intermodal passenger parking lot. This funding will help revitalize an area of the city of Jackson that has been federally designated as an enterprise community.

It is my understanding that the conference report incorrectly identified the purpose of the economic development initiative grant and that congressional intent for the $1,000,000 grant to the city of Jackson, MS, is for the purposes as I have described them. Would the chairman clarify this understanding?

Mr. BOND. Yes. The conference report does mistakenly identify the purpose of Jackson, MS, grant. The economic development initiative grant for the city of Jackson should be used for the purposes as Senator COCHRAN describes them.

Mr. COCHRAN. I thank the chairman.

ELDERLY HOUSING

Mr. HARKIN. Mr President, I want to express my appreciation to the chairman of the VA–HUD Subcommittee and to Chairman of the Subcommittee on Housing for working with me to address the special difficulties concerning the treatment of rural elderly housing projects under the new Multifamily Housing Restructuring Program contained in the conference report. As the statement of managers states

A large portion of the properties in the upper Midwest are elderly facilities in rural areas, which are particularly disadvantaged under the Department's fair market rent system because these properties were built to a different standard compared to general rental properties, and the nature of the rental housing depresses the FMR's.

The statement of Managers clearly recognizes the situation confronting a large number of projects in my state of Iowa and in other states in the Midwest. There are a variety of factors causing an especially difficult problem for many rural elderly projects. First, they were logically built with common rooms, elevators and other amenities to serve their elderly occupants which added to construction costs and are rarely found in the rental housing surveyed by HUD for FMR-setting purposes. Second, the nature of rural rental housing in much of the rural upper Midwest creates very low FMR's. Third, a very large share of the projects built in the late 1970's which are now coming up for renewal were rural elderly projects in many States. That means that those States will see a large number of projects needing exceptions from the rent limitations requiring actions by the Secretary. The measure provides for some waiver authority with limits set by geographic areas.

I want to clarify that the waiver authority and other requirements placed in the legislation during conference are intended to provide maximum flexibility for restructuring projects to ensure that elderly projects, and especially rural elderly projects, are preserved as project-based, low-income housing. This valuable resource is needed to ensure the availability of affordable, low-income housing for the elderly and disabled.

Mr. BOND. Mr. President, I appreciate the concerns and efforts of the Senator from Iowa in this area. I share his concern about preserving elderly rural housing and that any adverse effect on elderly residents be minimized. Clearly, we expect that there will be instances in which participating administrative entity may need to look at rents outside the jurisdiction to best determine comparable rents. This concept is borne out in the definition of ''comparable properties'' in section 512(1) where such properties are defined as meaning ''properties in the same market areas, where practicable, that (A) are similar'' in various indicated ways to the project at issue, including ''type of location,'' ''unit amenities,'' and ''other relevant characteristics.'' The addition of the words ''type of'' was added to meet the concerns you and others expressed that the lack of comparable housing for the elderly in relatively low population markets calls for appraisers to, within the normal practices, to use comparables in similar types of locations in other markets when there are not two comparable properties in the market.

I presume in such a case where it has been determined appropriate to look at other market areas for comparable properties, that the use of the phrase ''in the same market area'' with respect to comparable properties in the definition of ''eligible multifamily housing projects'' in section 512(2)(A) would be guided by the same standards as apply in connection with determining comparable properties, i.e., the limitation to the same market area would be to the extent it was practicable and that as indicated in the statement of managers, the participating administrative entity may look at rents outside the project's jurisdiction.

And, we expect that the Secretary will grant the waiver authorities allowed to him regarding the 20 percent limit on properties receiving an FMR of up to 120 percent and for granting appropriate properties FMR's in excess of 120 percent up to the limits allowed in the legislation.

Again, I thank you for your efforts in this area.

PARTICULATE MATTER RESEARCH

Mr. SHELBY. Mr. President, I would like to take this opportunity to thank the chairman for including language on particulate matter research in the VA, HUD, and independent agencies appropriations bill for fiscal year 1998. This bill allocates approximately $50 million for research on the possible health effects of airborne particulate matter. The administration based its most far-reaching and costly air quality standards on inadequate research and methodology. The language in this bill ensures that critically needed research is carefully and objectively mapped-out.

The emotionally charged debate on this issue, the concern expressed by State, local, and Federal officials over the rules, and the numerous unanswered questions and uncertainties identified by EPA's science advisers and other independent scientists only serves to underscore the pressing need for further research. There is widespread disagreement in the scientific community over the adequacy of the studies the EPA used as a basis for the new air quality standards.

I am greatly disturbed that these costly standards were promulgated without any form of scientific consensus that the regulations will provide any measurable improvement in human health. Currently, these standards are subjective in nature not based on available objective scientific evidence. It is critical to our Nation that a well organized and thought out scientific review of these matters occurs. Premature implementation of the standards is far more damaging to our Nation than taking the time to allow a larger portion of the scientific community to study and review these standards. I believe my colleague from Alabama would like to share his thoughts on this matter.

Mr. SESSIONS. Numerous scientists, including several who have testified on this issue before the Environment and Public Works Committee, have stated that the size, shape, or chemical composition of the PM that is causing the

alleged adverse health effects is unknown. There are various theories—sulfates, acids, transmetals, ultrafines—regarding the potential bad actor.

During testimony before the Senate Environment and Public Works Committee, we learned that the EPA based its setting of the new particulate matter standard on inconclusive scientific data. In one EPA study, which attempted to show a relationship between levels of particulate matter and mortality and morbidity in Birmingham, AL, the author of the study admitted that if humidity was considered in the model, the effects of particulate matter on morbidity and mortality was statistically insignificant.

Billions will need to be spent by individuals, industry, and State and local governments to meet compliance with the administration's PM2.5 standard. Unless the problem is clearly identified before control programs are implemented, there is no assurance that there will be any health benefits resulting from the new standards. In fact, the new standards themselves may bring adverse health effects as an unintended consequence caused by a lower standard of living.

Mr. Chairman, I am pleased that your bill addresses the lack of scientific evidence to justify the newly promulgated air quality standards. Science on this matter needs to be completed in order to obtain a clearer understanding if there is a problem and then what needs to be done to address the problem. This measure will begin the process of a strong scientific overview. I support the immediate direction for scientific research.

Mr. BOND. I believe research, as outlined in this bill, will begin to improve our understanding of the relationship between particulate exposure and adverse health effects. The funding and direction provided in the bill will put into place a needed mechanism to establish a comprehensive, peer-reviewed research program which will benefit all parties involved with the decisionmaking activities regarding particulate matter in the years to come. The EPA was one of several organizations that worked with us to develop the research directives in this bill and I fully expect the EPA to follow the direction and spirit of the statement of managers.

Mr. SHELBY. When the administration promulgated these rules, they acknowledged the need for additional scientific studies to attempt to validate their actions. Considering the current controversy surrounding the lack of scientific evidence for the air quality rule, I am pleased that your language opens future research to a diverse section of our Nation's scientists. Mr. Chairman, how does this language ensure that the EPA will establish a collaborative relationship with the participating organizations.

Mr. BOND. The research program is intended to build on the research that is planned or underway at the EPA, National Institute of Environmental Health Sciences, National Academy of Sciences [NAS], Health Effects Institute and several other public and private entities. Within 30 days of the enactment of this legislation, the EPA is required to enter into a cooperative agreement with the National Academy of Sciences [NAS] to develop a comprehensive, prioritized, near- and long-term particulate matter research program, as well as a plan to monitor how this research program is being carried out by all participants. All parties, including Congress, will be apprised of the research plans and all subsequent steps throughout the process. The EPA is expected to implement NAS's plan, including appropriate peer reviews. NAS will monitor the implementation of the research plan and periodically report to Congress as to the progress of the research program. We believe the language included in this bill set forth a realistic and thoughtful plan to address the numerous scientific questions that need to be investigated prior to the next NAAQ's review for particulate matter.

Mr. SHELBY. Thank you, Mr. Chairman and Senator SESSIONS, for participating in the colloquy.

COORDINATED TRIBAL WATER QUALITY PROGRAM

Mrs. MURRAY. Mr. President, I want to thank the subcommittee for its hard and diligent work on this bill. In particular, I appreciate the recognition of the Coordinated Tribal Water Quality Program in Washington State [CTWQP].

The CTWQP is a most important model for demonstrating how tribes can solve their water quality protection problems by coordinating with local, State, and Federal Government agencies. This program began in 1990 when the 26 tribes and tribal organizations in Washington State came together with a cooperative intergovernmental strategy to accomplish national clean water goals and objectives. As a result of Federal court decisions, the State of Washington has recognized the tribes as comanagers of water quality in the State. This program has been an effective tool for leveraging scarce public funds to create viable, watershed-based water quality protection plans.

It is my understanding Congress has increased EPA's General Assistance Program [GAP] and other funding mechanisms over the years which includes the base program efforts for the CTWQP in Washington State.

Mr. BOND. Mr. President, the Senator from Washington is correct. The GAP and other funding mechanisms in EPA have increased over the years to meet the needs of tribal governments. These needs include the CTWQP in Washington State. The funding will allow the tribes to fulfill their roles as comanagers of water quality in Washington State.

Mrs. MURRAY. I thank the distinguished chairman for this clarification.

Ms. MOSELEY-BRAUN. Mr. President, while I congratulate Senators BOND and MIKULSKI on their efforts to craft this year's VA, HUD, and independent agencies appropriations bill, I would like to take exception to language contained in the Senate committee report regarding the Fair Housing Act and property insurance.

The report contains two paragraphs regarding the Office of Fair Housing and Equal Opportunity's continued exercise of regulatory authority over property insurance under the Fair Housing Act. I would like to remind my colleagues that discrimination in the provision of property insurance is a clear violation of the Fair Housing Act.

In 1988, Congress gave the Department of Housing and Urban Development [HUD] the authority to promulgate regulations to enforce the Fair Housing Act. At that time, HUD under then-President George Bush and HUD Secretary Jack Kemp—issued a regulation which defined conduct prohibited under the Fair Housing Act to include: ''refusing to provide property or hazard insurance for dwellings, or providing such insurance differently, because of race, color, religion, sex, handicap, familial status, or national origin.''

The reason for this prohibition is simple. Without property insurance, no lender will provide a mortgage. Without a mortgage, few individuals can buy a house.

Recently, Federal courts of appeal in two different circuits have held that the Act applies to insurance discrimination, and the Supreme Court has denied petitions to review those holdings. [See *NAACP* v. *American Family*, 978 F.2nd (7th Cir. 1992) cert. denied, 508 US 907 (1993); *Nationwide* v. *Cisneros*, 52 F3d 1352 (6th Cir. 1995), cert. denied, 64 U.S.L.W. 3560, (Feb. 20, 1996)]

Some have maintained that combating insurance discrimination has nothing to do with civil rights, but rather is a regulatory issue. Enforcement of antiredlining provisions, however, is not insurance regulation—rather, it is about prohibiting discrimination, a subject that, under our Constitution, is clearly the responsibility of the Federal Government. The law works to ensure that insurance—like all other goods and services—is available to all citizens, regardless of race.

The Senate report contains language stating that the ''McCarran-Ferguson Act of 1945 explicitly states that unless a Federal law specifically relates to the business of insurance, that law shall not apply where it would interfere with State insurance regulations.'' Current law does not violate the McCarran-Ferguson Act. Federal courts have consistently held that the Fair Housing Act only adds remedies for illegal discrimination—it does not preempt any State regulation.

The Senate language also states that ''HUD's insurance-related activities duplicate State regulation of insurance.'' While most State insurance codes do address issues pertaining to unfair discrimination, referring to treating the same insurance risks differently, these

State insurance laws generally lack the protections and remedies provided by the Fair Housing Act.

Congress has consistently rejected the argument that the Federal Government should leave the enforcement of civil rights to the exclusive jurisdiction of the States. Even in States whose civil rights laws address discrimination in property insurance, protection equal to the Fair Housing Act is all too often lacking. Currently, only 29 States have laws and enforcement mechanisms that have been certified as substantially equivalent to the Federal Fair Housing Act. Federal enforcement must continue if we are to eliminate property insurance discrimination nationwide.

Nothing is more central to the American dream than owning your own home. Millions of Americans work hard and play by the rules to reach that goal. But if homeowners, or would-be homeowners, are redlined by insurance companies, they are denied their chance at the American dream.

The Fair Housing Act is the basic protection against property-insurance discrimination. I will continue to do everything in my power to ensure that homeowners and their families can continue to enjoy the protections of the Fair Housing Act and realize the American dream free from discrimination.

Mr. DOMENICI. Mr. President, I rise in strong support of the conference agreement on H.R. 2158, the VA–HUD appropriations bill for 1998.

This bill provides new budget authority of $90.7 billion and new outlays of $52.9 billion to finance operations of the Departments of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, NASA, and other independent agencies.

I congratulate the distinguished subcommittee chairman and ranking member for producing a bill that is within the Subcommittee's 302(b) allocation. When outlays from prior-year BA and other adjustments are taken into account, the bill totals $89.9 billion in BA and $100 billion in outlays. The total bill is exactly at the Senate subcommittee's 302(b) nondefense allocation for budget authority and outlays. The bill is under the Senate Subcommittee's defense allocation by $2 million in BA and by $1 million in outlays.

Further, I am pleased that the conferees have produced a bill that largely is in accord with the budget agreement reached with the Administration earlier this year.

Mr. President, I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of the conference agreement on H.R. 2158.

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

H.R. 2158, VA–HUD APPROPRIATIONS, 1998, SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Conference report:					
Budget authority	128	68,447	.....	21,332	89,907
Outlays	128	79,833	.....	20,061	100,022
Senate 302(b) allocation:					
Budget authority	130	68,447	.....	21,332	89,909
Outlays	129	79,833	.....	20,061	100,023
President's request:					
Budget authority	129	76,965	.....	21,332	98,426
Outlays	128	80,313	.....	20,061	100,502
House-passed bill:					
Budget authority	128	69,823	.....	21,332	91,283
Outlays	128	80,403	.....	20,061	100,592
Senate-passed bill:					
Budget authority	128	68,729	.....	21,332	90,189
Outlays	128	79,559	.....	20,061	99,748
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority	−2	.....	.....	.....	−2
Outlays	−1	.....	.....	.....	−1
President's request:					
Budget authority	−1	−8,518	.....	.....	−8,519
Outlays	.....	−480	.....	.....	−480
House-passed bill:					
Budget authority	.....	−1,376	.....	.....	−1,376
Outlays	.....	−570	.....	.....	−570
Senate-passed bill:					
Budget authority	.....	−282	.....	.....	−282
Outlays	.....	274	.....	.....	274

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conversions.

Mr. MACK. Mr. President, I want to congratulate the chairman of the VA-HUD Subcommittee, Senator BOND, for crafting a measure that carefully balances a wide range of competing and diverse interests. I believe this conference report deserves the strong support of all Senators.

I am especially pleased that this bill contains legislation I introduced, along with Senators D'AMATO, BOND, and BENNETT, and cosponsored by Senators DOMENICI, CHAFEE, FAIRCLOTH and GRAMS, to reform the Nation's assisted and insured multifamily housing portfolio. It is unusual to have extensive authorizing language in an appropriation. However, title V of this bill, the Multifamily Assisted Housing Reform and Affordability Act, balances both fiscal and public policy goals. It will save scarce Federal resources over both the short and long term while preserving the affordability and availability of decent and safe rental housing for lower income households.

About 20 years ago, the Federal Government encouraged private developers to construct affordable rental housing by providing mortgage insurance through the Federal Housing Administration [FHA] and rental housing assistance through the Department of Housing and Urban Development's [HUD] project-based section 8 program. In addition, tax incentives for the development of low-income housing were provided through the tax code until 1986.

HUD's section 8 assisted and FHA-insured multifamily housing program has created thousands of decent, safe and affordable housing properties. However, the current program allows some owners to receive more—often far more Federal dollars than necessary to maintain their properties. Further, a portion of the rental stock suffers from poor management or has become physically distressed. Thus, in some cases, taxpayers are paying costly subsidies for inferior housing.

We are on the verge of a funding crisis in the renewal of HUD's expiring section 8 rental assistance contracts. Indeed, HUD Secretary Cuomo has called the section 8 contract renewal problem ''the greatest crisis HUD has ever faced.'' Over the next several years, a majority of the section 8 contracts on the 8,500 FHA-insured properties will expire. If contracts continue to be renewed at existing levels, the cost of renewing these contracts will grow from about $2 billion in fiscal year 1998 to $5.2 billion in fiscal year 2002 and more than $7.7 billion 10 years from now. The total cost of renewing all section 8 project-based and tenant-based assistance would grow from $9 billion in fiscal year 1998 to as much as $18 billion in fiscal year 2002 without policy changes.

Federally assisted and insured housing serves almost 1.6 million families with an average annual income of $7,000. About half of the households are elderly or contain persons with disabilities. Many of these developments are located in rural areas where no other rental housing exists. Some of these properties serve as anchors of neighborhoods where the economic stability of the neighborhood is dependent on the vitality of these properties. If the project-based contracts are not renewed, residents and communities would be adversely affected. Further, most of the underlying FHA-insured mortgages—with an unpaid principal balance of $18 billion—will be forced into default.

The Banking Committee began its examination of what is commonly referred to as the ''mark-to-market'' issue more than 2 years ago. Since that time, we have received extensive input from all of the potential stakeholders in this issue, including residents, project managers, low-income advocates and project residents, State and local interests, the financial community, and HUD.

The version of the bill we are considering today reflects negotiations with all parties that have occurred since its original introduction as S. 513 in March. It is a consensus bill that helps to ensure that residents, communities and the Federal investment in the housing are protected at a cost we can afford.

At a Housing Subcommittee hearing in June, HUD Secretary Cuomo raised some administration concerns about S. 513. We have attempted to address those concerns and provide a reasonable degree of flexibility for HUD in its overall administration of the mortgage restructuring program and also to provide reasonable opportunities for the use of tenant-based assistance after restructuring. I appreciate the cooperation of Secretary Cuomo in helping to move this important legislation forward.

I want to thank Senator D'AMATO, chairman of the Banking Committee,

for his ongoing, strong support for this legislation. In addition, I appreciate the support of Senators SARBANES and KERRY. From the outset, mark-to-market has been a bipartisan effort, and those Senators have made invaluable contributions to the final version of the legislation.

I want to touch briefly on some of the bill's major provisions and the compromises that are reflected in the conference agreement.

First, the bill ''marks'' rents on oversubsidized properties to comparable market rents or to 90 percent of area fair market rents. The underlying mortgages would be restructured so they could be supported by the new rents. In some cases, higher rents could be permitted if necessary to support proper operations and maintenance costs. These exceptions are principally intended to assure the continued viability of projects, generally serving the elderly, located in rural areas.

Second, the bill also recognizes that HUD lacks the staffing capacity and expertise to oversee effectively its portfolio of multifamily housing properties or to administer a debt restructuring program. Accordingly, the bill would transfer the functions and responsibilities of the restructuring program to capable third parties, preferably State and local housing finance agencies, who would act as participating administrative entities [PAE's] in managing this program.

The language concerning third parties has been modified from its original form partially in order to accommodate concerns raised by the administration. These changes will increase HUD's flexibility to partner with a variety of public, nonprofit, and for-profit entities that have expertise in affordable housing, while also providing an exclusive time period for applications submitted by publicly accountable entities.

Under the revised language, public entities—State and local housing finance agencies [HFA's]—would be given an exclusive time period to submit proposals to serve as PAE's. Criteria for the selection of PAE's would be based on the applicant's demonstrated experience and expertise in multifamily financing and restructuring and the capacity to work with low-income residents and communities. Further, selection would be based on the PAE's ability to perform the portfolio restructuring in a timely, efficient, and cost-effective manner. I would like to emphasize that the Secretary would be required to select housing finance agencies as PAE's if they meet the selection criteria.

I strongly believe that, based on the housing finance agencies' track records and mission that they are by far the most viable entities to carry out the responsibilities under this program and to balance the financial and social policy goals of the bill. Accordingly, it is my expectation that State and local HFA's would be responsible for most of the properties under mark-to-market, as evident by the significant participation of public entities under HUD's fiscal 1997 mark-to-market demonstration program.

Third, owners who clearly violate housing quality standards would no longer be tolerated. The bill screens out bad owners and managers and nonviable projects from the inventory and provides tougher and more effective enforcement tools that will minimize fraud and abuse of FHA insurance and assisted housing programs.

Fourth, the conference bill revises the original version of S. 513, which had called for the exclusive use of project-based rental assistance after restructuring. Under the conference agreement, project-based assistance would be maintained on properties located in markets where there is inadequate available affordable housing and for those that predominantly serve elderly or disabled populations. For the remaining inventory, PAE's would be provided the discretion of either maintaining project-based assistance or providing tenant-based assistance. The PAE's decision on the form of assistance would be based on factors related to the local market, the stability of the project, resident choice, and the impact on the community. This decision would only be made after consultation with affected owners and appropriate public officials, and significant participation by affected residents.

Fifth, the conference agreement establishes a new Office of Multifamily Housing Assistance Restructuring, headed by a Presidentially appointed Director, within HUD to oversee the restructuring process. The bill makes it clear that the Director will be answerable and be accountable to the Secretary, but will free of undue Secretarial interference in the conduct and decisionmaking of the office.

Last, the bill provides tools to recapitalize the assisted stock that suffers from deferred maintenance. It provides the opportunity for tenants, local governments and the community in which the project is located to participate in the restructuring process in a meaningful way. Residents would also be empowered through opportunities to purchase properties.

Mr. President, I would like to emphasize how important it is that we are addressing this issue this year. Delays will only harm the assisted housing stock, its residents and communities, and the financial stability of the FHA insurance funds. I would add that, as we face an explosion in the cost of section 8 contract renewals, we cannot afford to pay more than is reasonable to renew expiring contracts.

This legislation will protect the Federal Government's investment in assisted housing and ensure that participating administrative entities are held accountable for their activities. It is also our goal that this process will ensure the long-term viability of these projects with minimal Federal involvement. It is a sincere effort to reduce the cost to the Federal Government while recognizing the needs of low-income families and communities throughout the Nation.

In closing, I want to commend Senator BOND and his counterpart in the House, Congressman JERRY LEWIS, for their cooperation in acting to avert a potential section 8 contract renewal crisis. This is a bipartisan proposal that both reduces unnecessary Federal expenditures and represents good and thoughtful Federal housing policy.

REGULATION OF INSURANCE BY HUD

Mr. BOND. Mr. President, the Senate committee report on the fiscal year 1997 VA/HUD appropriations bill regarding HUD's regulation of insurance stated that:

> The Committee intends that funds appropriated to the fair housing initiatives program for enforcement of title VIII of the Civil Rights Act of 1968, as amended, which prohibits discrimination in the sale, rental, and financing of housing and in the provision of housing and in the provision of brokerage services, be used only to address such forms of discrimination as they are explicitly identified and specifically described in title VIII. Recognizing that there are limited resources available for FHIP activities, the Committee believes that FHIP funds should serve the purposes of Congress as reflected in the express language of title VIII.
>
> The Committee notes that HUD's Office of Fair Housing and Equal Opportunity has undertaken a variety of activities pertaining to property insurance under the authority of the Fair Housing Act. HUD recently testified that, due to congressional concern about such activities, it does not intend to focus its regulatory initiatives on property insurance. The Committee is encouraged by this statement, but remains concerned about HUD's use of funds for other fair housing activities aimed at property insurance practices.
>
> HUD's insurance-related activities duplicate State regulation of insurance. Every State and the District of Columbia have laws and regulations addressing unfair discrimination in property insurance and are actively investigating and addressing discrimination where it is found to occur. HUD's activities in this area create an unwarranted and unnecessary layer of Federal bureaucracy.
>
> The Fair Housing Act makes no mention of discrimination in property insurance. Moreover, neither it nor its legislative history suggests that Congress intended it to apply to the provision of property insurance. Indeed, Congress' intention, as expressly stated in the McCarran-Ferguson Act of 1945 and repeatedly reaffirmed thereafter, is that, unless a Federal law specifically relates to the business of insurance, that law shall not apply where it would interfere with State insurance regulation. HUD's assertion of authority regarding property insurance contradicts this statutory mandate.

Near-identical language was contained in the House Committee report on the fiscal year 1997 appropriations bill. Both reports make it clear that Congress does not intend for HUD to use any fiscal year 1997 FHIP funds for activities targeted toward the regulation and practices of insurance companies.

Nevertheless, on September 30, 1997, HUD announced 67 awards of fiscal

year 1997 grants under the FHIP. Out of the total of $15,000,000 in funds awarded, HUD announced that almost one third, an amount of $4,170,002, was awarded for activities including investigations, testing, and other enforcement-related projects specifically targeting insurance companies. This is in contradiction of the intent expressed in both the House and Senate Committee reports on HUD's fiscal year 1997 appropriations. I am very concerned about the improper use of these limited and precious resources in a manner inconsistent with the law and urge HUD to revisit these grants to ensure all awards are consistent with the intent of Congress.

Mr. KERRY. Mr. President, I rise in support of the VA–HUD conference report. This bill funds many programs that are crucial to the Nation's economic vitality. For example, the funding for the National Institutes of Health and the National Science Foundation contained in this bill both expands our basic knowledge and helps promote small, innovative businesses that create well-paying jobs throughout the country.

This bill also provides the funds that support important environmental programs, and, of course, allows us to keep faith with America's veterans by providing them with the health care they have earned, in some cases at great personal cost.

This bill also funds the Department of Housing and Urban Development. These funds will help families struggling to attain the dream of home ownership or simply to find or maintain affordable rental housing. It provides funds for homeless programs, programs that provide both shelter and the supportive services that are so important in the effort to stabilize the lives of these most unfortunate Americans and create opportunities for self-sufficiency.

I commend Chairman BOND and the ranking member, Senator MIKULSKI, for their efforts to serve so many important needs with so little money. In fact, Mr. President, while I support this legislation, I must point out that housing programs continue to suffer in our Nation's budget. Homeless programs continue to be funded at levels more than 25 percent below 1995 levels. We ask more from public housing authorities every day, but provide no more resources to them to do the job. We are facing an increasing housing crisis in America, but with decreasing resources, and that is an issue that we must, eventually, confront.

I specifically appreciate the willingness of Senators BOND and MIKULSKI to work with me, Senator D'AMATO, Senator MACK, and Senator SARBANES to include in this conference report important legislation commonly known as the Mark-to-Market [MTM] legislation. Senator MACK, in particular, deserves special mention for his efforts to get this legislation passed.

Passage of the MTM legislation is the first step in solving the problem that Secretary Cuomo called the biggest crisis facing HUD—the problem of oversubsidized section 8 projects that are threatened with default when their rental assistance contracts expire in the next few years. The problem is truly huge: up to 10,000 projects serving about 1.6 million families, including hundreds of thousands of elderly and disabled families, were facing possible default. This would have resulted in billions of dollars of losses to the American taxpayer through the FHA fund, and would have led to the outright loss or slow deterioration of increasingly scarce affordable housing.

Mr. President, the mark-to-market legislation—Title V of the appropriations bill—will allow HUD, primarily through State and local partners, to start pushing down excess rents to supportable market levels while providing funds to rehabilitate those properties that need capital investments. The bill will eliminate bad owners from the program. In such cases, the legislation encourages HUD or the PAE's to transfer these properties to new ownership, preferably to community-based nonprofits.

Most importantly, Mr. President, this legislation will help preserve hundreds of thousands of units of affordable housing for the foreseeable future. As I noted, we are seeing an overall reduction in the commitment to affordable housing by the Federal Government. The legislation we are passing today represents an important exception to that disturbing trend. The clear and resounding intent of this bill is to preserve and improve this important stock of affordable housing. I applaud my colleagues and the Secretary for embracing this goal, and I wholeheartedly support it.

In implementing this legislation, HUD will most often do the restructuring through a participating administrative entity, or PAE. We expect that State or local housing finance agencies, because of their experience with the financing and management of assisted housing, and their commitment to the long-term preservation of affordable housing, will typically be the PAE.

At the same time, we gave the Secretary the discretion to choose the PAE. There will be thousands of projects and hundreds of thousands of units that will have to go through the restructuring process. In order to get this done in a timely and cost-effective way, the Secretary may have to reach out to more than one entity in a given area, or HUD may decide to do some of the restructurings itself.

It is important to point out that the legislation requires that crucial decisions regarding the long-term disposition of the property such as, for example, whether the assistance is to remain project-based or, in a few cases, may be turned into tenant-based, shall be made by a public agency with a public mission whose interest is to preserve affordable housing.

Similarly, the ongoing oversight of the projects after restructuring is completed will be in the hands of HUD or State or local HFA's. The important point here is that public funds continue to be at risk; therefore, public agencies must take the responsibility for ensuring their safety.

To further ensure that HFA's are chosen to be the PAE's, I urge HFA's to strengthen their applications by creating partnerships with other experienced parties to strengthen their applications. Such partners would include community-based non-profits, residents groups, financial and other relevant experts.

Mr. President, I want to emphasize that the overriding, primary goal of this legislation is to preserve affordable housing for the long term. As a result, we expect the PAE's to continue to provide project-based assistance except in certain rare circumstances. The bill provides for the final decision to be taken only after consultation with residents and owners of the projects, local government officials, and other affected parties. Moreover, the PAE must take into consideration the availability of other affordable housing in the area, the ability of tenants to use vouchers successfully, the financial stability of the project, and other factors which, when taken as a whole, would lead a PAE to conclude that project-based assistance continues to be the best choice in most cases.

Mr. President, the legislation creates an office within HUD to oversee the restructuring process called the ''Office of Multifamily Housing Assistance and Restructuring'' [OMHAR]. The Director of this office will be appointed by the President and subject to Senate confirmation. The Director will work under the Secretary, subject to the Secretary's direction and oversight. Section 573(d)(2) of the bill gives the Director the authority to report directly to the Congress, in certain circumstances, when the Director determines, in his discretion, such a report would be appropriate.

Mr. President, let me reiterate a point also made by my colleagues regarding tenant participation in the restructuring process. It is our clear intent that HUD and the PAE's work with tenants in a meaningful and effective way with regards to all aspects of the restructuring process. This means timely access to relevant information, adequate time to analyze such information, the right to meet with the PAE, and the right to be included in physical inspections of the property, capital needs assessments, proposals to transfer the property, and other decisions that have significant impacts on the residents.

Finally, I want to point out that this bill also includes important provisions regarding the renewal of other section 8 contracts. These provisions authorize HUD to renew contracts on high-value properties that do not need to go through the restructuring process at

comparable market rents. The Congress expects HUD to exercise this discretion so as to avoid displacement of current tenants and, whenever possible, consistent with the purposes of this title, to preserve the housing for the long term.

In conclusion, Mr. President, I strongly support the MTM provisions in the VA–HUD conference report. They will be essential in restoring this valuable housing resource to sound financial and physical condition.

Mr. SARBANES. Mr. President, I rise in support of the VA-HUD conference report. This bill funds many important programs, programs that are crucial to America's veterans and to poor and working families struggling to attain the dream of home ownership or simply to find affordable rental housing. It will help ensure our Nation's environmental vitality, our Nation's health and scientific progress. The bill will maintain our commitment to the exploration of space. I commend the chairman, Senator BOND, and my good friend and colleague from Maryland, the ranking member, Senator MIKULSKI for their hard work to serve so many important needs with an ever-shrinking pot of money.

I also appreciate their willingness to work with me, Senator D'AMATO, Senator MACK, and Senator KERRY to include in this report important legislation designed to restructure HUD's portfolio of FHA-insured, assisted housing. This legislation is commonly known as the mark-to-market (MTM) legislation. Senator MACK, in particular, deserves credit for his tireless efforts to have this legislation included in the VA-HUD appropriations bill and for his willingness to work with the administration and the House authorizers to craft this final consensus. Again, I thank Senators BOND and MIKULSKI for their partnership in this important achievement.

Mr. President, the mark-to-market legislation—title V of the appropriations bill—will save the American taxpayers billions of dollars. It will allow HUD, primarily through State and local partners, to squeeze excess rents down to supportable market levels. It will provide for funds to rehabilitate those properties that need capital investments. It will eliminate bad owners from the program. Most importantly, Mr. President, this legislation will help preserve hundreds of thousands of units of affordable housing for the foreseeable future. At a time when we are cutting back on the Federal commitment to build new affordable housing while simultaneously facing growing needs for such housing, the long-term commitment established by this legislation is truly a landmark achievement.

In implementing this legislation, HUD will most often do the restructuring through a participating administrative entity, or PAE. The legislation clearly indicates that we expect that, with some exceptions, State or local housing finance agencies will act as the PAE. In fact, HUD has signed 14 management contracts with State housing finance agencies [HFA's] to implement the fiscal year 1997 MTM demonstration, which was based on the legislation in the current appropriations bill. The experience HFA's have in restructuring section 8 as a result of their participation in the demonstration, or in restructuring equivalent properties, along with their experience in FHA risk sharing, overseeing low-income housing tax credit deals, mortgage revenue bond deals, and in underwriting and managing market rate and assisted low-income multifamily housing, clearly makes the HFA's the most qualified candidates to be chosen as the PAE in most cases. In addition to all these financial engineering and management qualifications, the legislation requires the use of highly qualified HFA's because these public agencies have a public purpose and share with the Congress the commitment to preserve these projects as low-income housing far into the future. This factor was paramount in the decision to give the HFA's such a prominent role in the MTM process.

At the same time, we gave the Secretary the discretion to make the final choice of PAE because we did not want the Secretary to be required to choose an unqualified housing finance agency to be a PAE. There will be thousands of projects and hundreds of thousands of units that will have to go through the restructuring process. In order to get this done in a timely and cost-effective way, the Secretary may have to reach out to more than one entity in a given area, or HUD may decide to do the restructurings itself. In all cases, however, the crucial decisions that have major impacts on the residents, the projects, or their surrounding communities, such as, for example, whether the assistance is to remain project-based or, in a few cases, may be turned into tenant-based, shall be made by a public agency with a public mission whose interest is to preserve affordable housing.

In addition, the ongoing oversight of the projects, after restructuring is completed, will have to be in the hands of the public. This requirement can be satisfied by HUD doing the contract monitoring and oversight, or by contracting this function out to a State or local HFA. Again, this is a public trust, and the legislation requires that a public agency carry it out.

The Congress clearly expects HFA's who seek the role of PAE to strengthen their applications by reaching out to other experienced parties, particularly non-profits with experience in real estate development and/or management and with deep roots in their communities, to develop partnerships. In addition, PAE's may want to find financial and other relevant experts to ensure that they present the best possible application to the Secretary.

Mr. President, tenants, owners, HFA's, HUD, and the Congress all agree that the majority of the portfolio of affordable housing that will go through the MTM process should continue to have project-based section 8 assistance. For example, the legislation requires that elderly and disabled housing projects and housing in tight rental markets continue to receive project-based section 8 assistance.

It is the clear intent of the Congress that we preserve the existing section 8 project-based portfolio of affordable housing to the greatest extent possible. To do this effectively, we expect the PAE's to continue to provide project-based assistance except in certain rare circumstances. The bill provides for the final decision to be taken only after consultation with owners, residents of the projects, local government officials, and other affected parties. Moreover, the PAE must take into consideration the availability of other affordable housing in the area, the ability of tenants to use vouchers successfully, the financial stability of the project, and other factors which, when taken as a whole, would lead a PAE to conclude that project-based assistance continues to be the best choice in most cases.

Mr. President, in the course of the final negotiations to include the MTM legislation in the appropriations conference report, it was agreed to create an office within HUD to oversee the restructuring process. The office, called the Office of Multifamily Housing Assistance and Restructuring [OMHAR] will have a director that is appointed by the President and subject to Senate confirmation. The Congress clearly intends, as the legislation language states, that the Director will work under the Secretary, subject to the Secretary's direction and oversight. Section 573(d)(2) of the bill gives the Director the authority to report directly to the Congress, in certain circumstances, when the Director determines, in his discretion, such a report would be appropriate.

Finally, Mr. President, let me reiterate a point also made by my colleagues regarding tenant participation in the restructuring process. It is our clear intent that HUD and the PAE's work with tenants in a meaningful and effective way with regard to all aspects of the restructuring process. This means timely access to relevant information, adequate time to analyze such information, the right to meet with the PAE, and the right to be included in physical inspections of the property, capital needs assessments, proposals to transfer the property, and other decisions that have significant impacts on the residents.

In conclusion, Mr. President, I strongly support the MTM provisions in the VA-HUD conference report, thank my colleagues for their hard work, and look forward to seeing this important Federal resource restored to sound financial and physical condition.

Mr. BOND. Mr. President, a number of items in the conference report or statement of the managers require further clarification or correction due to

printers' errors. The items are as follows:

Within the housing certificate fund, the legislation requires HUD to provide enhanced or sticky vouchers to residents to prevent displacement where an owner of a property chooses to prepay the outstanding indebtedness under a preservation mortgage (which prepayment can now be authorized at the option of a property owner). These enhanced vouchers, including those provided in prior years, are not just for the first year after prepayment but must renewed for each subsequent year so long as the assisted family continues to live in the property.

Within the $32 million for section 107 grants under the CDBG Program, $4 million for technical assistance, $7.5 million for the Community Outreach Program, $6.5 million for Historically Black Colleges and Universities, $6.5 million for Community Development Work Study, with a $3 million set-aside for Hispanic-serving institutions, $7 million for insular areas, and $500 thousand for the National Center for the Revitalization of Central Cities.

Within the Economic Development Initiative grants, there is a grant to Arab, AL. The statement inadvertently refers to Arab, IL.

Within the Economic Development Initiative grants, the grant to the city of Jackson, MS, should be used for the acquisition and rehabilitation of facilities and related improvements for a downtown multimodal transit center in the city of Jackson. This project was incorrectly identified in the statement of managers.

In addition, with respect to EDI, the intent of the conferees is for HUD to use the maximum flexibility in funding the specified EDI grants in the statement of managers. HUD is not expected to establish special requirements but should work with the entities specified in each grant to ensure that activities can be funded and completed in an expeditious manner.

Within the Superfund research appropriation, there is a $2.5 million appropriation for the Gulf Coast Hazardous Substance Research Center. This item was included in both the House and Senate versions of the bill but not expressly identified in the statement of the managers.

Within NASA Science, Aeronautics and Technology is a $2 million appropriation for the Bishop Museum in Honolulu, HI. This item was included in the Senate version of the bill, and the House receded to the Senate in conference, but it was inadvertently not included in the statement of the managers.

Mr. JOHNSON. Mr. President, I rise today to express my strong support for the conference report on the fiscal year 1998 appropriations for VA, HUD and related agencies. While this bill continues to focus on the commitments this Nation has made to our veterans, and provides for the important scientific and environmental protection priorities that the administration has put forth, I want to take a moment to express my support for the steps the conferees have taken to address a serious and pressing issue facing low income housing assistance in this country.

Since its inception, the HUD section 8 housing program has provided rental assistance for low-income individuals through project-based contracts as well as vouchers which help to preserve low income housing availability. This conference report not only includes funding for the renewal of section 8 contracts, but contains the extremely important mark-to-market contract restructuring program which, beginning in 1999, will preserve affordable housing for millions of low-income tenants while saving the taxpayers billions over time as well. I want to commend my Banking Committee colleagues, particularly Senator MACK who authored the initial section 8 restructuring bill, for their tireless efforts to insure that this restructuring program was accepted.

Nationwide, section 8 contracts covering 1.8 million assisted units are expected to expire in fiscal year 1998. The mark-to-market program is a mortgage and rent restructuring program to reduce the costs of over-subsidized section 8 multifamily housing properties insured through the FHA. Under this restructuring program, FHA insured properties with above market rents are eligible for debt restructuring to bring the rent levels in line with market rate rent levels, or the project-based rents needed to support operation and maintenance of the housing facilities. The bill directs the HUD Secretary to work with State and local housing entities to reduce expiring section 8 contract costs, address troubled projects, and correct management and ownership deficiencies.

Because Congress has been unsuccessful in past attempts to move the type of section 8 overhaul necessary for the preservation of low-income housing assistance in this climate of budget cuts, HUD has been renewing all longer term expiring Section 8 contracts with quick-fix, 1-year contracts. The short-term renewals have led to confusion and fear among recipients of housing assistance in my State and across the country.

Many assisted housing residents in South Dakota have been worried for several months as to whether they will continue to have a roof over their heads in the coming year. As these residents received notice of expiring short-term and long-term section 8 contracts, families were concerned they would be forced from their homes. Some of these families have spent half their lives in these homes. Many of these residents are senior citizens. Many are widows and widowers. Many are disabled. These residents were told that unless Congress acted, they may be forced from their two-, three-, and four-bedroom homes or one- and- two-bedroom apartments and displaced into smaller sized units or homes.

For many residents in communities such as Northgate Community Homes and Lakota Homes in western South Dakota, this is not an option. Housing at every level of affordability is extremely scarce in my rural State. After raising families in these homes, senior citizen couples living in two- or three-bedroom homes have been told that they would have to downsize to one-bedroom homes. However, at the Northgate and Lakota developments, there are no one bedroom options. Thus these individuals and families have feared displacement into the surrounding area, with great uncertainty about their futures. I have been informed by city officials that the low-income housing stock currently available is inadequate to absorb the extra burden of these individuals and families forced from their section 8-subsidized homes and complexes.

Already, many elderly and disabled couples and individuals have left the developments over uncertainty about their homes. They are leaving behind years of improvements they made in their homes, as well as the cherished memories of raising families in these communities. They have been forced out because of confusion and expiring contracts.

People like Hazel Holmes of Sturgis, SD, who raised her family in a small two-bedroom home at Northgate Community Homes have been threatened by uncertainty. Hazel's husband died almost 10 years ago and she has continued to live independently in her home. With the expiring section 8 contract, she became very worried—like her neighbors—that she would be forced to leave her home and the neighbors she cherished. Couples like Ruth and Carl Kittleman and Ralph and Dorothy Iverson have already moved from Northgate due to inaction and confusion over this issue. Others fret on a daily basis about their futures. Seniors like Chuck Alberts have persevered each day with the pressure and stress of having his beloved wife Bev in a nursing home. He should not have the added worry about whether he will be able to stay in his home.

These are just a few examples of the serious section 8 scare that recipients of low-income housing assistance have faced in my State. I am extremely thankful that throughout consideration of the section 8 restructuring proposal my colleagues took special notice of the unique needs of rural housing contract restructuring. Because of continued pressure from myself and other rural members, the mark-to-market proposal contains language for a more flexible approach to determining market rents in rural communities—communities where market is difficult to determine, where the project in need of contract restructuring might be the only market for hundreds of miles. The broadened definition of market included in this bill will help to insure appropriate restructuring throughout my State.

In rural South Dakota, the 244 project-based section 8 contracts provide 6113 housing units, primarily for elderly South Dakotans. With full funding up to $8.2 billion provided through the fiscal year 1998 VA HUD bill, 1070 housing units up for renewal in South Dakota in the immediate future will continue to receive section 8 rental assistance. This volume pales in comparison to the hundreds of thousands of section 8 housing units in jeopardy in states like New York and Illinois, and I appreciate my colleagues' continued sensitivity for awareness of the unique needs of rural States.

Additionally, I commend my colleagues for relying on the qualified existing State housing finance agencies for the administration of contract restructuring, and on local housing entities for management and planning decisions, both subject to the approval of the HUD Secretary. With public input at every level, HUD will be able to reign in excessive subsidies to appropriate levels so that our Federal housing assistance funds go further, and maintain assistance for low-income individuals for the long term. While the majority of current project-based Section 8 will remain available, local communities will be involved in determining whether tenant-based assistance is more practical in certain communities. This freedom at the local level is important, yet I applaud my colleagues for including distinct protection for elderly and disabled project-based assistance, which will eliminate the type of fear and uncertainty that seniors in my state have been subject to in recent years.

Without the commitment to fund section 8 for the coming year, and the inclusion of the mark-to-market restructuring program, cuts in other programs for the elderly and disabled, and for preserving available low-income housing would be required. By addressing section 8 restructuring and providing adequate funding, this bill reaffirms the Congress' long term commitment to low-income housing assistance.

HUD and the States have a daunting task ahead, as thousand of projects under contract throughout the country are pending restructuring. In all cases, I am confident that the involvement and participation of local ad State housing interests at every level will protect the public interest, and all affected parties, including tenants, will have a voice in the future of low-income housing assistance.

Again, I commend my colleagues for including the section 8 restructuring program in the fiscal year 1998 VA, HUD appropriations bill, and I look forward to working toward continued security for low-income housing in the coming years.

FUNDING FOR THE HEALTH CARE NEEDS OF VETERANS IN NORTHERN CALIFORNIA

Mrs. FEINSTEIN. Mr. President, I rise today to weigh in on the provisions included in the VA–HUD conference report regarding the health care needs of Northern California's veterans. The conference report provides a total of $70.8 million for renovations to the existing McClellan Air Force Hospital at Mather Air Force Base in Sacramento, as well as for outpatient clinics in Fairfield, Mare Island, Martinez, Auburn, Chico, Eureka, and Merced. While I applaud this much-needed expansion of services in Northern California, I remain deeply disappointed by Congress' decision not to build a veterans hospital at Travis Air Force Base.

Since 1991, veterans in Northern California have been waiting for a new hospital to replace the Martinez hospital, which was closed for seismic reasons. I made a commitment with Vice President GORE to help bring a full veterans hospital to Fairfield, and I have been fighting for 4 years to get this project fully funded. Two previous Congresses appropriated funding to construct the Travis VA Hospital.

Now, unfortunately, we are turning our back on that commitment. It is truly a sad day when the men and women who have served our country without question—and who have the right to expect their government to fulfill its promises—are simply told ''tough luck.''

The fact is that a clear majority in Congress oppose the hospital's construction. This opposition has only grown stronger after two independent reports—one by the General Accounting Office and one by Price Waterhouse—concluded that the Travis VA hospital was not justified. Key Committee chairmen in both the House and Senate have made it clear that Congress will provide no Federal funds for a replacement hospital at Travis.

The VA–HUD conference report does appropriate $70.8 million for veterans' health care needs in Northern California, including:

A sharing agreement between VA and the Department of Defense for 100 VA beds at David Grant Medical Center at Travis. These beds will be serviced by VA doctors.

A new $13.5 million VA clinic, to be built adjacent to David Grant Medical Center. This clinic will include emergency room facilities, ambulatory surgery, mental health, some specialty services, and offices for doctors.

Conversion of McClellan Hospital at Mather Air Force Base to a VA Hospital. This will provide 55 new VA beds.

Upgrades to the VA outpatient clinics at Mare Island and Martinez.

New outpatient clinics in Auburn, Chico, Eureka and Merced.

Contracts with community hospitals in Martinez and Redding.

While this plan does not fulfill the promise that the VA made to Solano County veterans and does not establish the hospital that veterans groups like Operation VA fought so hard for so long to obtain, when examined in light of the position of current congressional leaders, it does provide health care for many veterans who presently cannot access the VA system. The new outpatient clinics and additional hospital beds will make it far easier for veterans in Northern California to benefit from the VA health system. For the first time, vets living along the North Coast and in the Sierra will have real and meaningful access to the VA. They will not have to drive for 4 hours or more for basic care. Their visits to the five new VA outpatient clinics will undoubtedly result in higher utilization of the VA inpatient facilities at Travis and Mather Air Force Bases.

I know that the people of Solano County have a lot of unanswered questions about the VA proposal, and I pledge that I will work with them to make sure that VA offers the high quality and accessibility of care that our veterans deserve. I am sure that groups like Operation VA will continue to fight for improved veterans health care in Northern California, and I am proud to join in that fight.

Mr. KERRY. Mr. President, as the ranking Democratic member of the Housing subcommittee, I spoke earlier today about very significant housing provisions in the VA-HUD conference agreement. I would like now to address some other components of this legislation which I believe to be very important to the Commonwealth of Massachusetts and the nation.

Mr. President, I appreciate the hard work of the Chairman of the VA-HUD appropriations subcommittee, Senator BOND, and the ranking member, Senator MIKULSKI, in crafting a bill which gives such serious consideration to the needs of the people of Massachusetts.

Mr. President, the subcommittee has allocated $50 million for the clean-up of Boston Harbor, a modest sum given the magnitude of the challenge and the scope and cost of the clean-up project. While the residents of Boston continue to face rising water and sewer rates, these rates are not nearly as high as they would be without the assistance of the federal government. The Boston Harbor clean-up project construction will be completed in the next two years. Federal assistance in these two remaining years will be crucial to ratepayers in the 43 greater Boston area communities who must shoulder most of the burden of the $3.5 billion project, which also includes the $2 billion required for combined sewer overflows (CSOs) and other water infrastructure upgrades.

The President s fiscal year 1998 budget provided $200 million over the next two years for the Boston Harbor clean-up—which we anticipate will be the last increment of funding assistance needed from the federal government for this important infrastructure project. Even if this amount is forthcoming, the federal share of the Boston Harbor clean-up project still will be well below the federal share provided for many other clean water projects across the country, and is certainly well below the full federal funding called for by

Congress when it passed the Unfunded Mandates Act in 1995.

The Massachusetts Water Resources Authority (MWRA), which is in charge of the Harbor cleanup, has continually worked to reduce project costs. Last year, Mr. President, the EPA approved a revised CSO plan developed by the MWRA, with assistance from the state Department of Environmental Protection and local communities, which is estimated to save ratepayers nearly one billion dollars.

During the early 1990s, under the past two Administrations—one Republican and one Democratic—the federal government provided $100 million per year to assist the citizens of the greater Boston area with this project. In FY 1996, although the President requested $100 million and I supported his request, Congress appropriated only $50 million for the cleanup of Boston Harbor. For FY 1997, while the President again requested $100 million, the Congress appropriated $75 million as the federal share. All federal assistance is needed and appreciated, so in that respect, I and the people of the Boston area are grateful for the $50 million contained in this year's VA/HUD bill. Nonetheless, we are disappointed the Congress, again, did not provide the amount contained in the President's budget.

I am extremely pleased that the conference report includes $3 million for water projects for Bristol County, Massachusetts. This amount is the same as the President's fiscal year 1998 budget request and will continue the support which the Committee provided in the past two years. Both Fall River and New Bedford, two major cities in Bristol County, are implementing court-ordered construction under the Clean Water Act that will cost hundreds of millions of dollars. These urban industrial communities continue to be burdened by high unemployment and an ongoing recession.

In addition, Mr. President, I am delighted the conference report includes a $1.7 million appropriation for water projects in the South Essex Sewage District and surrounding communities such as Lynn, Gloucester and elsewhere. These communities are struggling with the prospect of incurring obligations from $12,000 to $22,000 per household to come into compliance with current clean water regulations. Despite successful efforts to control costs, the projected costs are still huge and growing in the South Essex Sewage District: In 1993 the projected costs were $12.6 million and now, for 1998, the projected costs are estimated at $29 million. Federal assistance is critical to ease the burden of compliance on these communities and to further the national goal of protecting our environment.

Mr. President, the conference report also includes funding of $2 million for the Tapley Street project in Springfield, Massachusetts, which involves renovation of a former U.S. Postal Service distribution facility that was purchased by Springfield, in 1986 and is now vacant. This building will make an ideal site for consolidated public works operations that are currently scattered among several inadequate facilities, including a condemned yard and a makeshift garage in a different town. These deficiencies take a serious toll on city-owned public works equipment, employee morale and efficiencies of city services. The renovation will create 300 construction jobs in an area that has been hard-hit by an economic downturn and defense cut-backs.

Mr. President, among the important national program in this conference report, several are of particular interest to me. YouthBuild, which is funded at $35 million in this conference agreement for fiscal year 1998, is an extremely worthwhile program and a demonstrated success. YouthBuild programs around the country have been providing disadvantaged young people with the opportunity to finish their education while also providing leadership training and job skills through work on projects producing affordable housing. I am pleased that the conference report recognizes the need to continue and fund this program. I hope that next year, the amount of funding provided for it will be much closer to the $70 million 48 other Senators joined me in requesting for fiscal year 1998 in order to enable establishment of YouthBuild programs in communities around the country where there currently is no program.

Another important national program in the conference report is the Housing Opportunities for People With AIDS program, which is the heart of the federal housing response for people living with HIV/AIDS. I am pleased that HOPWA is funded at $204 million for fiscal year 1998. Mr. President, ninety percent of the HOPWA funds are distributed by formula grants to states and localities hit hardest by the AIDS epidemic; these states and localities control the use of these funds. Communities may use HOPWA funds to meet whatever housing needs they may have, from providing short-term supportive housing or rental assistance for low-income persons with HIV/AIDS to building community residences or providing coordinated home care services.

Finally, Mr. President, the Community Development Block Grant (CDBG) program and the HOME investment partnership program are arguably the most important federal programs for addressing the economic development and affordable housing needs of our nation's communities. I strongly urged the conferees to provide funding for both programs at levels at least equal to the FY 1996 appropriation of $4.6 billion for CDBG and $1.5 billion for HOME in addition to any Congressional set-asides. Both programs share the important feature of providing local flexibility within broad federal goals and purposes. The success of both programs merits continued strong federal support for CDBG and HOME even as other federal programs are being cut back. The conference agreement does, in fact, include those amounts for the two programs, but I am concerned because Congressional set-asides will be deducted from those levels. I will continue to support additional funding for both CDBG and HOME in future appropriations bills.

Mr. President, in total, this conference report is a laudable effort by the subcommittee and especially its Chairman and ranking member, especially as they continue to struggle with the imperative to achieve significant spending reductions resulting from the balanced budget the Congress approved earlier this year. I appreciate their consideration for the interests of the people of Massachusetts, and am pleased to support this agreement.

Mr. REED. Mr. President, I rise to express my support for the VA–HUD Conference Report and to commend the conferees for their work in resolving a number of contentious issues with the House.

First, I would like to commend the conferees for providing adequate funding to renew all expiring section 8 contracts. In my State of Rhode Island, it is expected that section 8 contracts on 4000 units will expire in fiscal year 1998, and I am pleased that this bill will ensure that all of these contracts are renewed.

I would also like to commend the conferees on their successful effort to include the section 8 mark-to-market reforms in the conference report. The Senate Banking Committee passed a mark-to-market bill in June that was initially attached to the balanced budget legislation, but was subsequently dropped in conference.

The significance of inclusion of the mark-to-market reforms in the conference report cannot be overstated because these reforms address an increasingly serious problem, which, if left uncorrected, will threaten the future viability of the section 8 program. The problem I am referring to is the projected increase in section 8 costs as the number of expiring section 8 contracts increases in coming years. In fiscal year 1997, approximately $3.6 was provided to renew expiring contracts. However, absent mark-to-market reforms, the costs of renewing expiring section 8 contracts is expected to increase to $9 billion in fiscal year 1998, and to $18 billion in fiscal year 2002.

The reforms included in this bill address this issue by enabling landlords of section 8 properties to restructure their mortgage contracts, which will reduce the escalating costs of the section 8 program. The reforms will also reduce the subsidy levels that HUD pays to landlords for section 8 assistance. Because of the high costs to build many of these section 8 properties, HUD has been forced in many cases to pay subsidies that are in excess of 120 percent of fair market rent. In fact, a recent study found that 75 percent of

HUD's newer assisted housing projects had rents above fair market rent, and that 50 percent of this housing had rents greater that 120 percent of fair market rent. I am pleased that this bill will address this problem by reducing rents to below fair market rents, or fair market rents for most section 8 housing. These changes will produce $500 million in savings for taxpayers.

Also, the mark-to-market provisions will improve the quality of section 8 housing by requiring landlords to evaluate the rehabilitation needs of their property and undertake necessary repairs. For too long, many of our section 8 properties have been in an embarrassing state of disrepair. In a recent study, it was found that 24 percent of the section 8 properties were distressed. Sadly, some of these section 8 properties have become havens for crime and drug activities. I am pleased that the mark-to-market reforms will begin to attack this problem by requiring landlords to make repairs to their properties and become more responsible owners.

The bill also includes provisions that will enable HUD to screen out rogue owners and managers, as well as provide more effective enforcement tools that will minimize fraud and abuse of HUD insurance and assisted housing programs.

Most importantly, the reforms in this bill will require landlords who are restructuring their mortgages to maintain their property as section 8 housing throughout the life of the mortgage. This provision is particularly important in ensuring the preservation of the existing stock of section 8 housing.

The mark-to-market reforms included in this bill could affect five Rhode Island housing developments in the near term, and could affect countless other developments in the future, as these provisions are fully implemented by HUD. Overall, I believe these reforms will improve the quality of life for tenants of section 8 housing, half of whom are seniors, and most of whom are very low income.

However, it should be noted that these reforms are not a panacea, and we should be mindful that there is much more to be done. For example, we must take steps to address the ever-worsening affordable housing crisis facing this Nation. Unfortunately, this bill follows HUD appropriations bills in recent years and fails to provide funds for new section 8 vouchers. Indeed, such funds have not been appropriated since 1993.

Also, there is the issue of the term of section 8 contracts. In years past, section 8 contracts have had terms that ranged from 5 to 40 years, with budget authority being allocated in accordance with the terms of the contract. However, because of the adverse budgetary implications of providing long-term contracts, expiring contracts are now being renewed for 1-year terms which require annual appropriations. These 1-year renewals have created a great degree of uncertainty among tenants of section 8 housing who are being notified annually by HUD that they may not have housing if Congress fails to provide section 8 funding. In a meeting with constituents, I was informed that some seniors who are residents of section 8 housing have suffered strokes and other ailments after being notified that their housing was in jeopardy if Congress failed to appropriate funding for section 8 renewals. Mr. President, this is a very serious issue which must be addressed.

While HUD is required to notify tenants about contract renewals, something must be done to ensure that this notification does not unnecessarily alarm seniors and other residents of section 8 housing. I understand that HUD is currently working with a number of tenant groups to craft a notification letter that is less alarming than letters in years past. I intend to work with HUD to see that future notices provide adequate information, without unnecessarily alarming section 8 residents.

Mr. President, I am pleased that this bill increases funding relative to fiscal year 1997 for a number of important programs to Rhode Island. For example, funding for the Community Development Block Grant Program, which provides flexible funding to States and localities for community development initiatives, is increased by $75 million. In fiscal year 1997, Rhode Island cities used over $20 million in CDBG money to fund initiatives ranging from job training to neighborhood revitalization.

In addition, funding for the HOME Program, which is aimed at expanding the supply of affordable housing, is increased by $100 million over fiscal year 1997. Last year, Rhode Island received $3 million in HOME funding which was used to provide 283 units of affordable housing.

Finally, the VA–HUD appropriations bill maintains level funding for a number of important programs such as the section 202 and section 811 programs that provide housing for the Nation's elderly and disabled. A number of Rhode Island groups have successfully used section 202 and section 811 grants to build housing for the elderly and disabled, ameliorating the shortage of affordable housing for these groups in Rhode Island.

In conclusion, I would again like to commend the work of the conferees. Their efforts will help preserve and maintain the section 8 program, in addition to a number of other important housing and community development programs.

Mr. MCCAIN. Mr. President, the Senate will act shortly to approve the conference agreement on the Fiscal Year 1998 VA–HUD Appropriations Act, and I intend to vote for the bill. The bill contains many very worthwhile programs that are vital to our Nation's veterans, to the economic development and viability of our cities, to rural communities, to environmental preservation and remediation, and for other important Government functions. The conferees have done an excellent job of crafting a bill that is balanced and fair, while staying within the budgetary allocations for these programs.

However, once again, I must highlight the myriad of programs that are included in this conference agreement that were not considered in the normal budgetary review process. These programs may very well have a great deal of merit, but unless one is a member of the Appropriations Committee, it is nearly impossible to determine what, if any, criteria were applied to determine the relative worthiness of each of the earmarks and set-asides in the agreement.

For example:

$5 million dollars is earmarked for a study on the cost-effectiveness of contracting with local hospitals in east central Florida for the provision of nonemergent inpatient health care needs of veterans. This earmark was contained in the House bill, but I find it difficult to determine from the conference agreement or the House report why such a study is so urgently needed in east Florida, rather than other areas of the country that may be considering this type of contracting.

As I noted when the Senate considered the bill, $10 is earmarked for demolition and replacement of the Heritage House in Kansas City, Mo. I still do not understand the urgency of proceeding with this, rather than other similar projects.

The bill earmarks $99.6 million for 120 specific Economic Development Initiative grants, as specified in the report language. While both bills contained these kinds of earmarks, my colleagues might be interested to know that the amount earmarked in the conference agreement is more than twice the amount earmarked in the Senate bill which was $40 million. I suspect that a scrupulous comparison of the lists of earmarked projects in the two bills would conclude that every project earmarked in either bill is included in this conference agreement, and then some.

The bill contains an earmark of $15 million for the county of San Bernardino, Ca, for neighborhood initiatives. I have not been able to find this earmark in either the House or Senate bill, neither of which contain any explanatory language on this initiative.

The bill contains a section which was also included in the Senate bill, transferring a previous $7.1 million earmark for a Kansas City industrial park at 18th Street and Indiana Avenue instead to the rehabilitation and infrastructure development associated with the Negro Leagues Baseball Museum and jazz museum at 18th and Vine.

The bill authorizes and appropriates $90 million additional funding for construction of a consolidated EPA research facility at Research Triangle Park, NC, and raises the total construction cap on the project, including a child care center and computer center, to $272.7 million. I recognize that this provision was included in the House bill, but I have not been able to find any justification in the bill or report for earmarking $90 million as part of a nearly $300 million expenditure for this project, versus other worthy projects.

The bill retains the earmarks in the Senate bill for a $50 million in grants to Texas, requiring State matching of 20 percent, for improving water and wastewater treatment facilities for the colonias; and a $15 million grant to Alaska to address drinking water and wastewater infrastructure needs.

The bill also includes an earmark of $253.1 million for 39 specific wastewater and water treatment facilities and ground water protection infrastructure, earmarked as stated in the report. Again, this type of earmark was included in the Senate and House bills, but the conference earmarked almost three times the amount in the Senate bill.

The bill also contains three earmarks which I believe were not included in either the Senate or House bill:

$4 million dollars is earmarked for each of three areas—a native American area in Alaska, a rural area in Iowa, and a rural area in Missouri—for rural economic development grants, to test comprehensive approaches to developing a job base through economic development, developing affordable low- and moderate-income rental and homeownership housing, and increasing the investment of both private and nonprofit capital. While I understand the need to provide funding for rural communities to improve their living standards, housing availability, and the like, I question whether the three areas singled out in this language are the most deserving of 4 million dollars each. And I note that the earmarks for rural areas in Iowa and Missouri were not contained in either bill, but were added by the conferees.

The bill includes a section, which I have not found in either the Senate or House bill, directing FEMA to make a grant of $1.5 million to resolve issues under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 involving the city of Jackson, Ms. Again, the justification provided for this project is sketchy, to say the least.

The bill contains a section which cancels the indebtedness of the village of Robbins, IL, for HUD-guaranteed water and sewer bonds, including principal, interest, and any fees and other charges. Again, I could find no mention of this proposal in either the Senate or House bills.

As I have said many times, these types of earmarks added in conference are an egregious evasion of the normal budget review process, which this body should not condone.

I will not elaborate on the many earmarks and set-aside in the report language of the conference agreement.

I ask unanimous consent that the objectionable provisions be printed in the RECORD.

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

OBJECTIONABLE PROVISIONS IN H.R. 2158, CONFERENCE AGREEMENT ON FISCAL YEAR 1998 VA/HUD/INDEPENDENT AGENCIES APPROPRIATIONS

BILL LANGUAGE

$5 million earmarked for a study on the cost-effectiveness of contracting with local hospitals in East Central Florida for the provision of non-emergent inpatient health care needs of veterans.

Prohibition on relocating the loan guaranty divisions of the Department of Veterans Affairs Regional Office in St. Petersburg, Florida to the Department of Veterans Affairs Regional Office in Atlanta, Georgia, because the conferees do not believe the VA has adequately justified the proposed relocation and has not provided a detailed cost-benefit analysis including comparison of savings for the cost of space and personnel.

$10 earmarked for demolition and replacement of the Heritage House in Kansas City, Missouri.

$4 million earmarked for each of three areas—a Native American area in Alaska, a rural area in Iowa, and a rural area in Missouri—for rural economic development grants, to test comprehensive approaches to developing a job base through economic development, developing affordable low- and moderate-income rental and homeownership housing, and increasing the investment of both private and nonprofit capital.

$99.6 million earmarked for 120 specific Economic Development Initiative grants as specified in the report language.

$15 million earmarked for the County of San Bernardino, California, for neighborhood initiatives.

$3.5 million earmarked for the non-Federal cost-share of the levee project at Devils Lake, North Dakota.

Sec. 203—Waives the requirement that the City of Oglesby, Illinois, hold public hearings concerning an environmental assessment for a warehouse project.

Sec. 206—$7.1 million transferring an earmark for a Kansas City industrial park at 18th Street and Indiana Avenue instead to the rehabilitation and infrastructure development associated with the Negro Leagues Baseball Museum and jazz museum at 18th and Vine.

Sec. 218—Cancels the indebtedness of the Village of Robbins, Illinois, for HUD-guaranteed water and sewer bonds, including principal, interest, and any fees and other charges.

Authorizes and appropriates $90 million additional funding for construction of a consolidated EPA research facility at Research Triangle Park, North Carolina, and raises the total construction cap on the project, including a child care center and computer center, to $272.7 million.

Earmarks $50 million for grants to Texas, requiring state matching of 20 percent, for improving water and wastewater treatment facilities for the colonias.

$15 million earmarked for grants to Alaska to address drinking water and wastewater infrastructure needs.

Earmarks $253.1 million for 39 specific wastewater and water treatment facilities and groundwater protection infrastructure, earmarked as stated in the report.

Directs FEMA to make a grant of $1.5 million to resolve issues under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 involving the City of Jackson, Mississippi.

Sec. 415—''Buy America'' protections.

REPORT LANGUAGE

[NOTE: Conferees state that they endorse all language in the House and Senate reports that is not explicitly contradicted in the conference agreement. Therefore, all earmarks and set-aside in the underlying reports remain valid unless reversed in the conference agreement.]

Earmarks $6 million for the Musculoskeletal Disease Prevention and Treatment Research Center at the Jerry L. Pettis Memorial VA Medical Center in Loma Linda, California.

Explicit emphasis on report language regarding expanding an outpatient clinic in Williamsport, Pennsylvania, activation costs for construction projects at the medical centers in Wilkes-Barre, Pennsylvania, and Phoenix, Arizona; and the demonstration project involving the Clarksburg VA Medical Center and Ruby Memorial Hospital.

Urges VA to establish a community-based outpatient clinic in Brookhaven, New York.

Supportive language for the two-year pilot project in New England and Hawaii, funded through the Department of Defense, to explore improved and innovative methods of diabetes detection, prevention, and care.

Encourages VA to examine carefully the work in Detroit associated with Population and Resources Management Information Network, and to consider setting aside an appropriate amount of funds for development and analytical work associated with that system.

Earmarks $98.4 million for 7 major construction projects of the VA, including a $4 million add-on for a cemetery in Arizona.

Earmarks $1.5 million for expansion of the existing national cemetery in Mobile, Alabama.

Earmarks $1.5 million to increase the number of niches at the columbarium at the National Memorial Cemetery of the Pacific.

Earmarks $48.3 million for 23 specific science and technology projects.

Earmarks $8 million of the funding set aside for research on EPA particulate matter standards to create ''up to five university-based research centers focused on PM-related environment and health effects;'' establishes certain governing criteria and guidelines for selection of these centers, although the report states the selection is to be competitive.

Earmarks $76.5 million from the budget for environmental programs and management at EPA for 60 specific projects.

Earmarks $2.5 million of the EPA's hazardous substance Superfund to continue a study on the health effects of consuming Great Lakes fish, and 2 million for continued work on the Toms River, New Jersey cancer evaluation and research project.

Encourages EPA to implement a fixed-price, at-risk contracting proposal for clean-up of the Carolina Transformer Site in North Carolina.

Urges immediate construction at the Pepe Field Superfund site in Boonton, New Jersey.

Recognizes the acute need for additional water treatment capacity in San Diego County, California, although limited funds prevented the conferees from earmarking an amount for this project.

States awareness of San Diego's application for grant assistance through the U.S.-Mexico border programs for the South Bay Water Reclamation Facility, and urges that the matter be reviewed carefully for appropriate support.

Notes support for construction of the Jonathan Rogers plant in El Paso, Texas, and encourages EPA to provide an appropriate amount from the border infrastructure fund to support the project.

Earmarks $500,000 from FEMA's emergency management planning funds for a comprehensive analysis and plan of evacuation alternatives for the New Orleans metropolitan area.

States awareness of proposals by the International Hurricane Center at Florida International University to apply advanced high-accuracy satellite laser altimeter surveying techniques to coastal and flood plain modeling and post natural disaster damage assessments, and urges FEMA to consider funding such proposals from discretionary funds.

Notes that Point Coupee Parish, Louisiana, faces the potential threat of multiple disasters, including weather-related threats, and urges FEMA to provide support for installation and testing of a prototype communications system.

Urges NASA to make available underutilized facilities at the Stennis Space Center for use by industry in launch vehicle development activities.

Earmarks $19.65 million from NASA's aeronautics and technology funds for 9 specific projects.

Earmarks $5 million of NASA's mission support funds for facilities enhancements at Stennis Space Center.

Prohibition on relocating NASA aircraft based east of the Mississippi River (at the Wallops Island flight facility) to the Dryden Flight Research Center in California.

Earmarks $1 million of National Science Foundation funds for the U.S./Mexico Foundation.

Mr. MCCAIN. Mr. President, this is not an exhaustive list of all the earmarks the conferees endorsed. As with previously submitted conference agreements, the conferees explicitly state in the report that they endorse all the provisions of the Senate and House reports on the bill, unless they are explicitly contradicted or addressed in the conference report. So there are a lot more earmarks that the conferees intend that the agencies will adhere to in allocating appropriated funds.

Again, Mr. President, I hesitate to say that all of these earmarks and set-asides are wasteful, or unnecessary. I want to stress that these projects may very well have merit and may very well be worthy of inclusion in this bill.

But the process the Congress established for itself, which involves both authorization and appropriation of spending items, is routinely ignored in the appropriations bills. These unauthorized and locality specific earmarks and add-ons have bypassed the normal agency review process and have bypassed the authorization process. They have simply been included in the appropriations bill because a small segment of the Senate or House, those who serve on Appropriations Committee, decided to include them.

Mr. President, the American people deserve to know how their money is spent, and why. Millions of dollars will be spent for the projects on the attached list, and I doubt that most Senators know why these projects were chosen for earmarks or set-asides. The American people certainly don't have access to that information.

I intend to send a letter to the President asking that he consider using his line-item veto authority to eliminate these spending items from this bill. That is why we gave him a line-item veto—to eliminate wasteful, unnecessary, and low-priority spending. He has already demonstrated his willingness to use the line-item veto, and I hope he continues to exercise that authority when clearly necessary.

Mr. President, as I said, I support the majority of the provisions of this bill, and I intend to vote for it. I am thankful, however, that a mechanism now exists that could, if utilized, eliminate the earmarks and set-asides in this bill to which I must object.

PARTICULATE MATTER RESEARCH

Mrs. BOXER. Mr. President, I would like to mention one issue of concern in the conference report on appropriations for the Environmental Protection Agency. It is in regard to report language on the Particulate Matter Research Program.

I agree that we need more research on the sources and the health effects of particulate matter and strongly support this bill's appropriation of funds for new research. However, I would like to make it clear, for the record, that I do not agree with the conference report language that says that ''we do not yet have available sufficient facts necessary to proceed with future regulations for a new particulate matter standard.''

The EPA standards are based on the best available science regarding the health effects of exposure to particulate matter. Some argue that we should not proceed until we have scientific proof of the exact relationship between exposures to particulate matter, and health effects.

If we applied that principle in the late 1970's, we would not be enjoying the benefits of our current standards which have led to, for example, air pollution from carbon monoxide being reduced by 28 percent, from sulphur dioxide 41 percent, and from lead 98 percent.

The PRESIDING OFFICER. All time has expired.

Under the previous order, the conference report to accompany H.R. 2158 is agreed to.

The conference agreement was agreed to.

Mr. BOND. Mr. President, I thank all of my colleagues and the leadership for allowing us to proceed in a timely fashion on this matter.

I have mentioned only briefly my appreciation for the work of my ranking member, Senator MIKULSKI. Truly, there is no better person to have in a very complicated matter like this than to have someone of Senator MIKULSKI's ability, perspicacity, and dedication to right and justice to carry through on this.

I am deeply grateful for her cooperation, the cooperation of the leadership on her side, and particularly the leadership of both sides of the aisle on the Banking Committee which authorizes housing programs without which we would not have been able to accomplish mark-to-market. Senator MACK and his staff, in particular, Senator D'AMATO, Senator SARBANES, Senator KERRY have been helpful.

I express my thanks to Andy Givens, Stacy Closson, and David Bowers on the minority. We could not have done this on our side without the dedicated work of John Kamarck, Carrie Apostolou, and of Sarah Horrigan, who assisted us as representatives on loan from the Office of Management and Budget.

Mr. President, again, I express my appreciation to my ranking member.

Ms. MIKULSKI. Mr. President, now that we have concluded our bill, I too want to express my appreciation to Senator BOND and his very able staff—I am sorry Sarah Horrigan is not with us, her able cooperation—and, to my own staff, Andy Givens, David Bowers, and Stacy Closson.

I wish all bills could move as quickly and as rigorously and thoroughly as ours did. I yield the floor.

Mr. BOND. 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. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the privilege of the floor be granted to the following detailee to my staff: Mr. Peter Neffinger.

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

Mr. LAUTENBERG. 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. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 1283 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

Mr. SHELBY. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2169) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 7, 1997.)

Mr. SHELBY. Mr. President, I ask unanimous consent that the conference report be considered read, and that there be 20 minutes equally divided; that, following the conclusion or yielding back of the time, the conference report be agreed to and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I am pleased to present the conference report on the fiscal year 1998 Department of Transportation and related agencies appropriations bill. This bill is very similar to the transportation appropriations bill that the Senate approved 98 to 1 on July 30. It provides the highest level of funding for Federal-aid highways in history—$22.9 billion. That's slightly less than the amount we had included in the Senate bill because, in conference, we agreed to fund some other House priorities, but it's still a record level.

The actual distribution of those funds among the States will depend on reauthorization of ISTEA—the Intermodal Surface Transportation Efficiency Act of 1991—which has provided authorization for Federal surface transportation programs for the past 6 years and which expired at the end of fiscal year 1997. But this increase of almost $3 billion over fiscal year 1997 will almost certainly mean more Federal highway spending for each State.

The conference report also includes $300 million for the Appalachian Development Highway System as proposed by the Senate. This is a downpayment toward meeting the Federal Government's commitment to completing that System.

The bill includes $4.7 billion for transit grants, including $200 million for Washington Metro. I ask unanimous consent that a table which shows the distribution of these funds under current law be printed in the RECORD.

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

FISCAL YEAR 1998 DISTRIBUTION OF APPROPRIATED TRANSIT FORMULA AND DISCRETIONARY PROGRAM FUNDS BY STATE—ILLUSTRATIVE

State	Section 5307, urban area formula apportionment	Section 5311, nonurbanized area formula apportionment	Section 5310, elderly and persons with disabilities apportionments	Section 5309, fixed guideway modernization apportionment	Section 5338, discretionary grants—bus and bus facilities	Section 5338, discretionary grants—new starts	Total	Percent of total
Alabama	$11,185,758	$3,186,673	$1,077,887	0	$25,600,000	0	$41,050,318	0.92
Alaska	1,804,936	475,202	181,007	0	0	0	2,461,144	.05
American Samoa	0	67,731	52,205	0	0	0	119,936	0
Arizona	25,641,598	1,395,042	951,941	$753,784	5,500,000	$4,000,000	38,242,365	0.85
Arkansas	3,979,267	2,547,613	757,178	0	0	0	7,284,057	0.16
California	359,319,983	6,217,892	5,780,115	73,004,558	38,400,000	141,600,000	624,322,548	13.93
Colorado	26,861,907	1,327,272	741,382	872,588	5,500,000	25,000,000	60,303,148	1.35
Connecticut	36,082,253	1,203,960	847,581	33,127,313	6,950,000	0	78,211,107	1.74
Delaware	4,544,322	300,359	266,380	371,459	1,500,000	0	6,982,520	.16
District of Columbia	21,487,762	0	264,504	20,304,678	0	0	42,056,943	.94
Florida	110,965,452	3,997,135	3,904,781	6,261,059	20,000,000	50,800,000	195,928,427	4.37
Georgia	40,275,089	4,659,255	1,393,706	8,377,647	9,000,000	45,600,000	109,305,697	2.44
Guam	0	192,815	132,335	0	0	0	325,149	.01
Hawaii	19,104,500	522,930	335,201	302,560	5,000,000	0	25,265,191	.56
Idaho	2,361,119	1,054,997	342,719	0	0	0	3,758,834	.08
Illinois	162,182,847	4,274,606	2,528,911	108,300,140	4,500,000	3,000,000	284,786,504	6.35
Indiana	25,432,292	4,129,173	1,333,234	0	4,000,000	5,250,000	40,144,699	.90
Iowa	6,711,334	2,655,925	812,986	0	4,000,000	0	14,180,245	.32
Kansas	6,233,630	2,112,704	683,737	0	1,000,000	0	10,030,071	.22
Kentucky	12,693,258	3,487,613	1,033,565	0	0	0	17,214,437	.38
Louisiana	21,173,354	2,884,508	1,036,865	2,192,506	13,900,000	8,000,000	49,187,234	1.10
Maine	1,693,773	1,391,888	425,143	0	0	0	3,510,805	.08
Maryland	59,427,457	1,737,705	1,041,705	16,644,799	8,000,000	31,000,000	117,851,667	2.63
Masaschusetts	87,078,919	1,862,292	1,494,500	54,823,484	6,200,000	47,250,000	198,709,196	4.43
Michigan	47,254,939	5,043,404	2,165,608	152,149	7,500,000	0	62,116,100	1.39
Minnesota	22,554,929	2,902,188	1,056,203	2,156,921	10,500,000	12,000,000	51,170,241	1.14
Mississippi	3,639,708	2,832,159	735,995	0	2,000,000	3,000,000	12,207,861	.27
Missouri	26,095,820	3,380,302	1,351,855	1,484,601	16,000,000	30,500,000	78,812,577	1.76
Montana	1,786,660	854,630	315,546	0	0	0	2,956,836	.07
Nebraska	6,471,591	1,289,529	486,039	0	0	0	8,247,158	.18
Nevada	11,496,750	421,012	365,038	0	9,500,000	5,000,000	26,782,800	.60
New Hampshire	2,503,259	1,114,728	345,598	0	0	0	3,963,585	.09
New Jersey	136,678,638	1,593,825	1,791,542	69,082,137	6,000,000	87,000,000	302,146,143	6.74
New Mexcico	5,357,480	1,252,988	429,081	0	7,750,000	0	14,789,549	.33
New York	410,451,112	5,610,456	4,133,626	276,062,566	34,325,000	25,500,000	756,082,760	16.87
North Carolina	20,069,428	5,959,962	1,583,185	0	6,000,000	13,000,000	46,612,575	1.04
North Dakota	1,741,653	632,037	270,610	0	0	0	2,644,300	.06
Northern Marianas	0	62,767	52,014	0	0	0	114,781	0
Ohio	65,501,156	6,067,655	2,638,627	12,722,165	12,500,000	6,000,000	105,429,604	2.35
Oklahoma	8,527,934	2,593,860	893,771	0	0	1,600,000	13,615,566	.30
Oregon	19,592,547	2,059,548	831,880	1,292,018	3,000,000	63,400,000	90,175,992	2.01
Pennsylvania	112,985,990	6,768,533	3,160,912	92,157,105	27,350,000	5,500,000	247,922,540	5.53
Puerto Rico	36,532,549	2,022,651	789,842	775,726	0	15,000,000	55,120,768	1.23
Rhode Island	7,598,014	259,105	379,890	1,062,810	0	0	9,299,820	.21
South Carolina	9,080,065	2,982,991	864,379	0	6,000,000	1,500,000	20,427,434	.46
South Dakota	1,256,376	770,404	291,151	0	2,250,000	0	4,567,931	.10
Tennessee	16,849,421	3,850,700	1,270,291	32,983	8,000,000	1,000,000	31,003,395	.69
Texas	119,735,859	8,129,898	3,264,108	3,046,639	14,950,000	74,100,000	223,226,504	4.98
Utah	15,889,161	584,009	400,773	0	8,900,000	67,400,000	93,173,843	2.08
Vermont	631,418	688,808	243,018	0	2,500,000	5,000,000	9,063,244	.20
Virgin Islands	0	147,427	134,313	0	0	0	281,740	.01
Virginia	45,207,104	3,414,019	1,320,940	517,018	5,650,000	4,000,000	60,109,081	1.34
Washington	60,260,229	2,392,160	1,186,078	7,835,369	21,000,000	18,000,000	110,673,835	2.47
West Virginia	3,044,128	2,034,025	635,242	0	16,250,000	0	21,963,396	.49
Wisconsin	26,270,709	3,514,557	1,210,642	283,218	14,000,000	0	45,279,126	1.01
Wyoming	872,428	491,550	208,724	0	0	0	1,572,702	.04
Total Apportioned	2,292,177,864	133,407,177	62,226,089	794,000,000	400,975,000	800,000,000	4,482,786,130	100.00
Agency Oversight	11,518,482	670,388	.....	6,000,000	.....	.....	18,188,870	.....
Total Program	2,303,696,346	134,077,565	62,226,089	800,000,000	400,000,000	800,000,000	4,500,000,000	.....

Mr. SHELBY. Mr. President, the bill also provides $1.7 billion for airport improvement grants, which is $700 million more than the administration requested. In total, this bill contains $30.1 billion for investment in infrastructure that the public uses, that is, highways, transit, airports, and railroads. That represents an 8-percent increase over the administration's request.

This legislation will improve safety: It provides an 11-percent increase in funds to improve highway safety and will permit FAA to hire an additional 235 aviation safety inspectors and 500 air traffic controllers.

Major changes in the bill as a result of conference deliberations include the addition of $150 million in transit operating assistance and reductions of less than 1 percent in the multi-billion dollar FAA and Coast Guard operating accounts.

The Senate accommodated requests we received from Senators as fully as we could. In conference, of course, we had to accommodate requests from Members of both the Senate and House with no increase in funds over the Senate bill to cover these requests. That was a very difficult process. We tried to be fair and balanced in our treatment of Members' requests.

I want to reiterate a point I made when I brought the Senate bill to the floor in July. Many Senators wanted funds for highway projects of special interest to them and their States. This year, ISTEA reauthorization is providing a vehicle for special project funding, especially in the House where

there is very active consideration of such funding. I assure my colleagues that I believe that the Congress has at least as legitimate a role in designating funding for specific highway projects as it does in designating which transit projects will be funded. I intend to review the situation after enactment of ISTEA reauthorization legislation and to work with my Senate and House colleagues in the year ahead to ensure that we have an opportunity to designate funding for highway projects of special interest to our States and communities.

There are a great number of people to thank for getting this bill completed. I want to single out a few for special thanks for all their efforts.

First, the chairman, my good friend from Alaska. I know he wanted to move this bill along promptly, but he was patient and allowed me to work out the issues that were holding up conference and was always willing to lend his compelling voice to support the Senate position in our discussions with the House.

The majority leader as well played a critical role in the negotiations with the House. I want to thank him for his leadership, advice, and guidance, as well as for his personal involvement on this bill.

I want to thank my distinguished ranking member on the subcommittee, Senator LAUTENBERG, for his part in moving the process forward. We don't always take the same position on transportation issues or funding priorities, but he is always a strong advocate for meeting the transportation priorities of the Northeast and presents a perspective on this bill that comes from a great deal of hands-on experience with transportation issues. In addition, this bill has provided an opportunity for me to work closely with the distinguished ranking member of the full committee, Senator BYRD. One of the common priorities Senator BYRD and I share in the Transportation appropriations bill is the completion of the Appalachian Development Highway System. Through his leadership and support, we have been able to provide substantial support for meeting that priority.

I also want to thank the other members of the subcommittee for their efforts and the efforts of their staffs in support of the Senate's position during the conference. This subcommittee works well together, and I am blessed with the luxury of having subcommittee members who take transportation issues very seriously and are quick to let me know of their positions on issues. In particular, I want to commend the senior Senator from Missouri, my good friend, Senator KIT BOND. Senator BOND has been a major force in transportation funding issues this year as he has the uncommon responsibilities of sitting on the Budget Committee, the Environment and Public Works Committee, and on the Appropriations Subcommittee on Transportation. He was a primary advocate for higher highway funding during the budget process; he is a major force in the Senate consideration of reauthorization legislation, and is one of the most thoughtful and effective members of the Transportation Appropriations Subcommittee. Senator BOND can be a dogged advocate for issues of interest to the Show Me State. He was in a position to put passage of the Transportation appropriations bill in jeopardy if his legitimate interest in a matter before the conference was not met. In a display of the statesmanship that shows me why he is such an effective Senator, he refused to hold the bill up—instead, he sought a creative way of meeting both the interests of his State and the needs of the Congress to move this legislation along. I pledge to him here that I will work with him to ensure the satisfactory resolution of this issue.

In addition, I want to thank a few staff members who worked hard to put this bill together. The staff director of the Senate Appropriations Committee, Steve Cortese played a critical role in resolving issues between the House and the Senate so that we could have this conference report before the Senate today. His counterpart on the House side, Jim Dyer, as well, deserves note and a word of thanks for his efforts to that end. Although they work in different bodies, these two professionals work together well and are a credit to the appropriations process and the Congress. Further, the subcommittee staff, Joyce Rose, Reid Cavnar, Wally Burnett, and for a short time, George McDonald, as well as my legislative director Kathy Casey and Chief of Staff Tom Young, worked long and hard to put this bill together and I thank them. In addition, Jim English, Peter Rogoff, Peter Neffenger, Carole Geagley, and Mike Brennan have helped make this a truly bipartisan bill, and I thank them.

I am proud of what we have been able to accomplish in this bill. It will benefit all Americans as it helps improve transportation services in this country so that the economy and personal mobility are better served.

I now turn to my distinguished ranking member from New Jersey, Senator LAUTENBERG, who has worked with me in a bipartisan spirit to produce this bill.

Mr. President, I believe overall that this is a good transportation appropriations bill. It is not perfect. Nothing is perfect. But Senator LAUTENBERG, my colleague from New Jersey, former chairman, now the ranking member of the committee, worked diligently together with our staffs to put this bill together. We had protracted discussions with the House, and at the end of the day we are here with a completed conference report, one which I believe that most people in this body can support.

I want to take a minute and thank my staff director, Wally Burnett, for all the work that he has put into this night and day. He knows the subject. He has been very, very diligent and the bill reflects that diligence.

I also want to thank my colleague, Senator LAUTENBERG, for the work and the knowledge that he has of these transportation issues. Knowledge that he is beginning to share with me as time goes on. And, to his staff director, Peter Rogoff, I thank you for cooperating with us on so many of the issues. And, at the end of the day, at the end of the week, and at the end of this conference we are here.

At this point, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I, too, view this report as does my friend and colleague and chairman of the subcommittee. It reflects what I think is a good outcome after being forced to work with less resources than I would like to see devoted to transportation. But that is life in the present fiscal climate and consistent with our determination to have a balanced budget by 2002. As a matter of fact, the news is fairly good on that front. We may actually achieve that balance before then. But, meanwhile, we are taking the appropriate steps to our transportation bill to conform with the responsibility that we have undertaken as a result of the budget agreement. We spent a lot of time and energy trying to ensure that transportation would be treated as the appropriate priority, as we see it. And it has some very positive results.

The Coast Guard is going to get a 12.7 percent boost so that it can continue to execute its many essential missions.

Funding for FAA will increase by almost 10 percent. Within that amount, we have rejected the proposal by the administration to cut airport improvement grants by more than 33 percent. Instead, we have provided an increase for airport grants of more than 16 percent.

Funding for Federal-aid highways went to a historically high level of $21.5 billion. This increased funding will be especially critical as we address the many vexing challenges that currently surround the reauthorization of the Intermodal Surface Transportation Efficiency Act, or ISTEA, or ISTEA II, or whatever the name is that we are going to give the next 6-year or 5-year program.

Funding for formula assistance for the Nation's transit systems will increase by 16.3 percent. I want to point out that in my view this includes a balanced approach in addressing the needs of all of our States in all transportation modes.

When the bill was first marked up, I voiced concern that while we were providing a much needed increase in funding for highways, the needs of the transit agencies were not getting appropriate attention.

I am pleased to say that between the amendment I offered during full committee consideration of the bill and the

final deliberations of the conference committee, the increase in formula funding for transit was brought to a level comparable with the increases in formula funding provided for other infrastructure investment programs in the bill.

Moreover, I am pleased that the conference agreement includes my amendment to provide greater flexibility to all transit agencies, large and small, in the use of the Federal transit formula funds.

Mr. President, all in all, as I said, I think it is a good outcome.

The funding level for Amtrak is one that concerns me because Amtrak plays such an important part in the transportation of people throughout the Northeast corridor—and other parts of the country as well but predominantly in the Northeast corridor, and were we not to have Amtrak, which could be the outcome if we failed to fund it properly, we would need 10,000 additional flights of 737's a year between Boston and Washington and New York to accommodate the requirements for transportation. So that certainly does not look to be an outcome we can tolerate. But nevertheless the Congress has insisted on cutting Amtrak's operating subsidy at a much faster rate than they say they can absorb.

Almost 3 years ago, the leadership of Amtrak developed an operating plan to reduce its dependency on Federal operating support. Their plan called for reduced appropriations in each and every year for 6 years. Unfortunately, for the last 2 years, the Congress has insisted on cutting Amtrak's operating subsidy at a much faster rate than Amtrak said it could absorb. Their financial status, therefore, is in dire straits.

The bill initially laid down proposed some truly severe cuts, some of which could certainly put Amtrak into bankruptcy. But the subcommittee amended the funding level for Amtrak's operations account in the subcommittee and the full committee to get that level up to $344 million, which was the level requested by the administration.

Also, Chairman SHELBY agreed to hold a special hearing of the subcommittee to take a fresh look at Amtrak's operating needs. I am pleased to say that the final conference agreement includes the full $344 million for Amtrak's operations as passed by the Senate. It also includes needed boosts in Amtrak's critical capital accounts, and it will only be through this kind of capital investment that Amtrak can one day become free of Federal operating subsidies, which I, and I am sure all of us here, would like to see.

However, we are not, I warn all Members, ''out of the woods'' with Amtrak. Amtrak has to gain access to more than $2 billion which was provided in the recently enacted tax bill so it can make the kind of capital investments that will bring us a real first-class passenger railroad, and we need to find a mechanism to do that without exacting punitive measures against the hard-working employees at Amtrak.

On another issue, more parochial perhaps, Mr. President, I call attention to that portion of the conference agreement which pertains to the closure of Bader Field Airport in Atlantic City, NJ. The conferees carefully reviewed the statutory provisions pertaining to Bader Field as well as another airport that deserves to be closed. And after careful review, it was determined that statutory language was not necessary for the FAA to make the necessary findings. So I am pleased that the conference agreement continues our progress toward the closure of these airports as soon as possible.

I want to take a minute, Mr. President, to thank my friend and colleague, Senator SHELBY, for his ability to work closely with others to try to resolve disputes and see if we could do the best possible job with the resources that were available to us, and I think he has done just that. It was a pleasure working with him. As Senator SHELBY noted, I was once the chairman of the committee, and I promised that should I become chairman again I would work with Senator SHELBY just as carefully and courteously as he has worked with me.

He has been consistently fair-minded in the distribution of funds between transportation modes and between projects. He has sought to accommodate the priorities of all Members of the Senate. That has been the long-standing tradition in the Transportation Subcommittee and it continues to be the tradition under Senator SHELBY's leadership.

I close by thanking my staff also, Peter Rogoff, and thank Senator SHELBY's chief of staff, Tom Young, and Wally Burnett. It is a pleasure getting this done, and I am pleased to see that we have come fairly close to the beginning of the fiscal year in having a transportation bill which can take care of our needs for next year.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 2169, the Department of Transportation and related agencies appropriations bill for fiscal year 1998.

I congratulate the distinguished chairman of the subcommittee, Senator SHELBY, for completing his first bill as chairman of the Transportation Appropriations Subcommittee. I commend the chairman for bringing the Senate a balanced bill.

As all members know, transportation spending was a priority area within the bipartisan budget agreement. With passage of this bill, we begin to increase funding for our Nation's infrastructure as we promised during negotiations on the balanced budget agreement.

The conference agreement provides $13.1 billion budget authority [BA] and $13.5 billion in new outlays to fund the programs of the Department of Transportation, including Federal-aid highways, mass transit, aviation activities, the U.S. Coast Guard, and transportation safety agencies.

When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $13.1 billion in budget authority and $37.9 billion in outlays for fiscal year 1998.

The reported bill is $0.1 billion in budget authority below the subcommittee's revised section 302(b) allocation, and at the subcommittee's allocation for outlays.

The spending is less than $0.1 billion in budget authority below the President's fiscal year 1998 budget request for the subcommittee, and $0.4 billion in outlays above the President's request.

Mr. President, it is my pleasure to serve on the subcommittee and to be a part of the Conference Committee.

I support the conference agreement, and I urge its adoption.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be printed in the RECORD.

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

H.R. 2169, TRANSPORTATION APPROPRIATIONS, 1998, SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal Year 1998, in millions of dollars]

	De-fense	Non-defense	Crime	Manda-tory	Total
Conference report:					
Budget authority	300	12,111	.....	698	13,109
Outlays	299	36,905	.....	665	37,869
Senate 302(b) allocation:					
Budget authority	300	12,211	.....	698	13,209
Outlays	299	36,905	.....	665	37,869
President's request:					
Budget authority	300	12,173	.....	698	13,171
Outlays	299	36,502	.....	665	37,466
House-passed bill:					
Budget authority	300	12,217	.....	698	13,215
Outlays	299	36,855	.....	665	37,819
Senate-passed bill:					
Budget authority	.....	12,157	.....	698	12,855
Outlays	59	36,892	.....	665	37,616
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority	.....	−100	.....	.....	−100
Outlays	.....	.....	.....	.....	.....
President's request					
Budget authority	.....	−62	.....	.....	−62
Outlays	.....	403	.....	.....	403
House-passed bill:					
Budget authority	.....	−106	.....	.....	−106
Outlays	.....	50	.....	.....	50
Senate-passed bill:					
Budget authority	300	−46	.....	.....	254
Outlays	240	13	.....	.....	253

Note: Details may not add to total due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. ROTH. Mr. President, I rise today to oppose the fiscal year 1998 Department of Transportation conference report. Due to a provision added in conference, the Treasury Department will be forced to reduce the Amtrak tax refund by $200 million. This conference report violates the budget agreement, amends the recently enacted tax bill, and unnecessarily straps Amtrak as it is facing a possible strike in the next few weeks.

Mr. President, as chairman of the Senate Finance Committee and a strong Amtrak supporter, I find this action by the Appropriations Committee to be outrageous.

As my colleagues in the Senate know, one of my top priorities has been

to create a dedicated source of capital funding for Amtrak. Congress has voted time and time again that capital funding is critical to Amtrak's survival. For that reason, a tax provision was included in the Taxpayer Relief Act of 1997 to provide Amtrak with a tax refund of $2.3 billion for capital expenses.

The bottom line is Amtrak desperately needs capital. According to GAO, Amtrak must have the capital funding that was provided in the Taxpayer Relief Act as well as what is provided through the normal appropriation's process. Without both Amtrak faces bankruptcy.

The language the conferees included in the fiscal year 1998 Department of Transportation conference report would undermine the efforts Congress has already taken to give Amtrak the capital funding it needs to survive.

Mr. President, I fully intend to reverse this provision as soon as the next opportunity arises. It is a clear violation of the spirit and intent of the budget agreement and of the tax bill signed into law in August. If this is not reversed, I believe this provision may be the final straw that finally breaks the financial back of Amtrak.

Mr. McCAIN. Mr. President, the Senate will vote today to adopt the conference agreement on the fiscal year 1998 transportation appropriations bill. As chairman of the Commerce Committee, I intend to support the measure, because it contains the funding for vitally important transportation programs.

However, once again, I am compelled to note the various earmarks and set-aside and low priority spending that is included in this package.

This conference agreement contains legislation mandating specific actions and spending that the Administration either does not support or did not request. For instance:

The bill directs the Secretary of the Navy to transfer the USNS EDENTON (ATS–1), which is currently in inactive status, to the Coast Guard.

The legislation earmarks Federal Aviation Administration [FAA] Operations funds and mandates that the FAA provide personnel at Dutch Harbor, AK, to provide weather and runway observations.

The conference report goes on to highlight millions of dollars that exceed the Administration's request, and that are targeted for specific projects.

$8.4 million, for instance, is set aside for the relocation of Coast Guard Station New Orleans, with $3 million of that amount directed to improve the adjacent waterway. Incidentally, I understand that the adjacent waterway improvements are aimed primarily at benefitting private users of the waterway, not the Coast Guard.

The conference report earmarks all intelligent transportation operational test funds—nearly $84 million—for 41 specific projects, even though the Administration requested zero funds for intelligent transportation operational tests.

The report earmarks all but $3 million of the $400 million provided for the discretionary bus and bus-related facilities program.

It earmarks all of the $800 million provided for the discretionary fixed guide way modernization program.

Although the legislation does not mandate certain airport grants, the conference report and the Senate report, in particular, urge priority consideration for funding for several specific airport development projects. I urge the Administration to adhere to its own established safety and capacity-enhancement criteria in allocating discretionary airport grants and letters of intent.

The FAA is bound to receive a great deal of guidance in this respect. However, if it becomes evident that discretionary grants are being used to satisfy political whims rather than the national interest, I pledge to review the FAA's discretionary authority in the context of the FAA reauthorization bill next year.

As I have said many times before, my criticism of this earmarking process should not be interpreted as a criticism of each of these projects. I recognize that these projects may be beneficial, and that several would merit full funding in an objective, competitive allocation process. Nevertheless, Congress needs to give that process a chance.

Mr. President, I ask unanimous consent that the entire list of earmarked transportation projects be printed in the RECORD. As on prior occasions, I plan to write to the President with a list of projects for him to consider in exercising his line item veto authority.

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

OBJECTIONABLE PROVISIONS IN H.R. 2169, CONFERENCE AGREEMENT ON FISAL YEAR 1998 TRANSPORTATION APPROPRIATIONS

COAST GUARD

Bill language

Withholds $34.3 million in Coast Guard operating expenses unless the Director, Office of National Drug Control Policy (ONDCP) approves the Coast Guard's planned drug interdiction activities to be funded by that $34.3 million. Allows ONDCP to transfer some or all of those funds to other agencies. The Administration request included no such restriction on Coast Guard.

Directs the Secretary of the Navy to transfer the USNS EDENTON (ATS–1), which is currently in inactive status, to the Coast Guard. The Administration request did not include this provision.

Conference Report

Earmarks $10.0 million to convert the USNS EDENTON (ATS–1) to a flight deck equipped Coast Guard cutter. This provision was not included in the Administration's budget request.

Earmarks $4.0 million to renovate a hanger at the Coast Guard Kodiak, AK facility. This provision was not included in the Administration's budget request.

Provides $8.4 million in FY 1998 for the relocation of Coast Guard Station New Orleans and directs that $3.0 million of that amount be used to improve the adjacent waterway (including dredging, bulkhead repair, and bulkhead replacement). The Administration requested $4.2 million in FY 1998 to start the relocation project. However, the adjacent waterway improvements funded by the Conference Report were not included in the Administration's request for this project and are primarily aimed at benefitting private users of the waterway, not the Coast Guard.

Encourages the Coast Guard to maintain a seasonal (April 15, 1998 to October 15, 1998) air facility at the Hampton, NY Air National Guard facility at Coast Guard expense. The Administration request did not include this provision. The Coast Guard previously announced plans to close its air stations in Cape May, NJ and Brooklyn, NY and replace them with an air station in Atlantic City, NJ as a cost-savings measure.

AVIATION

Bill Language

The bill includes legislative language reauthorizing the Aviation Insurance Program. The authorizing committees in both the House of Representatives and the Senate have approved reauthorization bills that make minor modifications to the program. Floor action in the House and Senate is imminent. (Title I)

The legislation earmarks Federal Aviation Administration (FAA) Operations funds and mandates that the FAA provide personnel at Dutch Harbor (AK) to provide real-time weather and runway observation and other such functions to help ensure the safety of aviation operations. (Title III, Sec. 335)

Conference Report

The conference report earmarks $400,000 from the FAA Operations account for satellite communications in Anchorage (AK), per Senate direction.

The conference report earmarks $400,000 from the FAA Operations account for a human intervention and motivation study, per Senate direction.

The conference report directs the FAA to study air traffic in New Bern (NC), Hickory (NC) and Salisbury/Wicomico County Airport (MD), and to open contract towers at those airports in FY 1998 if the studies show that these airports (1) meet the existing benefit-cost criteria for contract air traffic control towers, or (2) are justified after consideration of cost-sharing agreements with non-federal parties.

The report adopts the House recommendation of $15,000,000 for aeronautical data link applications. The Administration requested no funds for this category.

Per the House direction, the conference report earmarked $45,440,000 for air traffic management, $27,200,000 above the Administration request.

The conference report included $24,400,000 for the weather and radar processor program, in line with the House recommendation. The Administration did not request funds for this program.

Like the House recommendation, the conference report earmarks $970,000 for innovative infrared deicing technology. There was no Administration request for these funds.

The conference report provides $152,830,000 for continued development of the GPS wide area augmentation system, as proposed by the Senate. This amount is $51,300,000 above the Administration request.

The conference report earmarks $3,140,000 for the expansion and relocation of remote communications facilities. The Senate proposed this amount, which is $1,700,000 above the Administration recommendation.

The conference report incorporates the House recommendation of $6,700,000 for the Omega termination cost. There was no budget request for this item.

The conference report includes $67,000,000 for the replacement of terminal air traffic control facilities. Both the House and Senate Appropriations Committees recommended more than the $62,000,000 budget request.

As did the House, the conference report allocates $27,600,000 for construction of the Potomac Metroplex, instead of the budget request of $2,600,000.

The conference report sets aside $20,000,000 for the Atlanta Metroplex, $4,400,000 more than the Administration requested, but $5,400,000 less than the House proposed.

The conference report earmarks $7,500,000 for airport surface detection equipment (ASDE–3). The Administration made no budget request, although the House recommended $8,600,000.

The conference report earmarks $11,600,000 for the airport movement area safety system (AMASS), which is below the House recommendation, but well above the Administration budget request of zero.

The conference agreement includes funds of $10,000,000 above the budget request, per the Senate, for the acquisition of additional automated surface observing systems.

At the direction of the House, the conference report earmarks $3,000,000 for LORAN–C upgrades, although the Administration did not make a request for this budget item.

The Administration requested no funds for precision approach path indicators. The conference agreement earmarks $3,000,000, which is less than both the House and Senate recommendations.

Per Senate direction, the conference report earmarks $3,500,000 for anemometers and related equipment in Juneau (AK). The Administration did not include a budget request for this item.

The conference agreement allocated $19,200,000 for sustaining and supporting electrical power systems, $3,000,000 above the Administration request, but less than the Senate recommendation.

In line with the House recommendation, the report earmarks $4,000,000 for a display system replacement simulator at the Mid-America Aviation Resource Consortium (MN).

The conference report sets aside $12,100,000 of the ''ARTCC building/plant improvements'' funds for relocation of the Honolulu center/radar approach control, as proposed by the Senate.

The conference report directs the FAA to conduct a study to determine if the air traffic control tower at the Tucson International Airport needs to be relocated to ensure the continued safety of flight operations at this airport.

In the Research, Engineering, and Development account, the conference report sets aside $21,258,000 for capacity and air traffic management technology, above the Administration request of $9,108,000.

The conference report provides $15,300,000 for weather research, above the Administration request of $3,982,000. The conferees further directed that $500,000 of these funds be allocated to the Center for Wind, Ice and Fog (NH), $3,000,000 to Project SOCRATES, and $11,000,000 to the National Center for Atmospheric Research.

The conference report earmarks $49,202,000 for aircraft safety technology, in excess of the Administration request of $26,625,000. The conferees further directed that of the $21,540,000 provided for ''aging aircraft,'' $3,000,000 is to go for direct support of the Aging Aircraft Nondestructive Inspection Validation Center; $1,000,000 for aging aircraft-related activities at the Center for Aviation Systems Reliability; $6,000,000 for the Airworthiness Assurance Center of Excellence; $1,500,000 to conduct research at the Center for Intelligent Aviation Technologies; and $4,400,000 to further engine titanium component inspection.

The conference report earmarks $26,550,000, above the Administration request of $10,737,000, for human factors and aviation medicine. Of that amount, $500,000 is available only for additional research into assessment, evaluation and development of training methodologies related to the English language proficiency problem.

Of the ''explosives and weapons detection'' account, $1,250,000 is earmarked for the continued development of pulsed fast neutron transmission spectroscopy technology.

SURFACE TRANSPORTATION

The conference report reminds the Executive Branch that the best evidence of Congressional intent can be found in reports. The conference report specifically states that earmarks and instructions in the House and Senate reports that accompany the Transportation Appropriations Act of 1998 remain the intent of the conferees. Unless otherwise discussed in the statement of managers, the House and Senate earmarks and instructions stand.

Earmarks all intelligent transportation operational test funds ($83,900,000) for 41 specific projects, including a convention center passenger information system to an emergency weather system. The Senate version originally had 24 earmarks. Specific dollar amounts are established for each and every project listed. The Administration requested ZERO for intelligent transportation operational tests.

Earmarks all but $3 million of the $400,978,000 provided for the discretionary bus and bus-related facilities program. The Senate version originally had 87 earmarks, the conference report now has 118. The Administration did not request any earmarked projects for the discretionary bus and bus-related facilities program.

Earmarks all of the $800 million provided for the discretionary fixed guide way modernization program. The Senate version originally had 40 projects, the conference report now lists 65 projects. The Administration requested $634,000,000, all of which was earmarked to fund the federal share of 15 authorized projects or projects with regional transit operator systems having Full Funding Grant Agreements with the Federal Transit Administration.

Conferees ''encourage'' FHWA's central federal lands highway division to conduct an engineering study of a landslide affecting parts of a highway within the boundaries of Badlands National Park.

Directs the Federal Railroad Administration to support the implementation of short term railroad operating and long term relocations between railroads and local communities, including Metairie, Louisiana.

Earmarks $17 million for life and safety improvements for the Pennsylvania station redevelopment project in New York City.

Directs NHTSA to provide $100,000 to develop a biofidelic child crash test dummy.

Earmarks $700,000 for a new state pilot program for States experiment with alternative safety restraint bar devices on school buses.

The Intelligent Transportation System Operational Testing Earmarks are:

$775,000 for an advanced transportation weather information system at the University of North Dakota; $1 million for the Arizona National Center for Traffic and Logistics Management; $1.5 million for commercial vehicle operations on I–5 in California; $1.55 million for the Cumberland Gap tunnel in Kentucky; $1 million for a toll collection system in Dade County, Florida; $875,000 for a traveler information system in Franklin County, Massachusetts; $5.5 million for a freeway traffic management system in Milwaukee; $1.5 million for Houston, Texas; $1.7 million for a rural intelligent transportation system corridor in Wisconsin; $500,000 for Inglewood, California.

$5.5 million for intelligent transportation systems in Louisiana; $325,000 for a passenger information center at a convention center in Philadelphia; $6 million for Minnesota Guidestar; $750,000 for a traffic guidance system in Nashville, Tennessee; $6 million for National capital regional congestion mitigation; $1 million for an organization called National Institute for Environmental Renewal; $1.25 million for the I–90 connector at Resselaer County, New York; $1 million for I–275 at St. Petersburg, Florida; $1 million for an advanced transportation management system in Syracuse, New York; and $1 million for the Texas Transportation Institute.

$500,000 for intelligent transportation systems at Rte. 236/I–495 in Northern Virginia; $1 million for the Western Transportation Institute in Montana; $1.150 million for the Southeast Michigan snow and ice management system; $3.5 for intelligent transportation systems in Utah; $1 million for an intermodal common communications technology project in Kansas City, Missouri; $1.875 million for intelligent transportation systems in Reno, Nevada; $8 million for traffic management new Barboursville, West Virginia; $600,000 for an advanced traffic analysis center at North Dakota State University; $1 million for an emergency weather system in Sullivan County, New York; $250,000 for the Urban Transportation Safety Systems Center in Philadelphia; and $1.1 for toll plaza scanners in New York City.

$1 million for the computer integrated transit maintenance environment project at Cleveland, Ohio; $1 million to the ATR Institute to conduct an intermodal technology demo project at Santa Teresa, New Mexico; $1 million for hazardous materials emergency response software for Operation Respond; $750,000 for radio communication emergency call boxes in Washington State; $1.250 million for a statewide roadway weather information system in Washington; $1 million for an I–95 multi-state corridor coalition; $9 million for truck safety improvements on I–25 in Colorado; $2.2 million for traffic integration and flow control in Tuscaloosa, Alabama; $6 million for intelligent transportation systems for the Pennsylvania Turnpike Commission; and $1 million for cold weather intelligent transportation system sensing in Alaska.

The Bus and bus-related facilities discretionary program earmarks:

$25.5 million for Alabama projects (10 projects); $5.5 million for Arizona

projects (2 projects); $38.4 million for California projects (23 projects); $5.5 million for Colorado; $5.750 million for Connecticut (3 projects); $1.5 million for Delaware; $20 million for Florida (10 projects); $9 million for Georgia (2 projects); $5 million for Hawaii; $4.5 million for Illinois; $4 million for Indiana (2 projects); $4 million for Iowa (2 projects); $1 million for Kansas; $13.9 million for Louisiana; $8 million for Maryland; $6 million for Massachusetts (5 projects); $7.5 million for Michigan; $10.5 million for Minnesota (2 projects); and $2 million for Mississippi.

$16 million for Missouri (3 projects); $9.5 million for Nevada (2 projects); $6 million for New Jersey; $7.750 for New Mexico (5 projects); $34.325 million for New York (12 projects); $6 million for North Carolina (2 projects); $12.5 million for Ohio; $3 million for Oregon (3 projects); $27.350 million for Pennsylvania (20 projects); $6 million for South Carolina (3 projects); $2.250 million for South Dakota; $8 million for Tennessee; $14.950 million for Texas (7 projects); $8.9 million for Utah (5 projects); $2.5 million for Vermont (2 projects); $6.050 million for Virginia (4 projects); $19.5 million for Washington (12 projects); $16.250 million for West Virginia (2 projects); and $14 million for Wisconsin (2 projects).

The Discretionary Fixed Guide way Earmarks are as follows: Projects marked with an asterisk were requested by the Administration

*$44.6 million for the Atlanta-North Springs Project; $ 1 million for the Austin Capital metro; *$46.250 million for Boston Piers MOS–2 project; $1 million for the Boston urban ring; $5 million for commuter rail in Vermont; $2 million for a commuter rail project in Canton-Akron-Cleveland, Ohio; $1.5 million for the Charleston monobeam rail project in South Carolina; $1 million for the Charlotte South corridor transitway project; $500,000 for the Cincinnati Northeast/Northern Kentucky rail line project; $5 million for a fixed rail line project in Clark County, Nevada; $800,000 for a rail line extension to Highland Hills in Ohio; $700,000 for a Cleveland rail line extension to Hopkins International Airport; $1 million for a waterfront line extension project in Cleveland; $8 million for the RAILTRAN project in Dallas-Fort Worth, Texas; $11 million for the DART North central light rail extension project; $1 million for a light rail project in DeKalb County, Georgia; *$23 million for the Denver Southwest corridor project; $20 million for an East Side access project in New York; $8 million for the commuter rail project in Florida's Tri-County area; $2 million for the Galveston rail trolley system project; $1 million for Houston's advanced regional bus plan project; $51.1 million for Houston's regional bus project; and $1.250 million for Indianapolis' Northeast corridor project;

$3 million for an intermodal corridor project in Jackson, Mississippi; *$61.5 million for Los Angeles' MOS–3 project; *$31 million for MARC commuter rail improvements in Maryland; $1 million for a regional rail project in Memphis, Tennessee; $5 million for a transit east-west corridor project in Florida; $5 million for Miami's North 27th Avenue project; $1 million for a corridor project called Mission Valley East; $500,000 for a Nassau hub rail link EIS; *$60 million for New Jersey-Hudson-Bergen project; *$27 million for New Jersey Secaucus project; $6 million for New Orleans Canal Street corridor project; $2 million for New Orleans streetcar Desire project; $12 million for North Carolina Research Triangle Park project; $4 million for Northern Indiana South Short commuter rail project; $3 million for Oceanside-Escondido light rail; $1.6 million for Oklahoma City's MAPS corridor transit project; $2 million for a transitway project in Orange County; and $31.8 million for Orlando's Lynx light rail project.

$500,000 for Pennsylvania's Strawberry Hill/Diamond Branch rail project; $4 million for Phoenix's metropolitan area transit project; $5 million for Pittsburgh's airport busway project; *$63.4 million for Portland-Westside/Hillsboro project; $2 million for a project called Roaring Fork Valley rail; *$20.3 million for Sacramento's light rail transit project; *$63.4 million for Salt Lake City's South light rail transit project; $4 million for regional commuter rail in Salt Lake City; $1 million for San Bernardino's Metrolink project; $1.5 million for San Diego's Mid-Coast corridor project; *$29.9 million for San Francisco's BART extension to the airport; *$15 million for San Juan Tren Urbano; *$21.4 million for San Jose Tasman light rail transit project; $18 million Seattle-Tacoma commuter and light rail projects; *$30 million for St. Louis-St. Clair light rail transit project; $2.5 million for a St. George ferry terminal project; $500,000 for commuter rail between Springfield & Branson, Missouri; $1 million for a regional rail project in Tampa Bay; $2 million for a rail project in Tidewater, Virginia; $1 million for a rail project in Toledo, Ohio; $12 million for transitways projects in the Twin Cities; $2 million for commuter rail projects at Virginia Railway Express; $2.5 million for the Whitehall ferry terminal project; and $3 million for the central commuter rail project in Wisconsin.

Mr. KERRY. Mr. President, I would like to express my support for the conference agreement on H.R. 2169, the Transportation Appropriations bill for fiscal year 1998. I would like to express particular gratitude to the diligent efforts of Senator LAUTENBERG of New Jersey who has a keen understanding of the need to modernize and upgrade the aging transportation infrastructure of the congested Northeast. I also want to thank Senator SHELBY of Alabama for his leadership this year on transportation matters.

This bill is very important for Massachusetts and for the Nation. For Massachusetts, it contains funding for several important projects. I am very pleased that the conference report provides $3 million for the Worcester Union Station Intermodal Center. This facility, which has been recognized as a model for both urban revitalization and transportation planning, will be situated in a newly renovated Union Station and will provide convenient regional access to commuter rail, Amtrak, inter-city and intra-city buses, taxis, airport shuttles, bikes and private passenger vehicles for Worcester County's 710,000 residents.

I am also pleased that the report provides continued funding—$1 million in fiscal year 1998—for the restoration of historic Union Station in Springfield, MA, as an active intermodal center. Once restored, Springfield Union Station will provide an essential gateway to the Pioneer Valley to alleviate congestion and better serve the local and interstate bus and Amtrak passenger traffic which is growing by 9 percent annually. This facility will also help connect the city's two largest job districts which are currently divided by disjointed traffic and development patterns. With the Federal funds provided last year and over $1 million in local funds, the city has quickly moved forward on project planning, land assembly and demolition of a deteriorated adjacent building. Indeed, the State legislature has approved $10 million to date for this important project.

I welcome the Conference Committee's support in the form of $2 million in funding for the Urban Ring transit system in the Boston region. The need for such a system arises from the strongly radial structure of Greater Boston's existing transit system. It consists of spokes emanating from the downtown core to neighborhoods of Boston and cities and towns throughout eastern Massachusetts. With an Urban Ring transit route, Massachusetts will begin to link these spokes in an arc around downtown, providing easier access to centers of economic growth outside the core and reducing congestion in the subway system by allowing commuters the opportunity to travel between home and workplace without the necessity of traveling into the downtown area and back out again.

I appreciate the Conference Committee's continued strong support for the South Boston Piers Transitway project, a vital element in the Commonwealth's State Implementation Plan required under the Clean Air Act. The Transitway, expected to carry approximately 6.4 million riders annually, will be integrated with the extensive network of transit, commuter rail, and bus services now available at Boston's South Station and will catalyze the development of the South Boston Piers area which has the highest potential for development and job creation in the City of Boston.

I'm also pleased that the conference report includes $875,000 for the Franklin County Visitors Information System. In western Massachusetts, many small, renowned cultural and historical museums and attractions are spread over distances where the lack of an effective road system hinders potential visitors. The Franklin County Chamber of Commerce, in conjunction with the University of Massachusetts at Amherst, hopes to develop a guidance system that makes use of the latest interactive kiosk technologies and mapping capabilities simultaneously to improve the road network for western Massachusetts and enhance access to the multiplicity of community resources.

I support the Conference Committee's decision to provide greater funding for Amtrak than the amount of funding in the Senate bill. However, it is my hope that the Senate and the House will devote extraordinary efforts over the next few weeks to enact Amtrak reauthorization legislation so that the capital funding set aside during budget reconciliation can be released and spent. Only then will Amtrak receive sufficient capital funding over the next several years. It is no secret that the year-to-year battles over

capital funding for Amtrak have greatly inhibited Amtrak's ability to operate an efficient, and financially stable national passenger rail service. Congress must act on this matter as soon as possible.

I also support the Conference Committee's decision to provide $4.8 billion in Federal transit assistance. Though ISTEA has not yet been reauthorized, I strongly believe that making investment in public transportation a top priority will bear rich economic, social and environmental dividends for the Nation.

The Conference Committee is to be commended for the fiscal year 1998 Coast Guard budget. This budget represents a significant increase from fiscal year 1997 funding and certainly represents Federal dollars well spent. But I must add that my enthusiasm is somewhat tempered by my deep concern regarding the current state of resource allocation and usage within the Coast Guard. The Coast Guard's responsibilities have grown with the many new fisheries enforcement requirements that came with the passage of the Sustainable Fisheries Act last year and continuing pressure in the constant battle in the war on drugs. I am concerned that, in the effort to cover all of these responsibilities, we may be making tradeoffs that may come back to haunt us later.

As you well know, I represent a coastal State that has a 200-year-plus history of reliance on the Coast Guard. For that reason, I probably have a better understanding than many Senators of the value of the Coast Guard to the citizens of our Nation that make a living in the coastal regions or on the high seas. In fact, the Massachusetts coastal zone contributes 53.3 percent, or $70.7 billion, to the state economy. Further, there are over 10,000 fishing families in New England that depend on the Coast Guard for their safety and are in fact viewed as their ''real'' guardian angels. One of many concerns that I have for these families is that with the recent catastrophic failure of the New England groundfish fishery that our fishermen are traveling further, in rougher weather, to catch fewer fish. Additionally, because of the personal financial hardship that has resulted from the collapse of the fishery, I fear that they are cutting corners to save a dollar such as not outfitting their boats and crews with the vital safety equipment that are required by law. I am concerned that we may cutting corners at their expense.

We may be at a point where we need to stop and reassess the current condition of the Coast Guard. As we continue to examine the Federal budget for those areas where cost savings can be achieved, we need to realize that there exists a point beyond which most Americans are not willing to go in order to save a dollar, and I believe we are at a point where we need to take a strategic look at the ability of the Coast Guard to continue to meet the demands of the American public into the 21st century.

In sum, taking the concerns I have voiced into account, I support this bill because it approaches transportation spending from a national perspective, and it strives to maintain and improve the transportation infrastructure that is so vital to the economic well-being of our Nation. I hope my colleagues will join me in supporting it. Thank you, Mr. President.

Mr. SHELBY. Mr. President, I have an agreement we have worked on which basically says that on some appropriate vehicle in the future I will work with Chairman STEVENS and other members to include a technical correction to this conference report to accomplish the following:

At section 337(c) we will insert, after the words: ''House and Senate Committees on Appropriations,'' ''and the Senate Committee on Commerce, Science, and Transportation.''

I am doing this at the suggestion of Senator HUTCHISON from Texas, and we have agreed to this.

Mr. President, at this time I will yield back the remainder of my time if the Senator from New Jersey will.

Mr. LAUTENBERG. I yield the remainder of my time.

Mr. SHELBY. I yield the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the conference report accompanying H.R. 2169 is agreed to.

The conference report was agreed to.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I may address the Senate for 12 minutes as if we were in morning business.

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

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 1284 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Oklahoma is recognized.

THE ABM TREATY

Mr. INHOFE. Mr. President, 10 days ago was the 25th anniversary of a policy in this country that was articulated in a treaty called the ABM Treaty. It was a treaty that many of us at that time did not think was in the best interests of this country. It was a treaty that came from the Nixon administration, a Republican administration. Of course, Henry Kissinger was the architect of that treaty in 1972.

Essentially what it did was say to any adversaries out there that we will agree to disarm and not to be prepared to defend ourselves if you agree to do the same thing. Some people refer to it as mutual assured destruction, a policy I certainly did not adhere to at the time, did not feel was good policy for this country. However, there was an argument at that time, because we had two superpowers—we had the then Soviet Union and of course the United States—and at that time we had pretty good intelligence on them, they had pretty good intelligence on us, so I suppose we would be overly critical if we said there was just no justification for that program, even though I personally disagreed with it at that time.

Since that time, starting in 1983 in the Reagan administration, we have elevated the debate that there is a great threat out there and that threat is from the many countries that now have weapons of mass destruction. Over 25 nations now have those weapons, either chemical, biological, or nuclear weapons. The critics, those who would take that money and apply it to social programs as opposed to defending our Nation, use such titles as ''star wars,'' and they talk about the billions of dollars that have been invested.

Anyway, we are at a point right now where something very interesting has happened just recently. That is, on this 25th anniversary, we have found that the Clinton administration, just about 10 days ago, agreed to create new parties to the ABM Treaty. That would be Belarus, Kazakhstan, Ukraine, and Russia. This is going to have to come before this body. I think this is an opportunity that we need to be looking for, because all it would take is 34 Senators to reject this multilateralization of the ABM Treaty.

Right now we have a number of systems that we are putting into place to defend the United States of America, both the national missile defense as well as a theater defense. Certainly, with what is going on right now in Russia and Iran, the need for such a system has been elevated in the minds of most Americans.

We have right now, as we speak, 22 Aegis ships that are floating out there in the ocean, already deployed. They have the capability of knocking down missiles when they are coming in. All we have to do is take them to the upper tier, and we will have in place a national missile defense system. Certainly that is something that could take care of our theater missile needs. So several of us feel that we should go ahead and conclude that is the system that we need. However, that does violate, probably violates, the ABM Treaty, as it is in place today. So I believe we should take this opportunity that is there, when it comes before this body for ratification, to reject this and thereby kill the ABM Treaty, which certainly is outdated.

By the way, it is interesting, the very architect of that treaty, Dr. Henry Kissinger, someone whose credentials no one will question, even though they may question some of his previous policy decisions, Dr. Kissinger, who is the architect of the 1972 ABM Treaty, now says it is nuts to make a virtue out of your vulnerability. He is opposed to continuing the ABM Treaty at this time.

So I hope we will take this opportunity to get out from under a treaty

that imposes restrictions on our ability to defend ourselves and reject the upgraded system, or the treaty, as it comes before us and take this opportunity to defend America.

We have an opportunity to get out from under the restriction imposed upon us by the ABM Treaty.

We have an opportunity to elevate our Aegis system.

We have an opportunity to defend America.

After all, Mr. President, isn't that what we are supposed to be doing?

I ask unanimous consent that a decision brief from the Center for Security Policy be printed in the RECORD.

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

A DAY THAT WILL LIVE IN INFAMY: 25TH ANNIVERSARY OF THE A.B.M. TREATY'S RATIFICATION SHOULD BE ITS LAST

(Washington, D.C.): Twenty-five years ago tomorrow, the United States ratified the Anti-Ballistic Missile (ABM) Treaty; this Friday will mark the 25th anniversary of that Treaty's entry into force. With those acts, America became legally obliged to leave itself permanently vulnerable to nuclear-armed ballistic missile attack.

It is highly debatable whether such a policy of deliberately transforming the American people into hostages against one means of delivering lethal ordnance against them (in contrast to U.S. policy with respect to land invasion, sea assault or aerial attack) made sense in 1972. It certainly does not today, in a world where the Soviet Union no longer exists and Russia no longer has a monopoly on threatening ballistic missiles or the weapons of mass destruction they can carry.

THE REAGAN LEGACY

Indeed, as long ago as March 1983, President Reagan dared to suggest that the United States might be better off defending its people against nuclear-armed ballistic missile attack rather than avenging their deaths after one occurs. And yet, while Mr. Reagan's address spawned a research program that became known as the Strategic Defense Initiative (SDI)—into which tens of billions of dollars have been poured over the past fourteen years, the ABM Treaty remains the ''supreme law of the land.'' As a consequence, the United States continues to fail what has been called ''the one-missile test''. No defenses are in place today to prevent even a single long-range ballistic missile from delivering nuclear, chemical or biological warheads anywhere in the country.

This is all the more extraordinary since Republicans and like-minded conservatives have generally recognized that such a posture has become not just dangerous, but also reckless in the ''post-Cold War'' world. In fact, one of the few commitments of the 'Contract With America' that remains unfulfilled was arguably among its most important—namely, its promise to defend the American people against ballistic missile attack. Successive legislative attempts to correct this breach-of-contract have all foundered for essentially two reasons.

WHY ARE WE STILL UNDEFENDED?

First, most Republicans have shied away from a fight over the ABM Treaty. Some deluded themselves into believing that the opportunity afforded by the Treaty to deploy 100 ground-based anti-missile interceptors in silos at a single site in Grand Forks, North Dakota would allow the U.S. to get started on defenses. Even though such a deployment would neither make strategic sense (it would not cover the entire United States from even a limited attack) nor be justifiable from a budgetary point of view (while estimates vary widely, costs of this minimal system could be well over $10 billion), some missile defense proponents rationalized their support for it by claiming that the anti-defense crowd would not object to this ''treaty-complaint'' deployment and that it would be better than nothing. To date, however, all these ''camel's-nose-under-the-tent'' schemes have come to naught.

Such a system would create a basis for addressing new-term missile threats and complement space-based assets that may be needed in the future. The only problem is that the ABM Treaty prohibits such an affordable, formidable sea-borne defensive system. It must no longer be allowed to do so.

THE BOTTOM LINE

As it happens, the opening salvos in what may be the endgame of the ABM Treaty fight were sounded this weekend at the first International Conservative Congress (dubbed by one participant ''the Conintern''). One preeminent leader after another—including House Speaker Newt Gingrich, former British Prime Minister Margaret Thatcher, once-and-future presidential candidate Steve Forbes, former UN Ambassador Jeane Kirkpatrick, Senator Jon Kyl and nationally syndicated columnist Charles Krauthammer—denounced the idea of making it still harder to defend our people against ballistic missile attack. Several, notably Senator Kyl and Mr. Forbes, have explicitly endorsed the AEGIS option to begin performing that task.

In an impassioned appeal for missile defenses as part of a robust military posture, Lady Thatcher said yesterday:

''A strong defense, supported by heavy investment in the latest technology, including ballistic missile defense, is as essential now, when we don't know who our future enemy may be, as in the Cold War era. And my friends, we must keep ahead technologically. We must not constrain the hands of our researchers. Had we done so in the past, we would never have had the military superiority that in the end, with the dropping of the atomic bomb, won the war in the Far East and saved many, many, lives, even through it destroyed others. We must always remain technologically ahead. If not, we have no way in which to be certain that our armed forces will prevail. And the research and technology of the United States is sheer genius, and it always has been.''

With such leadership, there now looms a distinct possibility that the American people can finally be acquainted with the ominous reality of their vulnerability and empowered to demand and secure corrective actions. Thanks to the Clinton ABM amendments and the new technical options for defending America, we have both the vehicle for getting out from under an accord that was obsolete even in Ronald Reagan's day and the means for making good and cost-effective use of the freedom that will flow from doing so.

Mr. INHOFE. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

THE DEFENSE BUDGET

Mr. BUMPERS. Mr. President, about 10 days ago the Senate adopted the appropriations bill on defense. I sit on the appropriations committee. I was one of five Senators who voted no. I think the bill passed 95 to 5.

I don't enjoy voting against a defense budget. I am not running again, so I am not worried about somebody accusing me of being soft on defense. That has always been the mortal fear of Members of the Senate when you are voting on weapons system, that their opponent in the next election will accuse them of being soft on defense.

Sometimes I think we should be accused of being soft in the head. We passed a bill that contained $247.5 billion for defense, and that did not include nuclear weapons and weapons development. That is all handled in the energy and water appropriations bill. And it did not include military construction, which is also in a separate bill. When you add those together, the appropriations for national defense total $268.2 billion. That is right up there with what we spent in the cold war.

If, in 1985, you had asked the Chairman of the Joint Chiefs of Staff, indeed, if you had asked all the chiefs, ''If the Soviet Union were to suddenly be dissolved and disappear, how much do you think we could cut the defense budget,'' I promise you the answer would have been anywhere from $50 billion to $100 billion. Today the Soviet Union has been dissolved. It does not exist anymore. The military forces of Russia are in shambles. And we are appropriating $268 billion—big, big figures.

What are we thinking about? There is not a major enemy in sight. How much do we spend? And who are we afraid of? Here is a little chart that I believe my colleagues will find interesting. When we appropriate $268 billion, we are spending twice as much as all of the eight potential enemies we could possibly conjure up. Here is what the United States spent, $268 billion; Russia, $82 billion; China, $32 billion; and the six rogue countries, $15 billion. So we spend twice as much as all of those countries, twice as much as Russia, China, Iran, Iraq, North Korea, Syria, Libya, Cuba combined. And when you add the NATO alliance, Japan and South Korea to what we are spending, it comes to four times as much. The United States and its allies are now spending four times as much for defense as virtually everybody else in the world.

That is the macro overlook of what I think is terribly wrong with the way we are appropriating money. But within that $268 billion, let me just tell you some of the reasons I could not stomach it. Between 1998 and 2001, under that bill, we are going to retire 11 Los Angeles class submarines that have an average of 13 years left on their lives. What are we doing? When we appropriated the money to build Los Angeles class submarines, we were assured these submarines were the best in the world and that they had a 30-year life.

Everybody beat themselves on the chest and said isn't that wonderful, we are building submarines that have a 30-year life. So now we are retiring 11 of them that still have 13 years left on their lives. Why? So we can build one new attack submarine in fiscal 1998 at a cost of $2.3 billion.

You talk about penny-wise and pound-foolish; we are going to spend $3.4 billion for four DDG–51 destroyers. That is even one more than the Pentagon requested. How are we going to pay for that? Well listen to how we are going to pay for it. First of all, I am offended because they are retiring a ship that Betty Bumpers is the chief sponsor of. We christened the CGN–41, a guided missile nuclear ship, back in 1979. That ship had a life expectancy of 38 years, and we are about to scrap it. It is as modern as tomorrow. We are going to scrap it so we can build four new DDG–51 class destroyers, to keep the shipyards busy. We are retiring one of the most beautiful ships you will ever see, and it has 18 years left on its life.

We are also retiring three Perry-class frigates that have 20 years left on their life. What in the name of all that is good and holy do we care what the life expectancy of a ship is if we are going to retire them in order to make room for some more ships? The first thing you know, we will be building them and retiring them before they go into service so we can keep the shipyards busy.

Then, Mr. President, there is the $331 million in this bill for the B–2 bomber. Let me say in all fairness, as long as William Jefferson Clinton is President, we are not going to start building B–2 bombers. I heard him speak on that subject. But what are we doing? We are saying, ''Well, Mr. President, we know you don't like the B–2, so what we're going to do is give you $331 million to start building nine more B–2 bombers, but if you don't want to do that, then spend this money on spare parts on the ones we have.''

The Pentagon and the Air Force didn't ask for an additional $331 million in spare parts, and we are not going to build the B–2. Why in the name of all that is good and holy are we putting $331 million in the budget?

I come finally to the two items that really burn me worse than any other part of the budget. First, the F–22 fighter. When you start seeing full-page pictures in the New York Times and the Washington Post and in Roll Call and The Hill newspaper of this magnificent F–22 fighter, you can bet your bottom dollar the full-court press is on. I have no more ability to stop the F–22 fighter than I can keep the Earth from revolving. Once a plane like that develops the kind of momentum the F–22 has, nobody can stop it. Nobody can stop it no matter how foolish it is.

Let me wedge the F–22 fighter for you in between two other fighter planes. Right now we are beginning to build a new version of the Navy's F–18 fighter plane called the F–18 E/F. It is the most advanced version of the F–18 to date. Cost? Mr. President, $90 million each. Number? Probably around 600.

The Navy says, and the intelligence community confirms, that the F–18 fighter will be superior to any other non-American fighter plane in the world through the year 2015. I repeat: The 500 to 600 F–18 E/F's we are going to build will be superior to any non-American fighter plane known in the world between now and the year 2015. The Navy says it will provide air dominance until the year 2020. I am for it. We are building it. It is a magnificent airplane.

So what are we going to do now in the year 1998 to 2000? We are going to start building this F–22. Do you want to know the cost of that? Sixty-two billion dollars for 339 airplanes. That comes to somewhere between $180 million and $190 million each, which makes it precisely twice as expensive as the most expensive fighter plane ever built in the United States.

If we needed it, we might justify the cost. But if we don't need it, we couldn't justify it at any cost. An Air Force official has said, ''I promise you, we will build these 339 planes for $61.7 billion.''

We just happened to be debating the authorization bill for defense at that time. I said, ''OK, we'll take you at your word. I can't stop the plane, which I would divinely like to do, but we will hold you to your word. You say you can build it for $61.7 billion. Let's put that in the bill, that you may not spend more than that.''

Do you know what? They are already hollering like a pig under a gate: ''We can't live with it.''

So when you talk about a $190 million airplane, that is what they are saying today. Anybody who has been in the Senate as long as I have knows they are not about to build that plane for that. They already cut the number of planes because they faced a $16 billion cost overrun.

To proceed with the sequence, in the year 2005, we are going to start building what we call the Joint Strike Fighter, and we are going to build about 2,800 of those. I happen to support the Joint Strike Fighter because it is going to be used by the Navy, the Air Force, and the Marine Corps. It is supposed to cost much less than $100 million each and be a state of the art fighter plane.

So why are we sandwiching this F–22 fighter at a cost of $62 billion between the F–18 and the Joint Strike Fighter? Why? Because the lobbyists have the power to make it happen, not because we need it. It is a cold-war relic.

You might ask, ''Well, who dreamed up the F–22?'' I will tell you who dreamed it up. The Russians. Back when the old Soviet Union kept us from sleeping at night, they announced in the early 1980's, back in the heyday of the Soviet Union, ''We're going to build a fifth-generation fighter that's going to be superior to anything ever built in the history of the world.''

That is all you have to do to get the Pentagon's attention. So the Air Force went to the drawing board and started designing the F–22 to meet the threat of the Soviet Union and their fifth generation fighter.

What happened? The Soviet Union went bankrupt, and the fifth generation remained on the drawing board where it is today, unless they have lost it. What are we doing? We are getting ready to produce an airplane designed to compete with a plane that is still on the drawing board in Russia and may never come off the drawing board.

The F–22 has virtually no ground-attack capability. They put a couple bombs on it just so they could say it has ground-attack capability. It is a good airplane. I am not arguing that. You can build all kinds of airplanes that are good airplanes, but I want to tell you something, while it has a good air superiority capability, in Desert Storm and Iraq, we flew four times more ground-attack flights than we did flights to achieve air dominance and air superiority. Mr. President, this cold war relic should never have been built.

Finally, the argument that I thought I was going to finally win—I don't win many arguments on defense. I don't know of anybody who ever tries to kill a weapons system or bring some sanity to defense spending that ever wins. I can only remember two or three weapons systems in my 23 years in the Senate that we have ever stopped. They take on a life of their own, and the minute Congress starts looking at them, the manufacturers start running full-page ads in every newspaper and magazine in the United States, giving the American people the impression that we will be seriously threatened if we don't build that particular weapons system.

The one I thought I was going to win was to stop plans to backfit our Pacific fleet submarines with new ballistic missiles. We have 10 Trident submarines in the Atlantic and 8 in the Pacific. The ones in the Atlantic are furnished with what we call the D–5 missile. A fine missile, very accurate. It is the most modern, accurate ballistic missile we have. Our eight Trident submarines in the Pacific are equipped with an older missile called the C–4.

The C–4 is not quite as accurate as the D–5. Do you know what the difference is, Mr. President? According to unclassified data from the Congressional Budget Office, the C–4 lacks having the accuracy of the D–5, and the accuracy shortage is about 450 feet, or the distance from where the Presiding Officer is sitting right now to where the Speaker of the House is sitting down the hall.

When you consider the smallest warhead that goes on these missiles, the 100 kiloton W–76 warhead, would wipe the District of Columbia completely off

the map, why, again, in the name of all that is good and holy are we getting ready to spend $5.6 billion to take the C–4 missiles off our Pacific fleet and replace them with the D–5 missiles? Do you know why? Because the Navy wants it, and the Navy and the industrial complex have the power to get it.

We had a serious debate in the appropriations committee on this, and as I started to say earlier, I thought I had won that debate. I thought the committee was agreeing with me. I thought the committee agreed that it would be the height of foolishness to retrofit those submarines in the Pacific when the warheads and the missiles on them will last longer than the submarines. No question about it.

So what are we going to do here when the cold war has long since ceased to exist? We are going to scare the life out of the Russians by modernizing our ballistic missile submarine fleet and spend $5.6 billion that we could save doing it. We may also keep the Russians from ratifying START II.

Oh, I could go on and on about what an utter waste of money that is. Did you know that those C–4 warheads I just described for you and the missiles on which they sit will last longer than the submarines? We are not even going to backfit four of the submarines because they are going to be retired before the C–4 missile will have lived out its usefulness.

So, Mr. President, I do, indeed, get agitated about these things, and I get frustrated.

The people sent us here to do a job as best we see fit.

When I see the needs of this country, when I see an educational system that needs to be fixed, when I see a planet threatened by environmental concerns, and when I see us fighting over who is going to get highway money to take care of the 200 million vehicles in this country, I get frustrated. Mr. President, do you know, just sort of digressing for a moment, when I was a young marine in World War II, I remember seeing in one of the papers in California that we had 30 million vehicles on the road.

You know how many we have today? Two hundred million. By the year 2050, at the rate we are going, we will have 400 million. Mother Teresa was the exemplification of a woman who lived the consummate Judeo-Christian life, God bless her soul, but she was fighting a losing battle from the very beginning. When she was a young novitiate, India had 250 million people. Today, they have almost 800 million. Mother Teresa was fighting a losing battle.

The highway commissions in our respective 50 States are fighting a losing battle, too. They are trying to build more highways, wider highways to accommodate 30 percent of all the vehicles in the world. Those 200 million vehicles in this country are 30 percent of all the vehicles in the world.

We are going to have to think differently and act differently if we are going to deal with our transportation needs in the future, or every city in America is going to be in gridlock.

In that connection, in putting that in the context of another burning issue around here called global warming, those 200 million vehicles contribute 27 percent of all the world's greenhouse gases that the United States throws into the stratosphere.

When you think of what it is going to cost to clean up all the Superfund sites in this country. To try to keep our water and air clean, and when I looked at the kind of money we spend on defense, so much of which is wasted, I had to come to the floor to make this speech.

I did not want to vote against the defense budget. I just simply say I thought it was too much money. It was a lot more than too much money. It was putting weapons systems in mothballs that have long lives left. It was buying weapons systems we do not need. It was cold war mentality at its worst when the cold war is over.

Mr. President, I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Thank you, Mr. President.

CHILD SAFETY LOCKS

Mr. KOHL. Mr. President, today eight of the largest gun manufacturers voluntarily agreed to include safety locks with every handgun they sell. I rise today to commend the President and the gun industry for their historic efforts.

This agreement addresses a very serious problem. Every year, many hundreds of children die from accidental shootings and thousands more try to take their own lives with guns. Encouraging parents to use safety locks will not save all of these young lives, to be sure, but it will save many of them. It will make a difference.

This deal, however, would not have been possible without the public outcry over these tragedies and the growing momentum for bipartisan child safety lock legislation. Our measure, which lost by a single vote in the Judiciary Committee this summer, requires the sale of a safety lock with every handgun.

Mr. President, in my opinion voluntary action is always better than Government regulation. For that reason, when we entered into negotiations with gun manufacturers, we asked them to take this dramatic step on their own initiative. Today we are very pleased that most of the industry has responded so that 80 percent of all handguns manufactured in the United States will now be sold with child safety locks. But we will continue to push until the half million more handguns, including those manufactured abroad, are also covered.

We will also continue to encourage voluntary compliance, but until we have the support of the entire industry, we will move to enact our legislation. It should be easier now because most of the industry is already on board.

Mr. President, today's announcement is an important step for safety and a victory for families and children everywhere. We should all be grateful.

I thank you and yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

TERRORISM

Mr. D'AMATO. Mr. President, I would like to speak to an issue which confronts us nationally and which we, as a nation, seem to be ducking. I am talking about terrorism. I am talking about the need for this country to stand up and be counted in its fight against international terrorism whenever and wherever it occurs.

Today, Americans are threatened by two very distinct but serious kinds of terrorism. The first is international terrorism.

Mr. President, I am proud of my efforts that helped to pass the Iran-Libya Sanctions Act, a law designed to stop two renegade nations from having the means necessary to finance international terrorism—by punishing those companies who do business with them. The French oil company, Total, is trying to test our resolve. Total has struck a lucrative oil deal with Iran. This company is thumbing its nose at the United States. I believe it is incumbent upon us to remain strong in the face of these efforts to undermine our fight against terrorism. I call upon the French Government to join the fight against international terrorism, not to thumb its nose at the United States, not to applaud the efforts of Total.

I believe that our laws must be enforced and its strict sanctions must be brought to bear on Total. Every Member of this body, Mr. President, voted for the Iran-Libya Sanctions Act.

It is only when we see planes being shot down, it is only when the victims and their families come and say, What are you doing? that we stand up and take action. Every Member of this body should be outraged that Total has thumbed its nose at this ban. They did so deliberately. Its actions are an insult not only to this body but to all of the nations of the world who should be working together in a united front against terrorism.

Fighting international terrorism requires every nation to unite together, and it requires that we remain resolute. It requires that we put corporate greed and profits on the back burner. Many of our own companies are so worried about international profits.

But let me tell you, when terrorism strikes here, when you see what takes place, then an aroused American public gets us to do something. Only when we see the bombing at the World Trade Center—that is real; impacting people's lives—and when we see the Iranians

and the Libyans give sanctuary to terrorists, only then will we maybe do something. But then some say, Not when corporate profits get in the way. Or our allies may say, Oh, no, don't do this, knowing that these are renegade governments and countries who sponsor terrorist attacks, who are responsible for over 300 U.S. citizens being killed—and the Libyans were and they now give sanctuary to two men who have been indicted.

No. Sadly, we have to do something. I am very concerned that the administration will shirk its responsibility.

Sadly, I also rise today to describe another kind of terrorism, Mr. President. It is one that is too often seen but little done. It is one that permeates our Nation's school systems, particularly inner-city schools. It is a terrorism in which violent juveniles prey upon good kids. And it has to stop.

Just as we must be united and remain resolute in our fight against international terrorism, we must be united and remain resolute in the fight at home. Once again, each and every one of us has a responsibility to stand up and fight this terrorism to make a difference. Business as usual is no longer acceptable. There is no more fundamental right in our democracy than the right of our children to have a good education. That requires that they be safe. That requires that a school be an oasis for learning.

Many people have asked me why I have taken such a public and outspoken position as it relates to education reforms. New Yorkers may have been shocked when they read yesterday's newspapers of gang violence in the public schools.

I point to those headlines. ''Probe Rips Principals for Turning Blind Eye to the Gangs.'' The story in the New York Post turns to the issue of the gangs which have taken over schools.

The Daily News: ''Fear Stalks Hallways as Hoods Take Over.'' One student says that he feels at times safer—safer—in dangerous neighborhoods at night than he does walking in the hallways.

We are not talking about violence in streets and alleys. This violence is taking place inside our schools, which should be sanctuaries to our children. That means that the real victims are our children. Just as we must stand up to Total and other companies who give aid and comfort to international regimes, we must stand up to the terrorism that is occurring in our classrooms. We must get violent and disruptive juveniles out of the classrooms so good kids can learn. We need fundamental sweeping reforms throughout our educational system.

In addition to getting violent and disruptive juveniles out of the classrooms, Mr. President, we need to give merit pay to the outstanding teachers, those who are dedicated, those who want to make a difference and those who do make a difference. We have to see that we have tenure reform in order to get those teachers who are not performing, who are bad teachers out of the classroom.

We need school choice so that parents can make educational decisions instead of Government bureaucrats.

Finally, Mr. President, we have to stand up to the teachers unions and tell them to put our children first. Unfortunately, the unions are more interested in their perks and privileges than they are in providing a good education for our children.

Above all, we must get violent and disruptive juveniles out of schools. I want to see more power given to our school principals to remove violent juveniles from the classrooms. We cannot tolerate the kind of situation that is taking place in more and more of our schools in more and more of our cities to more and more of our children.

Principals should have fast-track authority. You want to talk about fast-track authority for trade? Give our principals fast-track authority to expel gang members and other violent offenders. That is what we really need to be doing to help this country and to help the educational system.

Just like in the fight against international terrorism, more pressure has to be brought to bear on terrorism in our schools. The fight against terrorism in our schools must be a united fight. The teachers unions, who opposed every commonsense reform, surely can agree with the notion that violence in schools must be stopped. Instead of pushing for more pay and less work for teachers, the teachers unions should join me and others in a united effort to combat violence in our schools.

That is why I have been standing up to those who ask the question, ''Why do you talk about this?'' We have had debates about educational reform and getting more money directly to the District so they can spend it on students, not bureaucrats. We have had debates about giving parents choice so they can give their kids an opportunity to receive a quality education. But let me say something. In every one of those situations we have seen the teachers unions come down and oppose this. They are against merit pay. They are against getting bad teachers out. They want to ensure lifetime contracts. They are interested in perks and privileges.

By gosh, for one time, join with us and see to it that we have meaningful reforms so that we can fast track violent students out of the schools, so that good and decent kids have an opportunity to have a good education, so that children can learn in safety.

Mr. President, I do not think there is a more important fight against terrorism that we can and must and should win than that which confronts our children every day, unfortunately, in too many of the schools throughout this country.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. CHAFEE. Mr. President, yesterday the Senate began consideration of the Intermodal Surface Transportation Efficiency Act of 1997, or sometimes referred to as ISTEA II.

This legislation is the product of well over a year of hard work and careful negotiation.

We had three different proposals, Mr. President, all commendable, and the requirement before us was to integrate these different proposals into one unified plan that all of us could rally around. When I say us, I was, of course, talking about the committee at the time, the 18 members of the Environment and Public Works Committee, but hopefully the entire Senate. When I am taking about 18 members, I, of course, am referring to Democrats and Republicans.

I am pleased that the bill before the Senate truly represents a consensus effort with cosponsors from all regions of the country and from both sides of the aisle. The results of these efforts, so-called ISTEA II—ISTEA, again, referring to Intermodal Surface Transportation Efficiency Act of 1997—provides $145 billion over the next 6 years for our Federal highway, highway safety, and other surface transportation systems.

Mr. President, this is a 20-percent increase for the Federal aid highway program over the level provided in the original ISTEA, which stretched from 1991 to 1997 a, 6-year bill. This bill preserves and builds upon the laudable goals of intermodalism, flexibility, and efficiency, all of which goals were found in the original ISTEA legislation.

It does so within the parameters of the balanced budget agreement that Congress passed just 2 months ago, Mr. President. In my view, the most important aspect of this bill is that it works within the context of a balanced budget. We were given x amount of dollars, we stayed within that x amount of dollars. I feel very strongly about that, Mr. President.

On the Nation's highways you get to where you are going by staying within the lines and playing by the rules. The budget is no different. I am very proud that the program that we brought out of the Environment and Public Works Committee, so-called ISTEA II, stays within the parameters of the balanced budget, a budget, as I say, we only adopted 2 months ago.

S. 1173 addresses the concerns of the State by making the program easier to understand and by providing greater flexibility to States and localities. It reduces the number of ISTEA program categories. Under the existing ISTEA legislation there are five categories that we drop to three. It includes more than 20 improvements to reduce the red-tape involved in carrying out transportation projects. Moreover, this bill significantly reforms the ISTEA funding formulas to balance the diverse needs of the various regions of the Nation. Forty-eight of the 50 States share in the growth of the overall program and the bill guarantees 90 cents back for every dollar of State moneys contributed into the highway trust fund. This is a very, very significant advancement and change from the ISTEA legislation currently on the books.

Now, this ISTEA II recognizes the diversity and uniqueness of the country and all its transportation needs. The aging infrastructure and congested areas of the Northeast, the growing population and capacity limitations in the South and Southwest, and the rural expanses in the West, all of these require different types of transportation investments. By making the surface transportation program more responsible to all regions of the country, S. 1173 will ensure that the integrity of the original ISTEA program is upheld.

Now, Mr. President, to bridge the gap between limited Federal funds and formidable infrastructure needs, this bill makes a strategic investment in the Nation's transportation system. During the 1950's and the 1960's it made more sense for the Nation to build—that is what we were concentrating on, building an interstate system. Today we need to be more creative. We must carefully plan and allocate our limited resources.

ISTEA II includes a number of innovative ways to finance transportation projects. It establishes a Federal credit assistance program for surface transportation. This new program leverages limited Federal funds by allowing up to $10.6 billion Federal line of credit for transportation projects at a cost to the Federal budget of just over $500 million—in other words, for half a billion we are able to leverage up to $10.6 billion of a Federal line of credit for transportation projects.

To enable States to make the most of their transportation dollars, this bill expands and simplifies the State infrastructure bank program. One of the wisest transportation investments we can make is to do everything we can on behalf of the safety of drivers and passengers. ISTEA II substantially increases the Federal safety commitment. In the United States alone there are more than 40,000 fatalities and 3.5 million auto crashes every year. Those are staggering statistics—3.5 million automobile crashes every year, and 40,000 deaths on our U.S. highways per year. Between 1992 and 1995 the average national highway fatality rate increased by more than 2,000 deaths a year while the annual national injury rate increased by over 38,000. We must work vigorously to reverse this trend. This bill will help us to do so.

The funds set aside for safety programs such as hazard elimination, railroads, highway crossings under this bill total $690 million a year, 55 percent over the current level increase. According to the National Highway Safety Traffic Administration, the use of seatbelts is by far the most important step vehicle occupants can take to protect themselves in the event of a collision. Wearing a seatbelt increases a person's chance of surviving a crash by 45 percent, and of avoiding serious injury by 50 percent. Think of that—by simply wearing a seatbelt, one's chances of avoiding serious injury are increased by 50 percent, chances of surviving a crash are increased by 45 percent. To encourage the increased use of seatbelts, the bill before us establishes a new safety belt incentive program rewarding those States that increase their seatbelt usage or take other measures to increase seatbelt use.

To combat the serious problem of drunk driving, the ISTEA bill establishes a new program that encourages States to enact laws with maximum penalties for repeat drunk driving offenders.

As valuable as transportation is to our society, we have to remember, Mr. President, yes, transportation obviously is valuable to our society, but it has taken a tremendous toll on the Nation's air, land, and water. The costs of air pollution alone that can be attributed to cars and trucks has been estimated to range from $30 to $200 billion a year.

ISTEA II upholds the original ISTEA legislation, strong commitment to preserving and protecting our environment. ISTEA provides States and localities with tools to cope with the growing demands on our transportation system and the corresponding strain on our environment.

I am proud that the bill before the Senate increases funding for ISTEA's key programs to offset transportation's impact on the environment. Clearly, all these automobiles and trucks on our roads contribute to a strain on our environment.

ISTEA II provides an average of $1.18 billion per year over the next 6 years for the so-called congestion mitigation and air quality improvement programs, also known as CMAQ. This is an 18-percent increase over the current funding levels for transit improvement, shared ride services, and other activities to help fight air pollution. Over the past 6 years, the transportation enhancement program has offered a remarkable opportunity for States and localities to use their Federal transportation dollars to preserve and create more livable communities. ISTEA II therefore, provides a 24-percent increase in funding for transportation enhancements such as bicycle and pedestrian facilities, billboard removal, historic preservation, and rails-to-trails program.

In addition to CMAQ and enhancements, the ISTEA II bill establishes a new wetland restoration pilot program. Why are we doing this, spending highway money to restore wetlands? We are doing it to fund projects to offset the loss or degradation of wetlands resulting from Federal aid transportation projects. There is no question that all kinds of wetlands have been lost across our Nation over the last 25 to 30 years as a result of the construction and the resulting damage to our wetlands.

When it was enacted in 1997, ISTEA expanded the focus of the national policy, transforming what was once simply a program for building roads and bridges into a surface transportation program dedicated to the mobility of passengers and goods. Mr. President, I call your attention to the very name of this program. This is not a highway bill. This is a surface transportation efficiency bill. So we do more than just focus on highways. The purpose is to move people and goods in the most efficient manner possible. S. 1173 continues this spirit of intermodalism by extending the eligibility of the National Highway System and surface transportation programs to passenger rail such as Amtrak and magnetic levitation systems.

The statewide metropolitan planning provisions of ISTEA have yielded highway returns by bringing all interests to the table, and increasing the public's input into the decisionmaking process. ISTEA continues to strengthen the planning provisions of the original legislation. Admittedly, the transition from old policies and practices to those embodied in ISTEA has not always been easy. The bill before the Senate will carry forward ISTEA's strengths, but it will also correct ISTEA's weakness and provide a responsive transportation program to take us into the next century.

Now I would like to turn, if I might, to an issue of great concern. Over the past few days there has been some discussion of the distressing prospect of going around the balanced budget agreement to increase funds for the Federal aid highway program. Some Members of Congress are trying to ensure that the 4.3-cent gas tax, which is what the tax reconciliation redirects into the highway trust fund, actually is spent on highways. Although I support increased funding for transportation, I cannot support the proposition of spending the 4.3-cent gas tax.

Let me add that transportation nearly fares better than every other national program in the Federal budget resolution. From 1997 through the year 2002—the 5-year budget period which deals with highways—the budget resolution increases transportation spending by almost 7 percent. In contrast, other nondefense discretionary programs increase by roughly 2 percent. In other words, transportation will grow at a rate of three times that of other nondefense discretionary programs.

It is imperative that we look at transportation funding in the context of countless other important legislative priorities of Congress. During the consideration of the bill before the Senate, Senators WARNER, DOMENICI, and I plan to offer an amendment that will resolve the issue of potential budget surplus in an orderly manner through the budget process next spring. Determining what the Nation's priorities are during the budget process when all programs and policies can compete fairly is a responsible way to resolve this complex issue.

Before I conclude, I want to express my appreciation to Senators WARNER and BAUCUS and other members of the environment committee for their hard work and determination in developing this program.

As I mentioned, Mr. President, this came out of the committee by a vote of 18–0, Democrats and Republicans alike supporting it, those from the West, the Midwest, the South, the Southeast, the Northeast, all supported it. Transportation is not a partisan issue as much as it is a regional issue. Senators WARNER, BAUCUS, and I represent three distinct regions of the country with very different points of view. It has not been easy and we still have a way to go before reaching the finish line.

I look forward to working with other Members of the Senate as well as the House leadership to enact a bill this year that will take the Nation's transportation system into the 21st century.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I recognize others are seeking recognition but I would like first to thank my distinguished chairman because this bill represents the efforts brought about by his leadership, together with my distinguished colleague, our ranking member, Senator BAUCUS.

Mr. BAUCUS. Mr. President, I am pleased today to join Senators CHAFEE and WARNER in bringing the Intermodal Surface Transportation Efficiency Act of 1997 to the floor.

What will the bill do? It will help this Nation meet its growing transportation demands. It will help reduce congestion. Make highways safer. Make our economy more efficient. Ease travel for businesses, farmers, and families on vacation. Develop new transportation technologies for a new century. And protect our environment as we do it.

WHY SPEND THE MONEY?

The bill before us today, ISTEA II, is a very big commitment. It will provide over $145 billion for highway and highway safety programs over the next 6 years. That is an increase of more than 20 percent from the funding of today.

And some may ask why we do it. Why should we invest billions of dollars each year in transportation?

Mr. President, the reason is simple. A good transportation system makes life better for everyone. For many years—really, since John Quincy Adams, Henry Clay, and the internal improvement program of the 1820's, which involved postal roads and canals—we have recognized how important it is to put some money into a system that works for everyone.

Montana wheatgrowers bringing their produce to the mill; manufacturers shipping goods across the country; families driving off for a weekend in the mountains—all need a safe, efficient transportation network.

Today, we benefit enormously from the work President Eisenhower began with the Interstate Highway System in the 1950's. We have the largest transportation system in the world. And we need the money to keep it the best transportation system in the world.

We enjoy the premier system of highways—the 45,000 mile Interstate System—and almost 4 million miles of other roads. Our 265 million people drive over 2.4 trillion miles each year—about half the distance from Earth to the nearest star.

And transportation investment means jobs. We create over 42,000 jobs with each $1 billion of Federal transportation spending. And let's not forget that these are good jobs. Jobs that support families throughout the Nation.

So that is why we need to make the investment in a national transportation program. And this bill represents policy choices that will serve the Nation well.

That much driving means the roads need a lot of fixing. The Department of Transportation estimates that we will need almost $50 billion a year just to maintain current conditions on our highways. And we need almost $9 billion each year just to maintain current bridge conditions.

Finally, transportation investment comes with its own benefits. As hearings before our Environment and Public Works Committee show, transportation is one of the largest sectors of our economy—accounting for nearly 11 percent of our gross domestic product. Only housing and food account for more.

ISTEA AND ISTEA II

ISTEA II builds upon the successes of its predecessor, the ISTEA legislation of 1991. Authored by my colleague from New York, Senator MOYNIHAN, that landmark law has helped create a truly seamless, intermodal transportation system. Air and seaports link easily with roads, railways and transit, meaning that travelers lose the least possible time making connections and businesses move their goods as cheaply and efficiently as possible.

Likewise, our transportation program is flexible. States and local governments choose transportation projects that meet their diverse needs. States can build highways, transit facilities, bikepaths, pedestrian walkways, and interomodal facilities—whatever fits the needs of Montanans or New Yorkers or Californians best.

Mr. President, the bill before us, ISTEA II, continues along that path. And with the experience of 6 years behind us, I believe we have made a good product even better.

This bill will give us a transportation program that meets four basic criteria. First, it will meet our economic needs.

Second, it will use the most up-to-date technologies and helps develop new ones so highways are easier and travel is safer. Third, it will remember small communities as well as broad national needs. And fourth, it will be fair to all parts of the country.

Finally, it will be administratively simpler. Today we have 11 categories of funding. With the new bill we will have five: the Interstate/National Highway System, the Surface Transportation Program, the Congestion Mitigation and Air Quality Program, and two equity accounts. Let me explain each one of these in turn.

THE INTERSTATE/NATIONAL HIGHWAY SYSTEM

When Congress enacted the original ISTEA legislation in 1991, it was with the clear understanding that the Interstate System was complete and the interstate era was over. It was not time to recognize the importance of a larger network of roads and bridges in this country.

Since the inception of the Interstate System in the 1950's, things have changes around the country. No longer is the Interstate the only system of roads that connect businesses to markets and jobs to homes. It is now a larger system, the National Highway System or NHS.

In 1995, Congress formally approved this transition—a transition from the interstate era to the National Highway System era—when it approved the National Highway System Designation Act of 1995.

The National Highway System is a system of almost 170,000 miles or roads and bridges—including the 45,000 mile Interstate System—that carries the vast majority of our commercial and passenger traffic. NHS roads provide access to rural and urban areas. These roads connect our homes to our jobs, our farms to markets, and ultimately our export products to their overseas markets.

So it is only appropriate that under ISTEA II we devote the majority of resources to the maintenance and improvement of the National Highway System. Under the bill, we will spend almost $12 billion a year on these roads, at least $6 billion of that going directly to maintain the Interstate System roads and bridges.

And while we have eliminated the current bridge program, we have folded it into other categories. States will receive over $4.2 billion under bridge apportionment factors and will have to spend at least what they are spending today on bridges. This will ensure we continue to make improvements in the condition and performance of our bridges.

SURFACE TRANSPORTATION PROGRAM

Second, the present Surface Transportation Program or STP will continue in the new highway program at

an annual funding level of $7 billion. The STP is a flexible funding category that provides for all types of transportation projects, and is particularly valuable for small towns and communities with innovative ideas.

It allows new construction and, improvements to current highways; but also bikepaths, pedestrian walkways, transit capital projects, transportation enhancement projects, rail/highway crossing safety improvements, and hazard elimination projects.

CONGESTION MITIGATION AND AIR QUALITY

Third, we will continue to improve air quality and reduce congestion around the country through the Congestion Mitigation and Air Quality Program or CMAQ. One of the key features of the original ISTEA legislation was the link developed between the environment and transportation. The CMAQ Program is that link.

CMAQ provides funds to nonattainment areas so they may undertake projects to improve their air quality. The past 6 years have demonstrated the benefits of such investments. CMAQ projects have contributed to many areas reaching attainment and have improved traffic flows to reduce congestion.

TRANSPORTATION TECHNOLOGY

Fourth, as well as improving the physical infrastructure, the bill before us today funds new research and deployment of transportation technologies in rural and urban areas.

Technologies, such a the Intelligent Transportation System or ITS technologies, will increase the capacity of existing transportation systems without having to add new lanes. ITS also increases safety on our roads by providing information to the traveling public about roadside hazards, weather conditions, and alternate routing. These technologies will improve safety and the environment.

In the past 25 years, together with seatbelt and drunk driving laws, earlier versions of these projects have helped to reduce the rate of fatal automobile accidents by more than half, from 44.5 deaths per 100,000 registered vehicles in 1972 to 21.2 last year. The new program will build on this remarkable success to help keep our highways the safest in the world.

FAIR FUNDING FORMULAS

Finally, fairness. Policy is very important in its own right; but it is also important that every part of the country sees the benefits. And that is what we do.

Our bill recognizes the diverse transportation needs of the country. For large, sparsely populated States, the bill recognizes their dependence upon highways.

In Montana, for example, we do not have mass transit, we do not have large seaports. We rely upon our highways to get from place to place. So the bill uses formula factors that recognize the extent or size of a State's highway system. That only makes sense. After all, this is a bill that provides funding for States to maintain and improve their highway systems.

States in the densely populated Northeast region have an aging infrastructure in need of repairs. The bill recognizes these needs by using formula factors such as vehicle miles traveled or vmt. Vmt measures the use or wear on your roads. The bill also continues to provide funding for deficient bridges—a very important component of the transportation system in the Northeast region.

And for fast-growing, so-called donor States, the bill uses formula factors that take into account this growth. The vmt factor that I mentioned above is an example, since it measures how much people are driving in your State. But the bill goes even further.

The bill uses contributions to the highway account of the highway trust fund as a formula factor. And of the amount apportioned to the States, every State will receive at least 90 percent of its share of contributions to the highway trust fund.

And let's not forget that his bill is not just about highways. In the coming days, the Banking Committee will add their title to this bill to reauthorize the mass transit program. Over $24 billion has been authorized for those programs by that committee.

So as my colleagues decide whether or not to view the highway formulas as fair or not, I urge them to examine this bill in its entirety. Because many States receive large sums of funding for their mass transit programs, while others rely solely upon highway funding to meet their transportation needs.

CONCLUSION

In sum, we have a good product that will help the country. It will update and improve an already excellent highway program. And we should not wait.

Some suggest that we should do only a 6-month extension of ISTEA, hoping for more transportation funding in the future. Both Senator WARNER and I believe we need more funding. But waiting will not guarantee that we get it, and it will come with its own cost.

States and local governments must plan for the future, and to do so they need to know that we will not be changing the rules every 6 months. The lack of a long-term transportation program will mean chaos and uncertainty across the country for government, businesses, agriculture, and citizens.

So I believe we should get the job done. We have known for 6 years that ISTEA would expire in 1997. And I believe the bill we bring to the floor today will serve the Nation well. I hope it will get the Senate's support.

Thank you, Mr. President, and I yield the floor.

Mr. WARNER. Mr. President, I am pleased to bring before the Senate for consideration S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997, or ISTEA II.

ISTEA II is a 6-year bill that reauthorizes our Nation's highway construction, highway safety, and research programs. It provides $145 billion over 6 years and meets the requirements of the Balanced Budget agreement.

Our funding level of $145 billion is 20 percent greater than the $120 billion funding level provided in ISTEA I.

Our funding level of $145 billion exceeds the funding level of $135 billion proposed in the administration's NEXTEA bill.

Mr. President, along with my strong working partner, Senator BAUCUS, I have worked throughout the year for higher funding levels for our Nation's surface transportation programs.

Unfortunately, our amendment to the budget resolution earlier this year failed by one vote. Later, during the conference on the budget resolution, Senator BAUCUS and I, along with 83 other Senators, urged the conferees to raise the allocation to the highway program so that a portion of the 4.3-cent Federal gas tax could be spent.

Regrettably, these efforts were not successful. As such, I accepted the decision of the Senate and our commitment to the American people to balance the Federal budget by the year 2002.

With the spending limitations set in the balanced budget agreement, Chairman CHAFEE, Senator BAUCUS and I drafted a six-year reauthorization bill that complies with the budget agreement.

Mr. President, it is also critical that the Congress move forward to enact a 6-year, comprehensive transportation bill. Not a 6-month bill as some in the other House are advocating.

Our State and local transportation partners deserve nothing less. Due to the significant length of time required to plan and design any transportation project—an average of 7 years—our states, our Government, and their respective highway authorities must be able to efficiently respond to transportation demands.

Mr. President, in bringing this bill before the Senate, I urge every member to examine the bill in its entirety and to evaluate its provisions on the merits of balance and fairness.

Those are the two principles that guided my efforts in the drafting of this bill.

I am well aware that every Senator may not be entirely pleased with this bill. Most of the concern rests, not with the substantive measures, but with the level of funding. I am convinced, however, that overall we bring to the Senate a bill—that addresses the mobility demands of the American people and the growing freight movements of American goods;—that will continue to ensure America's competitiveness in a one-world market; and that, for the first time, provides a fair and equitable return to every State based on the amount of funds we spend. Every State will be guaranteed 90 percent of the funds we send to the States based on each State's contributions to the highway trust fund.

How much will each State get at a minimum under this bill? Let me describe this calculation as there are many different ways to explain the 90-percent guarantee.

Let's start first with what each State sends to Washington to the highway trust fund.

Under the formula, each's State's share of contributions to the highway trust fund each year is calculated.

Then, that percent is compared to the percent share each State receives under the formula.

If necessary, the 90-percent minimum guarantee is applied to any State whose percent share under the formula is below their 90-percent share of contributions to the highway trust fund.

For those States, the 90-percent guarantee, will ensure that each State's percentage return under the formula is adjusted upward to equal their 90-percent share of contributions to the highway trust fund.

I want to thank Senator CHAFEE and Senator BAUCUS, and all the members of the committee for their contributions, in developing a compromise bill that represents a balance among the 50 States.

This legislation is the product of months of spirited discussions.

It is a compromise that addresses the unique transportation needs in the different regions of the country—the congestion demands of the growing South and Southwest, the aging infrastructure needs of the Northeast, and the national transportation needs of the rural West.

In putting together this bipartisan and comprehensive measure, great care was taken to preserve fundamental principles of ISTEA I that worked well.

ISTEA II upholds and strengthens ISTEA's laudable goals of mobility, intermodalism, efficiency, and program flexibility.

We were committed to continuing those hallmarks of ISTEA which have proven to be successful and are strongly supported by our State and local transportation partners, including: ensuring that our transportation programs contribute to and are compatible with our national commitment to protect our environment; building upon the shared decision-making between the Federal, state, and local governments; and ensuring that the public continues to participate fully in the transportation planning process.

Mr. President, perhaps the most critical issue that the committee addressed in this legislation is the development of equitable funding formulas.

ISTEA I failed to distribute funding to our States based on current contemporary data that measures the extent, use, and condition of our transportation system. ISTEA I apportioned funds to the States based on each State's historical share of funds received in 1987.

As we prepare for the transportation challenges of the 21st century, reforms to the funding formulas are long overdue. This legislation uses indicators that measure the current needs of our transportation system. Many of the factors used to distribute funds are consistent with the alternatives identified in GAO's 1995 report entitled, ''Highway Funding, Alternatives for Distributing Federal Funds.''

These indicators are standard measurements of lane miles which represent the extent of the system in a State, vehicle miles traveled which represent the extent of congestion, and structural and capacity deficiencies of our Nation's bridges.

Using current measurements of our transportation system were called for in every major reauthorization bill introduced this session—including the administration's NEXTEA bill, STEP–21, STARS 2000, and ISTEA Works.

For those of my colleagues who do not believe their States should see a change in their share of transportation funds from what they have previously received, I simply respond that we must move forward and update our formulas to ensure that our national transportation program responds to the many needs across our Nation.

In revising these funding formulas, I believe we have made significant progress to address one of the major shortfalls of ISTEA—namely, providing every state a fair return based on their contributions to the highway trust fund.

Our bill today ensures fairness. Every State will receive a minimum guarantee of 90 percent of the funds apportioned to the States equal to 90 percent of their contributions to the Highway Trust Fund.

This guarantee is very different from the so-called 90 percent minimum allocation in ISTEA I.

ISTEA II provides a real and true guarantee of 90 percent of the funds distributed to the States. The minimum guarantee is applied to 100 percent of apportioned funds.

Second, the minimum guarantee calculation is reformed so that the 90 percent guarantee is actually achieved. We all know that ISTEA I gave many States less than 90 percent because it did not include all the funds that were distributed to States.

While I started with a goal of 95-percent return for every State, a true 90-percent return calculated on a larger share of the program is a major achievement for donor States.

I am also pleased to report that ISTEA makes great progress in consolidating and streamlining the program.

Under ISTEA I there are five major program categories. Under ISTEA II, those program categories have been consolidated into three major programs—the Interstate and National Highway System Program, the Surface Transportation Program, and the Congestion Mitigation and Air Quality Program.

Under ISTEA I there are five apportionment adjustments—most of them designed to address concerns of donor States—that have not worked. ISTEA II provides for two simple adjustments. First, for donor States and small States to provide them a minimum share of funding. The second, to provide a transition for States based on part of their ISTEA funding.

The committee bill also includes many revisions to Federal highway procedures to streamline the complex process of Federal reviews of State projects. It is my very strong hope that these provisions will enable our States to improve project delivery—the time it takes for a project to move from design to construction to completion.

Today, it takes on average 7 years to complete a project. We must provide our States with the tools to do better. I believe many provisions in this bill will free them from Federal redtape which has delayed many projects.

Mr. President, those are some of the important highlights of the committee bill.

I look forward to the Senate's consideration of this bill and will work with my colleagues to resolve as many amendments as possible.

Mr. BYRD. Mr. President, this request has been cleared with the distinguished Republican leader.

I ask unanimous consent that I, Senator GRAMM, Senator WARNER, Senator BAUCUS, not necessarily in that order, may have as much as a total, if needed, of one hour among us to discuss an amendment which we are going to offer at a later date.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Just a question, if I might. In other words, you would start now and go until 5:15?

Mr. BYRD. Yes.

Mr. CHAFEE. Thank you.

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

Mr. BYRD. Mr. President, the Taxpayer Relief Act of 1997, which was enacted as part of the balanced budget agreement, included a provision which ended the use of the 4.3 cents per gallon gas tax for deficit reduction and instead placed this tax into the Highway Trust Fund beginning on October 1, 1997. That was a very important first step in restoring integrity to the Highway Trust Fund. It ended the practice of using any Federal gasoline taxes for deficit reduction. This Senator was not alone in seeking to end the practice of using Federal gasoline taxes for deficit reduction. On July 14 of this year, I joined 82 other Senators in signing a letter addressed to the Senate majority and minority leaders, as well as the chairman and ranking Member of the Senate Finance Committee, Senators ROTH and MOYNIHAN, and that letter is fairly brief.

I ask unanimous consent that the letter be printed in the RECORD at this point.

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

U.S. SENATE,
Washington, DC, July 14, 1997.

Hon. TRENT LOTT,
Majority Leader.
Hon. TOM DASCHLE,
Minority Leader.
Senator WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance.
Senator DANIEL P. MOYNIHAN,
Ranking Minority Member, Committee on Finance.

DEAR COLLEAGUES: We are writing to express our view that additional funding for transportation programs is urgently needed. As you know, Section 704 of the Senate's version of the Revenue Reconciliation Act transferred 3.8 cents of the federal fuel tax from the general fund to the Highway Trust Fund. While that transfer is an important first step, it does not, by itself, provide the needed additional funds. Therefore, we ask that you urge the conferees to ensure that at least a significant portion of the 3.8 cents be made available for expenditure on highway and transit programs, similar to the manner in which the Senate provided funding for intercity passenger rail service.

The reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) will seek to meet the growing demands on our highway and transit systems. Yet the scale and diversity of these national needs combined with the requests for discretionary funds to address local and regional transportation issues requires funding levels greater than that currently available.

We are concerned that without additional funding, the reauthorization of ISTEA and the distribution of funds in a fair manner will prove to be impossible and will lead to divisive debate in the Senate.

Therefore, we respectfully urge you to provide the means to spend a portion of the 3.8 cents for our highway and transit programs.

Sincerely,

Max Baucus, Herb Kohl, Byron L. Dorgan, Jeff Bingaman, Dale Bumpers, Carol Moseley-Braun, John Warner, James M. Jeffords, Fritz Hollings, ——— ———, Bob Kerrey, Jack Reed, Wendell Ford, Barbara Boxer.

Kay Bailey Hutchison, ——— ———, Ted Stevens, Pat Roberts, Daniel K. Akaka, Larry E. Craig, Judd Gregg, Dick Kempthorne, Orrin Hatch, Mike DeWine, Jeff Sessions, Lauch Faircloth, Spencer Abraham, Daniel Coats.

Chuck Robb, Robert Torricelli, Carl Levin, Mary Landrieu, ——— ———, ——— ———, Kent Conrad, Robert Byrd, Tom Harkin, ——— ———, Dianne Feinstein, Frank R. Lautenberg, Patty Murray, Jay Rockefeller.

Ben Nighthorse Campbell, Conrad R. Burns, Rod Grams, Michael B. Enzi, Chuck Hagel, ——— ———, Kit Bond, Wayne Allard, Mitch McConnell, Olympia Snowe, Craig Thomas, Paul Wellstone, Bill Frist, Arlen Specter.

Barbara A. Mikulski, Harry Reid, Bob Smith, Ted Kennedy, Tim Johnson, Max Cleland, Joe Biden, Christopher J. Dodd, ——— ———, John Breaux, Ron Wyden, Bob Bennett, Paul Sarbanes, Tim Hutchinson.

Dick Lugar, Chuck Grassley, John Glenn, Susan Collins, John Ashcroft, Paul Coverdell, Richard Shelby, Jesse Helms, Rick Santorum, Patrick Leahy, Russ Feingold, Thad Cochran, Frank H. Murkowski.

Mr. BYRD. Mr. President, the important first step, as I say, which we 83 Senators sought in our letter has now been achieved; namely, the transfer of the 4.3 cents per gallon gasoline tax from deficit reduction into the Highway Trust Fund. I believe it was Senator GRAMM who offered the amendment to do that. He offered that amendment in the Finance Committee and the Finance Committee adopted that amendment. So that was accomplished in the Taxpayer Relief Act of 1997.

Unfortunately, the six-year ISTEA reauthorization bill reported by the Environment and Public Works Committee does not allow the use of one penny—not one copper penny—of this 4.3 cents gas tax for highway construction over the next six years. In effect, it allows these additional gas tax revenues to build up huge surpluses over the next six years. The time has come to put our money where our mouth is. We either mean it or we don't mean it when we write letters urging our leadership not only to place the 4.3 cents per gallon gas tax into the Highway Trust Fund, but also to take the next step and allow it to be used in the ISTEA bill before the Senate.

Did we place the 4.3 cents gas tax into the trust fund simply so that the unspent balance of the trust fund could skyrocket to historic levels, while our bridges crumble, while our constituents sit in ever-worsening traffic jams, and while congestion chokes off the economic potential of our Nation? Is that what we meant? That was not my intention in championing the transfer of this tax, and I don't believe it was the intention of my colleagues, those who supported placing the revenue into the Highway Trust Fund.

And so, today, three of my colleagues and I—Senators GRAMM, WARNER, and BAUCUS—are joining in saying to the Senate that we are preparing an amendment to the pending ISTEA bill to authorize the use of the full amount raised by the highway account share of the 4.3 cents gas tax for highway infrastructure and bridge programs over fiscal years 1990–2003. Over the life of this bill, this will mean that an additional $31 billion in contract authority will be made available for the National Highway System.

Mr. President, we must do more to address the continuing and destructive trend of Federal disinvestment in our Nation's transportation infrastructure. According to the Federal highway administration, our investment in our Nation's highways is a full $15 billion short each year, just to maintain the current inadequate conditions of our National Highway System. Put another way, we would have to increase our national highway investment by more than $15 billion a year to make the least bit of improvement in the status of our national highway network each year.

Now, as I say, joining me in offering this amendment as principal cosponsors are Senators GRAMM, BAUCUS, and WARNER. Although our amendment is still in the process of being drafted, we nevertheless have reached agreement as to the distribution of formula funds among the various States.

I will now ask unanimous consent to have printed in the RECORD a table which sets forth the total amount of highway contract authority for each State in the bill, as reported by the committee, as well as the additional amount of contract authority that each State will receive under the Byrd-Gramm-Baucus-Warner amendment over a 5-year period.

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

FY 1999–2003 TOTAL—INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT II, BYRD/GRAMM AMENDMENT, PRELIMINARY DATA

[In thousands of dollars]

State	S. 1173 FY 1999–2003 total as reported by committee	Byrd/Gramm amendment [1]	Total
Alabama	2,211,500	556,579	2,768,080
Alaska	1,373,201	345,600	1,718,802
Arizona	1,719,893	432,854	2,152,748
Arkansas	1,472,869	370,684	1,843,553
California	10,134,190	2,550,537	12,684,727
Colorado	1,412,391	355,465	1,767,856
Connecticut	1,895,552	477,038	2,372,590
Delaware	520,488	130,994	651,481
Dist. of Col.	500,536	125,973	626,508
Florida	5,099,176	1,283,335	6,382,510
Georgia	3,882,378	977,098	4,859,476
Hawaii	561,113	166,380	827,492
Idaho	908,085	228,542	1,136,627
Illinois	3,683,946	927,157	4,611,103
Indiana	2,693,608	877,914	3,371,522
Iowa	1,461,433	367,807	1,829,240
Kansas	1,450,185	364,977	1,815,162
Kentucky	1,921,071	483,486	2,404,557
Louisiana	1,967,553	495,201	2,462,754
Maine	636,102	160,097	796,199
Maryland	1,668,720	419,975	2,088,696
Massachusetts	1,968,441	495,412	2,463,853
Michigan	3,493,538	879,236	4,372,775
Minnesota	1,655,828	416,732	2,072,558
Mississippi	1,396,953	351,580	1,748,533
Missouri	2,835,864	663,387	3,299,251
Montana	1,173,866	295,433	1,469,295
Nebraska	929,790	234,004	1,163,794
Nevada	808,417	203,458	1,011,875
New Hampshire	575,859	144,929	720,788
New Jersey	2,668,883	671,691	3,340,574
New Mexico	1,162,791	292,646	1,455,437
New York	5,640,544	1,419,503	7,060,046
North Carolina	3,129,880	787,713	3,917,593
North Dakota	808,417	203,458	1,011,875
Ohio	3,812,849	959,599	4,772,448
Oklahoma	1,745,495	439,300	2,184,796
Oregon	1,426,177	358,934	1,785,111
Pennsylvania	4,199,341	1,056,906	5,256,247
Rhode Island	642,304	161,652	803,956
South Carolina	1,759,595	442,846	2,202,441
South Dakota	863,788	217,394	1,081,182
Tennessee	2,506,281	630,768	3,137,049
Texas	7,623,695	1,918,693	9,542,388
Utah	955,428	240,460	1,195,888
Vermont	520,488	130,994	651,481
Virginia	2,834,290	713,320	3,547,610
Washington	2,035,955	512,401	2,548,356
West Virginia	1,131,708	284,833	1,416,541
Wisconsin	2,011,684	506,291	2,517,975
Wyoming	841,639	211,820	1,053,459
Puerto Rico	508,260	127,917	636,178
Total	110,741,037	27,871,000	138,613,037

[1] Source of additional contract authority.

Mr. BYRD. Mr. President, I encourage all Members to review carefully these tables. They will show that each and every State in the Nation will receive a sizable boost in funding under this amendment. Each and every State will receive increases under the same percentage distribution called for in the underlying bill.

We have not put together a new formula in this amendment. For the donor States, the amendment still ensures that they will receive a minimum of 90 percent return on their percentage contribution to the Highway Trust Fund. Moreover, our amendment, like the committee reported bill, utilizes 10 percent of the total available resources for

discretionary purposes. Increased discretionary amounts of contract authority will be available for the Multi-State Trade Corridors initiative, as well as the 13–State Appalachian Highway Development System.

Mr. President, we understand that a point of order will be raised against this amendment by its opponents. But I think it is important to remind Members that the bill before us is not an appropriations bill; it is an authorization bill. A point of order lies against this amendment because it causes the Environment and Public Works Committee to exceed the levels that they can authorize to be spent. Adoption of this amendment will not change the scoring of the deficit by one thin dime.

Opponents of this amendment claim that the increased highway spending authorized by the amendment will cause drastic cuts over the next 5 years in other discretionary spending. Included on the possible list for elimination or drastic cuts—I am talking about a list that I understand has been circulated by opponents—are such things as Navy ship building, law enforcement, Section 8 housing, EPA, National Forest Service, Title I education, Head Start, NIH, and on and on.

Mr. President, that argument is an obvious red herring. First of all, because highway construction requires a number of years to complete projects, the amount of outlays that would be necessary in the discretionary portion of the budget to pay for the pending amendment is not $30 billion. We are told instead by the experts at the CBO that the figure is $21.6 billion.

Secondly, the enactment into law of the Byrd-Gramm-Baucus-Warner amendment will not cause any cut in any Federal program. Let me say that again. The enactment into law of the Byrd-Gramm-Baucus-Warner amendment will not cause any cut in any Federal program.

In other words, each year's transportation appropriations bill from fiscal years 1999–2003 will contain an obligation limit for total highway spending. That limitation will be set each year in light of the circumstances being faced by the Appropriations Committees in any particular year. Let me put it another way. If we do not adopt this amendment, we will have precluded, for the next 5 years, any consideration of additional highway spending.

Third, regarding the question of outlay caps on discretionary spending, I fully support and will strongly urge the Budget Committee chairman and the Senate to include in the budget resolution for fiscal year 1999 the necessary provisions to increase discretionary caps for the following 5 years if the economy continues to perform, so that those savings will accrue. As Senators are aware, since the adoption of the balanced budget agreement earlier this year, the projections of revenues have dramatically increased and the projections for spending have been dramatically cut. The result is a far better forecast than was thought to be the case even when we all voted for the balanced budget agreement this past spring. In fact, OMB's recent midsession review now projects revenues over the next 5 years to be $129.8 billion greater—greater—than those projected in the balanced budget agreement. On the spending side of the budget—and this is important—the forecast is also much brighter than it was a few short months ago. Compared to the balanced budget agreement, OMB now projects in its midsession review that total spending over the period 1998–2002 will be $71.6 billion less than was projected in that agreement.

Our amendment will provide that if the savings and spending for fiscal 1998–2002, which I have just identified, are still projected to exist in connection with the fiscal year 1999 budget resolution, and if that budget resolution calls for using any of those spending savings, then those spending savings must go toward fully funding the highway program.

In conclusion—and I say ''in conclusion'' because I only intended to take 15 minutes of the hour, I am not here to debate this amendment this afternoon. There will be plenty of time for that. Nobody is going to run for the doors when that time comes. There will be plenty of time to debate it when my colleagues and I have fully fleshed out the amendment. But we wanted to put Senators and the country on notice that we have an amendment, and we wanted to do that before this upcoming recess begins.

Let me point out again that our amendment would provide the authorization of an additional $31 billion of contract authority within a 5-year period, 1999–2003. It doesn't add to the deficit. It will call for a consideration, in the fiscal year 1999 budget process, of using additional spending savings to cover the outlays that will occur from the contract authority provided in this amendment.

So I urge all colleagues to favorably consider this amendment during the next week, look at the tables, and understand that your State—I am talking to all 100 Senators, to each of them individually—your State will have its highway moneys increased under this amendment. Your State will benefit from this amendment. So I hope that you will examine the benefits that will accrue to your State in additional highway spending under this amendment.

Mr. President, let me, in yielding the floor, thank my three colleagues who are the main cosponsors of the amendment.

Let me also thank the two leaders for allowing us to impinge upon the time of the Senate at this point for a whole hour if it is needed.

Let me say to all Senators who want to debate our amendments that there come a time to debate it. This is an important amendment. This is a major amendment, and its importance to the country cannot be exaggerated.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me first say that I am very proud to join with Senator BYRD and our two other colleagues in this amendment. Our purpose today is not to introduce the amendment as a formal pending amendment before the Senate but to basically put the facts out on the table so that we can have a full and informed debate, and so that over the recess people will have an opportunity to know what this amendment does, why it is important to every State in the Union, and why it is important to the future of the country.

I want to try to make two points as briefly as I can make them.

The first point is that in 1993, for the first time in the history of America, the Congress adopted a permanent gasoline tax that did not go to the highway trust fund. Instead, that permanent gasoline tax went to general revenues and was spent for general purposes. We had a strong base of support in the Senate and in the House to take the action which was consummated in the Taxpayer Relief Act. The amendment that I offered in the Finance Committee was adopted as part of that bill. We were able to put the 4.3-cents-a-gallon tax on gasoline into the highway trust fund where it belonged. That became the law of the land. But our problem was that when the bill that will be before us when we debate ISTEA was reported from the committee, it did not include any of the money that was transferred into the trust fund when we took the 4.3-cents-a-gallon tax from gasoline and put it where it belonged, in the highway trust fund, to fund highways and to fund mass transit.

That produced a situation which is portrayed in this chart. I hope every Member of the Senate will become familiar with this chart because it really shows the sleight of hand that has been underway now for quite a while and will certainly be perpetuated and expanded in the future if our amendment is not adopted.

We currently collect the money from gasoline taxes and transportation fuels taxes that are dedicated in the trust fund to highways and mass transit. But, yet, as of today, we have $23.7 billion in that account that have not been expended for the purpose that they were collected. Over the years they have, in fact, for all practical purposes, been spent for other purposes.

As a result of our decision to put the 4.3-cents-a-gallon tax on gasoline where it belongs, in the highway trust fund, under the ISTEA bill as reported from the committee, this surplus in the highway trust fund would grow from $23.7 billion today to a whopping $90 billion in the trust funds collected for the purpose of building highways and mass transit but never expended for that purpose. In the year 2003 we would have $90 billion in the trust fund, and

we would have told the American people that they were paying gasoline taxes to fund highways and transportation, and, yet, that $90 billion would have been spent for other purposes.

What the Byrd-Gramm amendment does—I am very proud that we have the two most knowledgeable people in the Senate on highway matters who have now joined us as cosponsors—but what our bill does is assure that the area you see in blue here, this 4.3-cents-a-gallon tax on gasoline, is spent for the purposes that it was collected.

This is a truth-in-government provision. This is a provision where you tell people you are going to do something in government and you do it.

Let me also make note of the fact that, even if our amendment is adopted, the balance in the highway trust fund will grow from the current $23.7 billion to a whopping $39 billion surplus by the year 2003. So under our amendment the unspent balance in the trust fund will grow every year even if we spend the 4.3-cents-a-gallon tax on gasoline where we told the American people that we would spend it.

Let me also make note that our amendment is very conservative and very responsible because we don't spend the money in the year that it is collected. We spend it the year after it is collected. So even though we will be collecting the 4.3-cents-a-gallon tax on gasoline and putting it into the trust fund for the first time in 1998, we don't spend any of that money in 1998. We only spend what was collected in 1998 in fiscal year 1999. And the same process continues throughout the period of this highway bill through the year 2003.

We are talking about highways today because we have the highway portion of the bill before us. But, as everyone knows, the mass transit title of this bill was reported from the Banking Committee, and they have delayed reporting their precise spending figures for technical reasons. When that portion of the bill is before the Senate, we intend our amendment to apply to it as well because mass transit receives 20 percent of the 4.3-cents-a-gallon tax on gasoline, and we want to be sure that this portion of the highway taxes can also be spent.

Under this provision, every State in the Union will get additional funds. The increase per State will be about 25 percent. I think it is important to note and for every Member of the Senate to understand that under this amendment the ratio of funds going to States, the proportion going to any one State, is totally unchanged.

But the result of truth in government, the result of spending money for the purpose that it was collected, is pretty remarkable. The result is, if we are going to spend $27.8 billion, if this full program is carried out through the year 2003, on highways, the purpose for which the tax was collected to begin with, that will make a very substantial difference to every State in the Union.

Arkansas, we know from the very effective arguments that have been made by our colleagues from Arkansas, has felt slighted by this bill. Under the existing bill, they would get $1.47 billion over the five years covered by our amendment. But with the adoption of our amendment, that would grow to $1.84 billion.

A similar proportional increase in each State would occur as a result of this amendment.

I want to make it clear that we are going to hear arguments throughout this debate that we are, through this amendment, taking money away from other programs. I want to address this head on. I want to address it in two ways.

First of all, those who are making that argument are in essence claiming that they have the right to spend this $90 billion on other programs, that they have that right.

It reminds me of an argument that might be made by a rustler. There is this rustler who has been rustling cattle off the Byrd and the Gramm ranch. We call the sheriff, and the sheriff comes out. The sheriff hunts him down, and he brings him to us. We decided, well, we know this guy. We are not going to put him in jail. But the sheriff says to him, ''You have to quit rustling these cattle.'' So the rustler says, ''But I am used to eating all this beef. You know. It is easy for you to say, but where am I going to get my beef?'' Well, I think the answer of Rancher Byrd, Rancher Gramm, Rancher Baucus, and Rancher Warner under this circumstance would be, ''That ain't my problem.''

The point is they never had the right to spend the $90 billion for anything other than highways to begin with. And we are going to have an extensive debate about that.

Let me address in a little bit of detail the provisions that Senator BYRD talked about where we are dedicating, at least in terms of a commitment about the future, funds to fulfill our commitment to build these highways. We have, I believe, very artful language. Senator BYRD and Senator BYRD's staff are responsible for the language. I think it is language that every Member of the Senate can be supportive of. We are not trying to judge what kind of budgets we are going to write in the future. We are not trying to make a judgment about what the economy is going to be like in the future, or what kind of expenditure savings we are going to have in the future. We are not making any judgment as to how those savings might be used.

But what we are saying—I think if every Member of the Senate will look at this language, they will be in agreement—we are saying, if there are spending savings that occur in the future and if the Budget Committee decides that any of those spending savings are going to be used to spend money through the Federal Government—two ifs—that, if there are savings in other spending programs, and if any of those savings are spent, they have to be used in total or part to fund our commitment to the highway trust fund before any of those savings can be used for any other purpose.

There is only one reason that anybody would be against that language. The only reason that anybody would be against that language would be if they intend to spend this money for some other purpose.

Our point is we are collecting this gasoline tax. It has been put into the trust funds by the decision of the House and the Senate. We made a commitment that it was going to go to build highways and for mass transit. What our amendment does is guarantee that if any funds are spent, they are going to be spent for this purpose and spent for this purpose first.

So I think this is a good amendment. I hope that we are going to get a strong vote. We have a point of order. Senator BYRD made the point, but I want to reiterate this. This point of order is not that we are busting the budget or raising the deficit. Both of those things are not the case. The point of order is really based on a technicality in the budget because we are allowing funds, if they are spent, to be spent on transportation needs and highways beginning in fiscal year 1999.

So, in the technical language of the budget, we are changing the 302(a) allocation of budget authority to the Environment and Public Works Committee. We are not raising the total level of outlays. We are not busting the budget. This is a simple technicality. There ought not to be a point of order against it. But there is. So, as a result, we are going to have to get 60 votes.

So, if you want truth in government, if you want to have a program whereby when people are going to the gas pump and they are looking at that big tax they are paying, and they are saying, ''Well, you know, at least it is being spent on highways,'' we want that to be true. If you believe that the highway trust fund ought to be used to build the highways and to build mass transit, then we believe that you are going to vote for this amendment. We are very hopeful that we are going to be successful.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I first want to give by deepest respects and thanks to the chairman of the Environment and Public Works Committee, Senator CHAFEE. He has put together a bill that has passed our committee unanimously 18 to 0. Not many committees can come up with a unanimous vote on major bills.

But since that bill passed the committee, it has become quite apparent that some Members want us to improve upon it. So we are going to try to do that with this amendment. So, I am going to give five reasons why I think the amendment offered by Senator

GRAMM, Senator BYRD, Senator WARNER, and myself is such an improvement to this bill.

First, as has been pointed out, the dollars we are discussing are trust fund dollars. I would point out that the American motorist who pays these fuel taxes expect those dollars to go into transportation, including highways.

Second, despite what some are going to state on this floor later, this amendment does not break the budget. Let me repeat that. It does not break the budget.

Third, despite what some might say later, this amendment does not take one penny—as Senator BYRD mentioned, ''not one thin dime''—from any other program.

Fourth, this amendment is needed to meet our infrastructure needs. We are not spending enough in America to maintain our transportation system and our highways. We certainly are not spending at the level of other countries.

And fifth, a point which I do not think is fully understood by Senators, the amounts provided for in the committee bill lock the Senate into those amounts for the next 6 years. So it is important that if we are going to increase spending that we do so now. Unlike some other spending programs, this program is funded from a trust fund.

So this is a much different animal, and therefore this amendment must be addressed and hopefully passed. So let me elaborate on my five points. Mr. President, I think it is clear, when people pay their fuel taxes, they expect those dollars to go to their highways and transportation so we have the best transportation system in the world. There is not little dispute about that. I filled up my gas tank this morning coming to work. I know how expensive it is. Today about 18.4 cents of a gallon goes to Federal taxes, and then there are D.C. taxes and State taxes. There are a lot of taxes that go into the cost of a gallon of gas. All we ask is that these taxes are used for transportation. That is what we want, and that is what we expect when we pay our fuel taxes at the pump.

I must remind Senators that the balance in the highway trust fund is increasing. Every year it is increasing. American motorists are not getting their money's worth.

Why is it not being spent? It is not being spent because it is being used to mask the true Federal deficit. That is why it is not being spent. A lot of appropriators and the budget folks around here like those big balances in the trust funds because it masks the true deficit. Again, I say. If this amendment does not pass, the balance in the trust fund is going to continue to grow dramatically over the period of this bill. So Americans should know that when they pay their fuel taxes today, they are not being spent. A lot of it is just accumulating. It is a charade. It is a phony game that is being played with American taxpayers. Using fuel tax revenue to mask the true budget deficit is not right and it is not fair. And I have argued this many times.

To my second point. This amendment in no way breaks the budget. Now, there are going to be some on the floor later, perhaps today or later, saying, ''Oh, this breaks the budget.'' It does not break the budget. It does not break the budget at all.

Why? Because all this amendment does is raise the contract authority or authorizations. It would increase contract authority by $31.6 billion over 5 years. This is the 3.45 cents of the 4.3 cents just transferred to the trust fund on October 1. The amendment would provide new contract authority beginning in 1999. But it does not tell the Budget Committee this year or next year that they have to raise transportation spending. It does not tell the Appropriations Committee to raise budget caps. It does not touch the budget resolution or obligation limitations for highways. Again, it is just contract authority. Therefore, it does not break the budget. It does not require any additional spending. The amendment just says that if the projected savings from OMB are realized, and if the Congress decides to spend these savings, then they should be available for transportation.

It does not require that spending increases. It just says that the Congress may spend more for transportation if there are new savings and if Congress agrees to spend them on transportation. We are just increasing contract authority. That is all. We increase contract authority by $31.6 billion over 5 years. So, again, this does not break the budget. Yes, we will have at least one point of order. But is not a point of order that we have increased spending. It is a point of order that the Environment and Public Works Committee has exceeded its contract authority allocation. That is all. But that is a minor technicality. What really counts is, does it require any additional spending? The answer is no, not one cent of additional spending is required. It does not break the budget agreement in any way. I cannot make that point enough.

Point 3. Does this amendment take anything away from any other Federal program? Some are going to claim that it does. The answer is not one red cent. Nothing is taken away from other programs—nothing. Now, someone may claim that it will. They are going to say that. Not true. Not true at all.

Again, because this amendment only provides for raising contract authority. It does not increase spending. I say again, Congress must still decide to spend any new savings, if those savings are in fact even available. It is clear that if today OMB projects a savings, that savings may be greater or lower next year. But if that is the case, Congress may choose not to increase spending at all. That is fine. Again, the amendment will only provide new spending if savings are available and if Congress decides to spend them.

Again, this amendment takes nothing from any program at all. To my fourth point, the infrastructure needs of this country. I will talk about this in greater detail when we debate the amendment. But I do want to state that the Department of Transportation says that there is about a $15 billion annual deficit in combined infrastructure spending in America. We in America spend far less on highways and infrastructure than other countries do as a percent of their gross domestic product. Japan spends four times what we do. European countries spend at least twice as much.

I fear that if this amendment does not pass, 6 years from now we are going to find that our highways in America have deteriorated more. We will continue to fall behind. Our highways and transit systems are not all in good shape today. There are a lot of bridges in our country that need repair. There are a lot of roads in our country that need repair. I just cannot emphasize too much how important it is for America to have the best highways and transportation system if we are going to remain competitive. We need to pass this amendment to make progress on our transportation needs.

And to my fifth point. Let's not lock into the contract authority numbers that are in this bill unless we have to. Let's have this vote and see what happens. I think the case is there to increase transportation spending. We need to do it now and not wait.

So I will sum up, Mr. President. I want to again thank all who have worked so hard on this amendment, particularly the authors of the amendment. They have come up with a very sound way of solving the problem of needing more money. Again, it does not break the budget in any way. And it does not take any dollars from any other programs.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I know there are others who are anxious to speak, so therefore I will not go over the points that were very clearly enunciated by the distinguished senior Senator from West Virginia, my colleague from Texas, and my partner, Senator BAUCUS, who worked with me throughout the formulation of the underlying bill together with our leadership, the committee chairman, Senator CHAFEE. Senator BAUCUS has worked with me throughout this process.

As subcommittee chairman, I started with a group called Step 21 and then eventually we joined forces with a group headed by Senator BAUCUS—Stars 2000 is my recollection—and eventually our distinguished chairman joined us. We were able to craft a bill which became the subject of a markup and then gained full support of the committee.

It is, I must say, of some personal and professional concern that for the moment I am at odds with my distinguished lifetime friend and chairman, Senator CHAFEE, on this matter, but I hope that in due course I and others can persuade him to the wisdom of this amendment. He will speak for himself, I hope, momentarily.

As Senators BYRD and GRAMM and BAUCUS have said very clearly, when I met with them last night, I was given the assurance we did not break the budget, and I think the Senators have gone through that very clearly.

We assure that every State gets a fair return, and 90 percent of the funds sent to the States under the formula is a fundamental principle of ISTEA II. And to give absolute credence to that statement I have just made, which was the basic criteria for my joining in this effort, I ask unanimous consent to print in the RECORD statistical tables prepared by the Federal Highway Administration at my request.

Mr. DOMENICI. Might I ask the Senator, what is that again?

Mr. WARNER. If I may, I will just pass it to the Senator. It is a statistical table showing that the formula of a 90 percent return that we established in the bill is followed in the amendment.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. WARNER. Absolutely. Let me just finish——

Mr. DOMENICI. Where is the amendment you are following? I haven't found it.

Mr. WARNER. Mr. President, if I can just finish my remarks, then I will be glad to yield the floor.

Mr. DOMENICI. Excuse me.

Mr. WARNER. I suggest that the Senator consult with the distinguished senior Senator from West Virginia, who has put certain documentation into the RECORD earlier today.

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

COMPARISON OF SHARES UNDER ISTEA, FY 1996 HTF CONTRIBUTIONS, S. 1173 AND BYRD/GRAMM

[Dollars in thousands]

State	ISTEA avg. percent (incl. demos)	FY 1996 HTF Pymts (percent)	90% HTF Pymts	S. 1173 5yr Avg. (1999–2003)	Percent	Byrd/Gramm 5yr Avg. (1999–2003)	Percent
Alabama	1.815	2.219	1.997	$442,300	1.997	$553,616	1.997
Alaska	1.160	0.256	0.230	274,640	1.240	343,760	1.240
Arizona	1.399	1.726	1.553	343,979	1.553	430,550	1.553
Arkansas	1.437	1.445	1.300	294,574	1.330	368,711	1.330
California	9.133	10.096	9.086	2,026,838	9.151	2,536,945	9.151
Colorado	1.098	1.277	1.149	282,478	1.275	353,571	1.275
Connecticut	1.929	1.000	0.900	379,110	1.712	474,518	1.712
Delaware	0.398	0.288	0.259	104,098	0.470	130,296	0.470
Dist. of Col.	0.504	0.126	0.114	100,107	0.452	125,302	0.452
Florida	4.201	5.116	4.605	1,019,835	4.605	1,276,502	4.605
Georgia	2.975	3.895	3.506	776,476	3.506	971,895	3.506
Hawaii	0.692	0.259	0.233	132,223	0.597	165,498	0.597
Idaho	0.683	0.549	0.494	181,617	0.820	227,325	0.820
Illinois	3.735	3.696	3.327	736,789	3.327	922,221	3.327
Indiana	2.231	2.703	2.432	538,722	2.432	674,304	2.432
Iowa	1.206	1.165	1.049	292,287	1.320	365,848	1.320
Kansas	1.148	1.156	1.040	290,037	1.310	363,032	1.310
Kentucky	1.561	1.927	1.735	384,214	1.735	480,911	1.735
Louisiana	1.443	1.763	1.587	393,511	1.777	492,551	1.777
Maine	0.643	0.523	0.470	127,220	0.574	159,240	0.574
Maryland	1.678	1.674	1.507	333,744	1.507	417,739	1.507
Massachusetts	4.537	1.846	1.661	393,688	1.778	492,771	1.778
Michigan	2.812	3.505	3.155	698,708	3.155	874,555	3.155
Minnesota	1.534	1.430	1.287	331,165	1.495	414,512	1.495
Mississippi	1.106	1.325	1.193	279,391	1.261	349,707	1.261
Missouri	2.211	2.585	2.326	527,173	2.380	659,850	2.380
Montana	0.884	0.479	0.431	234,773	1.060	293,860	1.060
Nebraska	0.778	0.810	0.729	185,958	0.840	232,759	0.8940
Nevada	0.641	0.640	0.576	161,683	0.730	202,375	0.730
New Hampshire	0.483	0.408	0.367	115,172	0.520	144,158	0.520
New Jersey	2.848	2.607	2.346	533,777	2.410	668,115	2.410
New Mexico	0.975	0.869	0.782	232,558	1.050	291,087	1.050
New York	5.475	4.358	3.922	1,128,109	5.093	1,412,009	5.093
North Carolina	2.618	3.140	2.826	625,976	2.826	783,519	2.828
North Dakota	0.636	0.360	0.324	161,683	0.730	202,375	0.730
Ohio	3.584	3.826	3.443	762,570	3.443	954,490	3.443
Oklahoma	1.420	1.686	1.517	349,099	1.576	436,959	1.576
Oregon	1.163	1.302	1.172	285,235	1.288	357,022	1.288
Pennsylvania	4.865	4.160	3.744	839,868	3.792	1,051,249	3.792
Rhode Island	0.580	0.275	0.247	128,461	0.580	160,791	0.580
South Carolina	1.279	1.765	1.589	351,919	1.589	440,488	1.589
South Dakota	0.653	0.359	0.324	172,758	0.780	216,236	0.780
Tennessee	1.998	2.515	2.263	501,256	2.263	627,410	2.263
Texas	6.423	7.649	6.884	1,524,739	6.884	1,908,478	6.884
Utah	0.711	0.855	0.770	191,086	0.683	239,178	0.863
Vermont	0.435	0.293	0.264	104,098	0.470	130,296	0.470
Virginia	2.267	2.844	2.559	566,858	2.559	709,522	2.559
Washington	1.865	1.962	1.765	407,191	1.838	509,671	1.838
West Virginia	1.147	0.806	0.725	226,342	1.022	283,308	1.022
Wisconsin	1.926	2.018	1.817	402,337	1.817	503,595	1.817
Wyoming	0.629	0.466	0.419	168,328	0.760	210,692	0.760
Puerto Rico	0.448	0.000	0.000	101,652	0.459	127,235	0.459
Total	00.000	100.000	90.000	22,148,407	100.000	27,722,607	100.00

Mr. WARNER. Mr. President, throughout this debate of many, many months on the highway bill, I have expressed the need to raise the amount of money that had to be put forward to replenish America's infrastructure. And together with Senator BAUCUS, we cosponsored an amendment which lost by one vote in this Chamber to augment the spending under this bill. I felt a certain loyalty to that coalition which had joined with me and had fought so hard to get additional funding.

Second, the formula that we devised in the underlying bill, ISTEA II, I now recognize, while it was essential in my judgment we establish that 90 percent return—thereby eliminating the donor-donee distinction that existed, I think most unfairly, for these 6 years, and we achieved that result—but I find, in consulting with many of my colleagues, that the transition is very abrupt to their States, those donee States in particular. This amendment, as proposed by the four of us, will help ease that transition.

That point I want to make very clearly, it will help ease that transition, because Senators in clear conscience on both sides of the aisle have come to the members of the transportation committee and said please, we must have some relief as we begin to transition into ISTEA II. This bill provides the added funds to give that needed relief, badly needed in many instances. I think now with this important amendment as part of the bill if so adopted—the Senate will adopt an ISTEA II bill.

I am reasonably confident it will be along the lines of the committee bill. But there have been reports from the other House, and they may be rumor but I think there is some documentation, all the way from, ''We are not

even going to conference. There won't be a bill this year.'' Or it will be just a 6-month bill. And I have heard a 90-day bill.

At another time I will explain why, in my judgment, that is not good for the United States of America. Our transportation infrastructure and the need for upgrading is critical for this Nation to remain competitive in a one-world market. A 6-year bill has always been the format, beginning with ISTEA I, by which the Governors and the respective highway authorities in the several States have done the long-term planning necessary to improve their own State transportation systems. They need 6 years to develop the contracts which must be guaranteed to have a flow of funds over that period of time. They are not simple contracts, they are very complex contracts.

I can go on, on that point. But we will be strengthened, the U.S. Senate will strengthen its bill to the point where I think the House will see the wisdom of the course we have charted in this body for a highway bill which is anxiously being awaited by the 50 States. This amendment, I think, will ensure the ability of the Senate to go in with a strengthened position and persuade the House to the wisdom of having a 6-year bill, and hopefully along the funding profile as outlined in this amendment.

The House was deeply concerned, as was the Senate, that next year, with the forecast and projections of additional revenues, that they could be forthcoming for transportation. What this amendment does is literally solidifies—no longer ''bet on the come''—that next year we will have additional funds for highways. But this amendment in a sense puts that certainty into this legislation, which will enable the several States to do their planning.

So, those are the three basic reasons and I shall add further, such that other Senators can have an opportunity to speak on this, and I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from West Virginia.

Mr. BYRD. Mr. President, in the remaining time let me also thank the distinguished Senator from Rhode Island and others on the committee who worked long and hard, in putting together the bill that was reported.

Now, I have discussed with the distinguished chairman of the committee, the need of the Appalachian corridor States for additional moneys, and that need hasn't been met by this bill. The distinguished chairman from Rhode Island, Mr. CHAFEE, came to my office and listened to my concerns. He listened courteously, and I thank him for the consideration that he gave me. But we have a bill here that does not meet those needs that have languished for 31 years. So I feel compelled to do what I can for the Appalachian States and the people therein who have been promised for 31 years that those Appalachian corridors would be funded. I feel the need to do what I can to advance their cause.

And other Senators have come to me saying, ''We need more money. We need more money.'' Six years ago, when we had the ISTEA bill before the Senate, I found, as chairman of the Appropriations Committee, I found $8 billion, a little over $8 billion which enabled the Senate to get off the dime, as it were, where it was stalled. That bill wouldn't move. So we divided the $8 billion, half I think among the donor States and half to those States which had acted to increase the resources for transportation within their own borders, such as my own State, which had raised its gasoline tax. It had done more than many of the other States had done within the respective borders of those States to try to meet those needs.

So, I was able in that instance to find that $8 billion, so Senators have again come to me and said listen, we need more money. We need more money. So I have done my best to find that money. There will be a time, as I have said, when we will debate this matter. But I did want to thank the distinguished chairman for his work and I hope he will understand the necessity that compelled me to try to get more contract authority for highway construction all over this country. I will be ready to do my best to defend the amendment when we are ready to introduce it.

Mr. President, at this time I would like to state the names of additional Senators who have indicated they want to cosponsor the amendment: Mr. AKAKA, Mr. BREAUX, Mr. FORD, Mr. INOUYE, Mr. KENNEDY, Mr. ROBERT KERREY, Mr. HARRY REID, Mr. SHELBY. That completes the list as of now.

I urge all Senators who, having heard this discussion today and who, feeling that they would like to be cosponsors—I urge them to be in touch with my office, Mr. GRAMM's office, Mr. WARNER's, or Mr. BAUCUS', and let us know that.

Mr. GRAMM. Mr. President, Senator SANTORUM, who presided over our presentations, asked to be added as a cosponsor. Mr. FAIRCLOTH would also like to be listed. We are not offering the amendment today, but in terms of putting people on notice, putting the tables out, I wanted to be sure that they were listed as well.

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

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I appreciate the lovely bouquets that have been thrown my way. I think I would swap them for more support than I am currently receiving. But, nonetheless, I appreciate it. I thank the distinguished senior Senator from West Virginia and all around here, Senator BAUCUS, Senator WARNER, others. I would ask the sponsors of the amendment that we would like to see it. We are going away, now, for a week, and I think it would be helpful if we could see this amendment. When will it be available?

Mr. BYRD. Mr. President, the distinguished chairman has asked a pertinent question. I think I have already answered it. The amendment is still being drafted, but, in view of the fact that the Senate is about to go into recess—I understand there won't be a session here tomorrow—we, who are the chief cosponsors, felt that we ought to announce to Senators that there will be an amendment. We put tables in the RECORD, and at such time as the amendment is ready to be offered, all Senators will then have it made available to them. Senators are entitled to see it when it has been finished.

Mr. CHAFEE. Mr. President, I would ask if it is possible to see it before we leave? In other words tonight, tomorrow, something like that?

Mr. BYRD. As the distinguished chairman knows, the department has had some difficulty in calculating the numbers even for the bill that is before the Senate. Now we have an amendment that only last night the four chief cosponsors finally agreed upon, and it takes some time for the department to run the tables, run the figures and get them ready. Senators know that. The Senator from Rhode Island and other Senators know that. We could have waited until we came back to announce that we have an amendment, but we felt it was the better part of wisdom, because it is being talked around here. This amendment, without its having yet been produced, is already being criticized, and things are being said about the amendment that are not true. So we felt that before we go into recess we ought to make that clear, that there are mistaken conceptions of what the amendment does. We ought to set that record straight. But the amendment will be made available in due time.

And while I am on my feet, I would like to say we ought to have an ISTEA bill this year. We ought not settle for a 6-months extension. We ought not settle for a year's bill. Next year is an election year. If we can't reach an agreement this year, how easy is it going to be to reach an agreement next year, during an election? We ought to focus our energies and our attention and our talents on promoting action on the bill this year, a full 6-year bill.

Now, that's the best I can give the Senator in answer.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, as I understood there is a table being passed around that shows the allocations to the various States. That's really the tough part of the amendment. So, what is left?

Mr. BYRD. I will give——

Mr. CHAFEE. The language of the amendment must be available if——

Mr. BYRD. I am pleased to give the Senator the table. It will also be in the CONGRESSIONAL RECORD in the morning, for all to see.

Mr. WARNER. If the Senator will yield, I will give him the table that I have quickly prepared when I first learned of the amendment, which

shows the consistency between this amendment and the distribution of funds under our underlying bill, ISTEA II.

Mr. CHAFEE. Mr. President, I know the distinguished chairman of the Budget Committee has some comments. But let me just say briefly, I want to put one thing to bed around here, to rest, and that is that this gas tax has been collected with the people who are paying it believing it is all going into a highway trust fund.

Let me just review the bidding a little bit. Many of us—I certainly was here, the Senator from Montana was on the Finance Committee at the time, I don't know whether the Senator from Texas was. But in 1990, there was a 5-cent-per-gallon tax started; 5-cent-per-gallon tax; 2.5 cents of that was to go to the general fund, 2.5 cents to the highway trust fund. This was no secret. It wasn't something that was slipped over anybody. We all voted for it up or down, knowing 2.5 cents of that 5 cents was going into the general fund of the United States. There is none of this business of coming to the pump, looking at it and thinking that tax you are paying all goes into building highways.

Then in 1993, we added a 4.3-cent tax, all to go to the general fund, and that was no secret either.

So, Mr. President, I just want to say that this idea that we are somehow deceiving the public by piling up money in the general fund from the gasoline tax is just not accurate, and everybody who was in the Senate at the time—that is everybody here—certainly those on the Finance Committee clearly knew where the money was going to go.

Let me just say something else. I know the Senator from New Mexico is going to deal with this further, but I must say, this is a world record around here. We passed a budget in August. That is when it was signed, August. September, October we are going to deviate from it.

The proponents are riding two horses here. One they are saying, ''Oh, it's not going to affect anything,'' and that is right, because under this amendment, it goes out to the States but can't be spent until one of two things happen: until the other domestic discretionary accounts are cut or the cap is, or the overall discretionary cap is raised. That is true.

So on one hand you can say what marvelous things are going to be done for the highways, every State is going to get more, how wonderful it is, and then you say, ''Oh, no, none of it is going to be spent; therefore, it is not going to affect the budget at all.''

When the time comes and the decision is made, you radically alter the budget that was just signed by the President a month and a half ago, probably it is 2 months ago now. That is a world record for this Chamber. Usually we don't deviate from a budget until we have gotten into it a little bit, but here we change it after a little less than 2 months. I don't think that is a very good record we should be proud of in this Chamber. I know the distinguished chairman of the Budget Committee will be speaking, and I look forward to hearing his remarks.

Mr. WARNER. Will the Senator yield for a point? I want to make it clear for the Record I voted against that 4.3-cent tax.

Mr. CHAFEE. Maybe you did, but the idea that this was adopted by some masquerade, somehow the impression ''when my wife goes to the gasoline station she is thinking that all that tax money is going into the highway trust fund and that if we send it anywhere else we are deceiving her,'' that is nonsense. It was nonsense right from the beginning, as I said, in delineating the history of what took place in 1990 and then in 1993.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. CHAFEE. Sure. Let me say one thing, if I might, Mr. President. I am now in my, I guess, 20th year here, and I have been on the side of the distinguished senior Senator from West Virginia. I remember lifting the Turkish arms embargo about the first year I came here. And then I have been on the other side, against him. As a general rule, I would far prefer to be on his side than against him. I find it is a much more comfortable position, perhaps a safer position in many ways. So I am very, very conscious that when I duel with the distinguished senior Senator from West Virginia, I have to be on the alert.

I will buckle on my breastplate of righteousness, I shall seize my cap of salvation, I shall grab my sword of the spirit and prepare for combat.

Mr. BYRD. Come one, come all. This rock will fly from its firm base as soon as I.

Mr. President, the distinguished Senator from Rhode Island has made some comments questioning the fact that people in this country—I think it is a fact—the people in this country go to the gas pump and buy gasoline under the impression that their tax money goes into the highway trust fund and that it comes back to meet their transportation needs.

Was the Senator here in 1956? I was here in 1956. I was here and I supported President Eisenhower's interstate system. I was here. My wife was buying gas at the pump then. In 1956, Congress created that highway trust fund. She was buying gas at the gas pump then, and the people were told that the gas tax was going into the trust fund tax, and that money was going to be used for highways.

And so for over 40 years the American people have believed that their money that they were spending at the gas tank, that portion that was the Federal tax, was going into the highway trust fund. That is no Alice in Wonderland story. That is no make-believe story. That has been a fact. I voted for it 41 years ago.

In 1990, it was diverted. That is when it was diverted, 1990. I was here. I voted for that. I went over to those long meetings that we had with Mr. Sununu and Mr. Darman and Mr. DOMENICI and I guess Mr. WARNER was there, Mr. Hatfield was there. Anyhow, Senators on both sides of the aisle were there. And we came up with a package. Yes, we diverted it. We voted to do that.

But recently the Senator from Texas offered an amendment, which said that the gasoline tax should again go into the highway trust fund.

So let's not break faith with the American people. They have been told it is for highways, and that is what this amendment says it will be used for if the savings are there. I just wanted to make that point.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I left a very important meeting because I thought I had the time at 5:15 or at least after they used an hour or so. I think I am being fair in saying they used an hour, and I was supposed to follow for a half-hour.

Mr. BAUCUS. I wonder if the Senator will yield for 1 minute on this last point.

Mr. DOMENICI. Will you set it for 1 minute?

Mr. BAUCUS. Very briefly.

Mr. DOMENICI. I will be pleased to yield.

Mr. BAUCUS. In 1990, we enacted 2.5 cents to deficit reduction. In 1993, the 4.3 was passed. In 1995, due to pressure from the public, we undid the 2.5 cents so that went to the highway trust fund. And right now, because of the public pressure, we are going to put the 4.3 cents in the trust fund.

In the past, Congress has diverted, but the public is now telling us—and we enacted in 1995 to put 2.5 cents back in the trust fund, and now we are putting 4.3 cents in because the public wants it back in the trust fund.

Mr. DOMENICI. Mr. President, since there is going to be a week or more intervening before we can debate the so-called amendment, I hope it is available for us to look at before then. I am always a little suspicious when a bill isn't ready, especially when everybody is clamoring to get on it because it seems to me they know something I don't know.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. And I bet they do. I bet they know this bill is going to promise them all a lot more money, so why don't they all get on? Right, I ask Senator GRAMM? Every Senator should get on it. You can count on it, it is going to give you more money, you can count on it, whether it is the Appalachia Regional Commission, Texas, New Mexico—all of you are going to get a lot more money.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. I will yield as much as you like.

Mr. BYRD. I have two things to say. I hear that the distinguished Senator from New Mexico has an amendment. I hear that he has one. I have seen papers to that extent, memos, or letters something like that. I didn't read them, but I have seen them around the desks. So he, too, has an amendment. I haven't seen it. We four sponsors think that even though our amendment is not ready, we should clear the air and clear the record as to what it will not do, because many things are being said in the Senate about our amendment that are absolutely incorrect. I have seen some of the papers on the desks around here saying what this amendment purportedly will do. We Senators wanted to clear the record today to say that it will not do this and it will not do that and it will not do other things stated in the propaganda that is being spread. That is all. I thank the Chair.

Mr. DOMENICI. I was delighted to yield. First, I would like to make a part of the Record and I would like Senators to know a little history about the trust fund and whether or not there really is a surplus. At least on the Republican side I would like them to read the Republican policy statement issued on October 6, just a few days ago, that analyzes the history of this. It will be good reading. If there ever was a myth, it is the myth about the great, great trust fund buildup that is there for highways that we ought to be using, everybody says; this budget process is just building that big reserve and that big slush fund. This will tell you that is kind of a paper tiger. I would call it one of the greatest myths around.

Having said that, let me clear up the second point. No Republican voted for the 4.3-cent-gasoline tax. So I say to Senator WARNER, you can get up and say you didn't. You are in good company. None of them did.

On the other hand, I can say to my friend from West Virginia, you did, because every Democrat voted for it. The important thing is, what was it for? I understand that in 1956 Senator BYRD's wife was buying gasoline at the pump. I was just a small guy then, but I was buying gasoline at the pump. I had a little Chevrolet, secondhand car that my dad gave me, and it was secondhand from his business.

Let me tell you, this 4.3 cents was adopted in a balanced budget proposal by this President, voted for by Democrats. I will tell you, some of us said that it wouldn't work, and maybe it worked better than we thought, but I say to my good friend from West Virginia, there was no diversion of highway trust fund moneys. It was voted up or down in the General Treasury to reduce the deficit. We can bring that down here and talk about it. It was not a gasoline tax for highway use. It was a gasoline tax to reduce the deficit.

I submit, since we think we have balanced the budget, Mr. President, maybe the time is to give the 4.3 cents back to the States. That might be a good idea. Its original purpose was to help balance the budget. Let's say to the American people, ''We're giving it back to you because we don't need it to balance the budget.''

I say to Senator BYRD, I know you want me to yield, but you have been down here a long time. You used the word ''propaganda'' about what I sent around. I want to make sure this attack on propaganda is equal, so I can attack propaganda about how great this amendment is and what it isn't going to do.

Frankly, we are going to have a lot longer discussion about this, but it is wonderful to just visualize and think for a minute how far we have come.

June the 5th—anybody waiting around for me to say what year—this year, June the 5th, 1997, we overwhelmingly adopted a balanced budget resolution. And everybody was praising us. And JOHN WARNER, a wonderful Senator from Virginia, you are hugging DOMENICI saying, ''You finally got it done''—June 5th.

Just a little while later, July 31st, this year—not 10 years ago—we adopted two bills, one by a vote of 85–15. Now, I imagine in this debate some can stand and say I did not vote for it. Maybe PHIL GRAMM can say that. I was not one of the 15. He did not vote for the budget resolution, anyway.

Anyway, 85 Senators voted for the bill to implement that balanced budget. And lo and behold, on the same day, 92 Senators voted on a new tax bill for the United States of America—all part of a big plan to balance the budget.

What actually has happened, Mr. President, and fellow Senators, is that along comes a highway bill, after all that is done, and by an accident of time it comes after the Budget Act and on to the floor comes Senators saying, ''Let's spend $31 billion more on highways than we expected just on June 5th, 1997.''

Now, is Senator DOMENICI saying you are breaking the budget? Well, I don't know. I am just telling you that on June the 5th you voted in a budget resolution that sets obligation authority for highways, and now before the year ends you are saying, without another budget, without another debate, without any decision about where the money is going to come from—I will talk about that in a minute—we all decide we are going to add $31 billion to the highway program.

Anybody that thinks Senator PETE DOMENICI is not for highways has Senator PETE DOMENICI wrong. In fact, about my own State, I have to say that we are not spending enough on highways. And it is going to be very detrimental to the future of our State. Most of it is because we do not want to spend any of our own money. And in our urban areas we put in about $80 million every 2 or 3 years in a bond election. We ought to put $250 million, in my opinion.

The point is, I am for spending more money on highways. And I will present an amendment that does justice to the votes of these Senators on June 5th and July 31st. For my amendment will say: Early next year when we do a new budget resolution and we thoroughly debate—what?—prospects for a surplus—I am hearing people running around saying there is going to be a big surplus. We are going to debate that.

I hope there is a great national debate because, to tell you the truth, the deficits are going to be down in the year 1998, 1999, and the next year dramatically from what we predicted. And I believe, absent some catastrophe, in the short term we will balance the budget and have a lot of money left over in the year 2002.

But before we get too excited, during that debate we will have a presentation, if not by others, by me, telling you what is going to happen in about 12 years or 14 when the baby boomers hit this. Just like one of these giant pythons when they swallow some big monster animal, they can hardly digest; it gets about that big. That is the way the budget is going to go—huge.

Frankly, I want to tell you what I think this amendment does. I believe there is a disagreement in philosophy between the distinguished Senator from West Virginia, Senator BYRD, and his cosponsor, Senator GRAMM of Texas. Senator GRAMM has said—and he put it in a circular that has gone to everybody around to muster up support—and the fourth point he makes in his circular is that we will not spend any more money as a result of spending $31 billion more on highways than we expected, we will not spend any more money.

That does not sound possible, does it? Of course, it does. Senator GRAMM says we will take it out of the rest of Government. So what we had planned to spend in Government, which incidentally for those who think we were going to spend a lot of money, get ready. The appropriated accounts on the domestic side are expected to increase five-tenths of 1 percent in each of the next 4 years, I say to my friend from West Virginia. That is the number built in the law.

Now, think with me. Senator GRAMM says, $31 billion more spent on highways than contemplated, but we are not going to spend any more. Where is it going to come from? Now, the version of the Senator from Texas is to take it out of the rest of Government, except defense, I assume. Wait a minute—you shake your head—it is not right.

It is impossible that you can spend $31 billion and not break the caps that are currently established or reduce the level of spending in the appropriated accounts other than transportation. It is arithmetically impossible. That is not philosophy; that is just plain old numbers.

Now, Senator BYRD is saying, if I hear him right, ''Now wait a minute.''

Mr. BYRD: Be careful now. Be careful.

Mr. DOMENICI. ''I want to spend this 4.2-cent gasoline tax. I want to spend it

on highways. On the other hand, I'm willing, when the time comes, to increase the domestic caps so we don't have to cut appropriations.''

Now, is this amendment a budget buster or is it not? I guess one could say we are not breaking the budget because somehow the money is going to come down from Heaven and come into this trust fund, or some will say we are just going to go to the NIH and we are not going to get rid of it like Senator DOMENICI suggested, we are just going to cut it 5 percent. And we are not going to get rid of all those items that somebody read off my letter, we are just going cut them off 5, 6 percent. Well, everybody ought to know what we are going to cut to spend $31 billion. And the problem with this process: They will not know until we have already put on the new map $31.6 billion in highway funds.

That is the truth of it. Why do I think we should do it another way? And I urge you all to do it another way. I urge that we not spend the money, the 4.3 cents, the $31.6 billion, that we not obligate it now but, rather, we say the following in an amendment—and if Senator BYRD wants to know what my amendment is, I am explaining it right now—that we adopt an amendment that says, when the budget process is finished, and the debate has concluded on what we should do with our money next year, including surpluses, and the following years, when we have decided, if Congress decides to spend more money on highways then, put it right in the budget resolution, an automatic supplemental appropriation. An amendment to the Highway Act will occur so that you have accomplished it and everybody has had their chance to debate where the $31 billion comes from.

And I surmise that some of you might say, including my wonderful debating friend, Senator GRAMM, you might say, ''DOMENICI, you know, they're going to put it in highways anyway.'' Well, that works both ways. If you know they are going to vote to put it in highways, why don't you wait and do it when everybody can vote on the difference between spending it here and not spending it in education or spending a surplus to build highways?

That is a fair proposal on our part. I will draw the language for you. I will let you help me. Then I will tell you, if you prevail in this debate that you want some surplus going in here, that you want to cut other programs to put more here, I will be on the floor supporting you to the best of my ability right on through.

Frankly, I do not think—you know, I used to be, in all honesty—I will not tell you when it stopped happening, I say to Senator BYRD—but I used to really fret when I thought I had to come down here and argue with you. Because I figured I did not know enough. And by the time you got through with the process down here, you taught me a lesson. You taught me it early. The rules are made for you. If you do not use them, it is your fault. And if I use them, it is because I have a right to.

I did not feel up to it back yonder. But I welcome this debate. And if you all win, you know, I am not going to lose any sleep. But I think I will make the point that this is not the way to run the Government of the United States 4 months after you pass a balanced budget and you put caps on what you can spend for each of the next 5 years, literally dollar numbers written in the law for all the domestic accounts, including highways. They are all in that cap. You cannot raise the cap without 60 votes saying, ''Raise the cap.''

And along comes the appropriations process, which is the other vehicle you can use, and you cannot—you cannot—mysteriously find $31 billion to spend. You put new commitments in with the same amount of money to spend for everything—not one penny less or one penny more. It does not change. There is no inflation built into those caps. They are not tied to the economy of the United States. They are flat literal numbers.

And why are they numbers? Because we found the only thing that worked to control spending on the appropriated side was to say if you exceed the caps, the Executive must put in an automatic sequester so it is the only thing that works. And it works because twice the White House—not this one—sent us a little signal. We were $40 million-some over the cap once, and Dick Darman said, just so you will all know that it works, he sequestered every account in Government to the tune of a total of $43 million, which I think was one-tenth of one-hundredth of one-thousandth of a percent, but to prove it works.

It was sort of a bit of the leftover of Gramm-Rudman-Hollings. Probably the one notion of real consequence was the notion of a sequester, which most people never heard the word before. In fact, I had not until you introduced the bill—or until we helped you rewrite the bill or whatever. I worked on it for a long time, I say to the Senator.

I am going to quit for now because if I am going to bore the Senate with my entire speech tonight they will not listen to me the next time. And I want to make sure that they all hear this and that they all hear my version of this. And then they can vote as they please because that is what we were elected for.

I want to close by saying to all that big lobby group, believe you me, when you say ''lobby groups,'' don't think that the highway people are not lobbying. Man, oh, man, you would think that the only ones lobbying are the manufacturers of America. They are all out there now that you have spoken tonight. When these Senators go home on this recess, they will claw at them. They will already know how much more is going to be spent on their highway projects. It will not be the citizens. It will be the highway builders. Nothing wrong with that. There is not one Senator that said they should not, but, boy, they are going to tell you every penny is needed. And they aren't going to know one diddly about the process going on up here or what they are competing with. It is just: Build the roads.

Someday we are going to build more roads. Maybe I will be voting for building more roads. But I tell you for now, you have not come close to convincing me that this is the way to do it. I urge that you go back and find a way to draft a contingent bill, draft a bill contingent upon the Congress of the United States in the budget process increasing the obligational authority that you think we ought to have.

I am willing to help you draft that and say if Congress votes that in as it sets its new priorities—and, yes, I would even say decides whether it wants to spend more money—then I will be right there with you when the time comes seeing that you get it. But I just believe that, you know—I cannot yet tonight tell you, but I will be able to in a week, how this changes the system that was working.

I do not mean by that, spending the trust fund reserves. There can be a big argument about the unified budget and taking it off budget. I just mean, to come in at this date just because a highway bill is due and add $31 billion this way without having to face up to any competing needs, and leaving that competition to another day, or as one would say, ''Don't worry about the competition. We'll just increase the caps and spend more,'' I think that ought to be done not in the context of a highway bill that gives everybody some goodies that they are all prone to vote for, I think it should be done in a framework of the U.S. Senate at its best, determining what the overall expenditures of Government ought to be, and maybe I will even say tonight how much of the surplus we want to spend and how much you want to leave, how much you want to put in the Social Security trust fund, and all kinds of nice things.

I yield the floor.

Mr. BYRD. Mr. President, I will be very brief because we have other business that is going to come before the Senate.

Before the Senator from New Mexico leaves, the Senator talks in terms of waiting, waiting until we can consider other competing needs. We are saying, ''Let's keep faith with the American people.'' If there are savings, let's spend the money in the trust fund for that which the American people think it is to be spent for, not other competing needs. That is just what we are saying it is being spent now for—for other competing needs. We are saying, stop it, keep faith with the American people. Spend it for highways if it is going to be spent.

Other competing needs—like what? Cutting taxes? Is that what it is? The

distinguished Senator mentioned how the budget is going to bulge when the baby boomers get on the scene. I voted against a tax cut, Senator. I said let's put it against the deficit, let's take what you would spend on a tax cut and apply it on the budget. Let's balance the budget with it. I said I'm against a tax cut that the Republicans proposed and I'm against the cuts that the President proposed.

Now, we are simply saying, let's spend it for highways if it is going to be spent and if the savings are there. Of course, the chairman of the Budget Committee and the members of the Budget Committee are going to make that decision. But the people need to know something now. Why do we do it now? Because, we have a highway bill before the Senate, that is why. Now is the time. Don't wait until the opportunity has passed and say, ''Well, we should have done it when the highway bill was before the Senate.'' Let's do it now.

The distinguished Senator says he will welcome the debate.

I, too, welcome the debate, and we won't be running for the mountains crying for the rocks to fall on us. When the debate comes, we will be ready.

As I say, we just wanted to put to rest some misunderstandings that were being spread. I don't blame anybody for that. They were jumping to unmerited conclusions. We wanted to set that straight. When the time comes, the amendment will be offered, and I welcome any and all cosponsors, as do the other sponsors. I don't intend to convince my friend from New Mexico. I honor and respect him. He is one of the brightest minds I have ever seen come in this Senate, but let's keep faith with the American people.

Ananias dropped dead, and so did Sapphira, his wife. They lied, they lied to God. I'm not saying anybody has lied, but I am saying we are not keeping faith with the American people. The American people were told by us in 1956, Senator—I was here; I was over in that other body—they were told that the money was going into that trust fund and would be coming back home to meet the transportation needs of the people.

So, let's keep faith with the American people. And we will renew this debate on another day, I say with great respect to all my friends.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me say it is awfully tempting to get into a debate here, and I will try to avoid that as well. We will have an opportunity to do that the week after the recess when our amendment will be before us, the bill will be before us.

In the words of Ronald Reagan, let me ask Senator DOMENICI to take a little walk with me down memory lane. When his budget was on the floor, I offered an amendment to take a position in the Senate that said that the 4.3-cents-a-gallon tax on gasoline should be put in the trust fund and should be spent for highways and for mass transit. By a vote of 83–16 Members of the U.S. Senate said yes. When the tax bill was before the Finance Committee I offered an amendment to put the 4.3-cents-a-gallon tax on gasoline into the trust fund. By a vote of 15–5 the Finance Committee said yes, and that amendment was never challenged on the floor of the U.S. Senate. So, whatever the Senator from New Mexico would like the world to be, 83 Members of the Senate said put the gasoline tax in the trust fund and spend it for the purpose that gasoline taxes have always been spent every time there has been a permanent gasoline tax in history before this gasoline tax, spend it for that purpose on highways and mass transit.

Now, in terms of this debate about the budget, what Senator DOMENICI is saying is, ''Don't amend the highway bill; let me amend the budget. Don't do it today, decide it next year.''

We have the highway bill before us. The last highway bill that we wrote lasted without a change in the amount of money being spent for 6 long years. The reason we debate a highway bill is to write a highway bill. The point here is as simple as it can be. Do you believe that the gasoline tax which is in the highway trust fund should be spent for highways? If you do, then you are going to end up supporting the amendment that Senator BYRD and I are offering. If you don't believe that, you are going to end up opposing it.

Finally, in terms of the whole debate about the budget, this amendment does not bust the budget. What this amendment does do is it raises the contract authority for highways so that we have an opportunity to compete for funds in appropriations to build highways. Our amendment is very clear on this point. I don't want to go much further because it is not fair to Senator DOMENICI, given that we don't have the amendment before us, but it simply says two things, and I think it is clear there are Members of the Senate who do not support these two things—but I do.

It says, No. 1, that if you have savings by lower spending —it doesn't say anything about higher revenues from economic growing, any of that stuff. It just says if we spend less than we have in the budget and if you decide to spend that money somewhere else—two ifs; it doesn't say you will have the savings and it doesn't say you will spend it anywhere else—but it says if you do have the savings and you decide to spend it, you have to fund the highway trust fund first. You have to fund it first.

Now, other people say, well, what is so important about it relative to all these other things we spend money on? What is important about it is we already have a surplus of $23.7 billion where we told the American people their money was going to build highways and we spent it on something else, as we are doing this very day. That surplus is going to grow to $90 billion. Senator BYRD believes, I believe, Senator WARNER, and Senator BAUCUS believe that it is fundamentally dishonest for us to tell people the trust fund is for building roads and to be building up a surplus of $90 billion where that money is being spent on other things.

So we are not making a decision here. We are not trying to write Senator DOMENICI's budget next year. We are trying to write the highway bill now. Senator DOMENICI says, ''Well, let's debate next year's budget.'' We are not debating next year's budget. There is no guarantee that all of us will be on the same side of that debate. What we are doing is debating highways. We are saying, we have said by overwhelming votes, including on Senator DOMENICI's budget this year, that we want gasoline taxes to go to the trust fund. We want those taxes to be spent on highways. All we are saying is that we want to have a highway bill that reflects the position that we have taken not once but twice. Once in the budget this year, once in the tax cut this year.

This is not a new idea. This is something that we have approved over and over and over again. We think the time has come to make it clear in the highway bill—not in some future budget we may write, but in the highway bill—that when we tell people their gasoline tax is going to highways, we want it to go into highways.

In terms of our language on the budget, we are just simply saying if you have outlay savings and if you spend them—two big ifs; if you have outlay savings and you spend them—you have to fund the highway trust fund first.

I think the overwhelming majority of the American people are for it. I know there are other spending interests that would rather have the money. That is not the debate today. The debate today is about highways, and we are for them and we want to build them.

I yield the floor.

Mr. STEVENS. Mr. President, at a later date I will enjoy entering into the discussion that has just been commenced. I assure the Senate it is not finished. I have great fondness for all participants, but I have two worries. One worry is the worry that the head of the Federal Reserve just announced we are coming into a period of inflation, and the second worry is whether the impact of the amendment as supported by the Senator from Texas would require a reduction in discretionary spending for other accounts in the years covered by the amendment of the Senator from West Virginia. That still has to be examined, in my opinion.

(The remarks of Mr. STEVENS and Mr. BYRD pertaining to the introduction of S. 1292 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, first, I see the Democratic leader here. I will be very pleased to yield to my friend. We have a series of items and we have not yet introduced our bill, but we would be pleased to listen to the leader who has this time reserved.

Mr. DASCHLE. I thank the Senator from Alaska. I have a short tribute I would like to make.

Mr. STEVENS. I shall wait.

Mr. DASCHLE. I appreciate very much the indulgence of the senior Senator from Alaska. I appreciate very much the opportunity to have heard my distinguished colleague from West Virginia, our former leader, who is, in spirit, still our leader.

The PRESIDING OFFICER. The Democratic leader is recognized.

LENNY OURSLER

Mr. DASCHLE. Mr. President, Lenny Oursler is somebody who has been with us here in the Senate for a long time. Tomorrow he will be leaving the Senate to work in the Congressional Affairs Office of the Internal Revenue Service.

Lenny began work in the Senate stationery store in September 1981. He began work in the Democratic cloakroom in April of 1987. He has worked over 16 years of Government service, 10 in the cloakroom, and he has been running the cloakroom, now, for the last 5 years. His tasks have been varied, including keeping Senators and staff apprised of floor action, acting as soothsayer in predicting upcoming schedules with amazing accuracy, making sure that all Democrats reach the floor in time to cast their votes, extending his exuberant hotlines with his trademark ''thank you.''

I don't know of anybody who has worked in that capacity who is more respected, and that respect is well earned. He is always available. He frequently works long, long hours and autographs his work with excellence. There will be a large void in the cloakroom that will be clearly difficult to fill. He is well liked by Senators and staff alike. He always has a cheerful disposition, always has something nice to say, a very positive person with an incredible outlook on life. Occasionally he even has a funny story to share that I can repeat.

Indeed, the only fault I can think of is that he is a diehard Cubs fan and he may never be broken of that terrible habit. I have been told by some of his friends that on the golf course he has a painfully ugly slice and his most valuable club is a ball retriever.

I know that Lenny will miss his family here. I know, too, he is looking forward to the new challenges at IRS. He is looking forward to more predictable and regular hours so he can spend more time with his young sons, Nathan and Benjamin, and wife Sara. I know I speak for all my colleagues on both sides of the aisle in wishing him luck and telling Lenny we will truly miss him.

I yield the floor and again thank the senior Senator from Alaska.

DISAPPROVING THE CANCELLATIONS TRANSMITTED BY THE PRESIDENT ON OCTOBER 6, 1997

Mr. STEVENS. Mr. President, we have a bill at the desk.

The PRESIDING OFFICER. The bill will be introduced and referred to the appropriate committee.

Mr. STEVENS. I wish to have it read.

The PRESIDING OFFICER. The clerk will read the bill by title.

The bill clerk read as follows:

S. 1292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves of cancellations 97–4, 97–5, 97–6, 97–7, 97–8, 97–9, 97–10, 97–11, 97–12, 97–13, 97–14, 97–15, 97–16, 97–17, 97–18, 97–19, 97–20, 97–21, 97–22, 97–23, 97–24, 97–25, 97–26, 97–27, 97–28, 97–29, 97–30, 97–32, 97–33, 97–34, 97–35, 97–36, 97–37, 97–38, 97–39, and 97–40, as transmitted by the President in a special message on October 6, 1997, regarding Public Law 105–45.

Mr. STEVENS. That is cosponsored by the Senator from West Virginia and a series of other Senators, Mr. President. I do wish to have it referred.

I had it read because I think the Senate and those who are watching this proceeding should know how sanitized this process is. Those projects listed by the simple numbers in the President's message were denied the use of $287 million for the men and women of the armed services. As was pointed out by Senator FAIRCLOTH of North Carolina, that is approximately the amount of money we are spending per month in Bosnia. Yet, each one of these projects was very much sought after by the Department of Defense, was reviewed by eight committees of the Congress, was reviewed on the floor of the House and here on the floor of the Senate and in conference, and once again brought back to each House.

I say again, the Senator from West Virginia makes a compelling case for his position, if this is to be the policy of this administration, if there is to be an indiscriminate use of the line-item veto without regard to waste, without regard to the necessity of the money that Congress says must be spent.

So, I look forward to this bill being referred to our committee. When we return from the coming recess we shall proceed expeditiously. Senator BYRD and I have agreed these matters will be kept in full committee so we will not have to go through the subcommittee process. And we will return this bill to the Senate as quickly as possible.

UNANIMOUS-CONSENT AGREEMENT—S. 830

Mr. STEVENS. I now would like to perform a series of missions for the leadership. Therefore, I ask unanimous consent when the Senate receives a message from the House accompanying S. 830, the Senate would disagree with amendment or amendments of the House, and the Senate would insist upon its amendment, agree to the request for a conference with the House, and finally the Chair would be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 595, S. 916, S. 973

Mr. STEVENS. Mr. President, I ask unanimous consent the Governmental Affairs Committee be discharged from further consideration of the following bills and the Senate proceed to their immediate consideration on en bloc: S. 595, S. 916, S. 973. These bills are various post office naming bills.

I ask unanimous consent that the bills then be considered read for a third time and passed as amended, if amended; further, I ask consent that the motions to reconsider be laid upon the table and any statements related to any of these bills appear at this point in the RECORD with the preceding occurring en bloc to the bills.

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

JOHN GRIESEMER POST OFFICE BUILDING

A bill (S. 595) to designate the United States Post Office building located at Bennett Street and Kansas Expressway in Springfield, Missouri, as the ''John Griesemer Post Office Building'' was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 595

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

SECTION 1. DESIGNATION OF JOHN GRIESEMER POST OFFICE BUILDING.

The United States Post Office building located at Bennett Street and Kansas Expressway in Springfield, Missouri, shall be known and designated as the ''John Griesemer Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''John Griesemer Post Office Building''.

BLAINE H. EATON POST OFFICE BUILDING

The bill (S. 916) to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the ''Blaine H. Eaton Post Office Building'', was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 916

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

SECTION 1. DESIGNATION OF BLAINE H. EATON POST OFFICE BUILDING.

The United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, shall be known and designated as the ''Blaine H. Eaton Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''Blaine H. Eaton Post Office Building''.

DAVID B. CHAMPAGNE POST OFFICE BUILDING

The bill (S. 973) to designate the United States Post Office building located at 551 Kingstown Road in Wakefield, Rhode Island, as the ''David B. Champagne Post Office Building'', was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 973

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

SECTION 1. DESIGNATION OF DAVID B. CHAMPAGNE POST OFFICE BUILDING.

The United States Post Office building located at 551 Kingstown Road in Wakefield, Rhode Island, shall be known and designated as the ''David B. Champagne Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''David B. Champagne Post Office Building''.

LARRY DOBY POST OFFICE

Mr. STEVENS. Mr. President, I ask unanimous consent the Governmental Affairs Committee be discharged from further consideration of S. 985 and the Senate proceed to its immediate consideration

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

The bill clerk read as follows:

A bill (S. 985) to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the ''Larry Doby Post Office.''

The Senate proceeded to consider the bill.

AMENDMENT NO. 1322

Mr. STEVENS. I now ask unanimous consent the amendment No. 1322, at desk, submitted by Senator THOMPSON to S. 985, be considered as read and agreed to.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. THOMPSON, proposes an amendment numbered 1322.

Mr. STEVENS. 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:

On page 2, strike lines 14 through 16.

The amendment (No. 1322) was agreed to.

Mr. STEVENS. I ask unanimous consent that the bill be considered read for a third time and passed as amended, further, I ask consent that the motion to reconsider be laid upon the table and any statements appear at this point in the RECORD.

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

The bill (S. 985), as amended, was considered read the third time, and passed, as follows:

S. 985

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Larry Eugene Doby was born in Camden, South Carolina, on December 12, 1923, and moved to Paterson, New Jersey, in 1938.

(2) After playing the 1946 season in the Negro League for the Newark Eagles, Larry Doby's contract was purchased by the Cleveland Indians of the American League on July 3, 1947.

(3) On July 5, 1947, Larry Doby became the first African-American to play in the American League.

(4) Larry Doby played in the American League for 13 years, appearing in 1,533 games and batting .283, with 253 home runs and 969 runs batted in.

(5) Larry Doby was voted to 7 all-star teams, led the American League in home runs twice, and played in 2 World Series. He was the first African-American to play in the World Series and to hit a home run in a World Series game, both in 1948.

(6) After his stellar playing career ended, Larry Doby continued to make a significant contribution to his community. He has been a pioneer in the cause of civil rights and has received honorary doctorate degrees from Long Island University, Princeton University, and Fairfield University.

SEC. 2. DESIGNATION OF LARRY DOBY POST OFFICE.

(a) IN GENERAL.—The post office located at 194 Ward Street in Paterson, New Jersey, shall be known and designated as the ''Larry Doby Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in subsection (a) shall be deemed to be a reference to the ''Larry Doby Post Office''.

MEASURES DISCHARGED AND PLACED ON THE CALENDAR—H.R. 1057 AND H.R. 1058

Mr. STEVENS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of the following bills and, further, that they be placed on the calendar: H.R. 1057 and H.R. 1058.

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

CORAL REEF ECOSYSTEMS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 186, House Concurrent Resolution 8.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 8) recognizing the significance of maintaining the health and stability of coral reef ecosystems.

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, which had been reported from the Committee on Energy and Natural Resources with an amendment.

(The parts of the concurrent resolution intended to be stricken are shown in boldface brackets and the parts of the concurrent resolution intended to be inserted are shown in italic.)

H. CON. RES. 8

[Whereas coral reefs are among the world's most biologically diverse and productive marine habitats, and are often described as the tropical rain forests of the oceans;

[Whereas healthy coral reefs provide the basis for subsistence, commercial fisheries, and coastal and marine tourism and are of vital economic importance to coastal States and territories of the United States including Florida, Hawaii, Georgia, Texas, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

[Whereas healthy coral reefs function as natural, regenerating coastal barriers, protecting shorelines and coastal areas from high waves, storm surges, and accompanying losses of human life and property;

[Whereas the scientific community has long established that coral reefs are subject to a wide range of natural and anthropogenic threats;

[Whereas the United States has taken measures to protect national coral reef resources through the designation and management of several marine protected areas, containing reefs of the Flower Garden Banks in the Gulf of Mexico, the Florida Keys in south Florida, and offshore Hawaii, Puerto Rico, the Virgin Islands, and American Samoa;

[Whereas the United States, acting through its agencies, has established itself as a global leader in coral reef stewardship by launching the International Coral Reef Initiative and by maintaining professional networks for the purposes of sharing knowledge and information on coral reefs, furnishing near real-time data collected at coral reef sites, providing a repository for historical data relating to coral reefs, and making substantial contributions to the general fund of coral reef knowledge; and

[Whereas 1997 has been declared the ''International Year of the Reef'' by the coral reef research community and over 40 national and international scientific, conservation, and academic organizations: Now, therefore, be it**]**

Whereas coral reefs are among the world's most biologically diverse and productive marine habitats, and are often described as the tropical rain forest of the oceans;

Whereas healthy coral reefs provide the basis for subsistence, commercial fisheries, and coastal and marine tourism and are of vital economic importance to coastal States and territories of the United States including Florida, Hawaii, Georgia, Texas, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

Whereas healthy coral reefs function as natural, regenerating coastal barriers, protecting shorelines and coastal areas from high waves,

storm surges, and accompanying losses of human life and property;

Whereas the scientific community has long established that coral reefs are subject to a wide range of natural and anthropogenic threats;

Whereas a wide variety of destructive fishing practices, including the use of cyanide, other poisons, surfactants, and explosives, are contributing to the global decline of coral reef ecosystems;

Whereas the United States has taken measures to protect national coral reef resources through the designation and management of several marine protected areas, containing reefs of the Flower Garden Banks in the Gulf of Mexico, the Florida Keys in south Florida, and offshore Hawaii, Puerto Rico, the Virgin Islands, and American Samoa;

Whereas the United States, acting through its agencies, has established itself as a global leader in coral reef stewardship by launching the International Coral Reef Initiative and by maintaining professional networks for the purposes of sharing knowledge and information on coral reefs, furnishing near real-time data collected at coral reef sites, providing a repository for historical data relating to coral reefs, and making substantial contributions to the general fund of coral reef knowledge; and

Whereas 1997 has been declared the ''International Year of the Reef'' by the coral reef research community and over 40 national and international scientific, conservation, and academic organizations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

[That the Congress recognizes the significance of maintaining the health and stability of coral reef ecosystems, by—

[(1) promoting comprehensive stewardship for coral reef ecosystems;

[(2) encouraging research, monitoring, and assessment of and education on coral reef ecosystems; and

[(3) improving the coordination of coral reef efforts and activities of Federal agencies, academic institutions, nongovernmental organizations, and industry.]

That the Congress recognizes the significance of maintaining the health and stability of coral reef ecosystems, by—

(1) promoting comprehensive stewardship for coral reef ecosystems;

(2) discouraging unsustainable fisheries or other practices that are harmful to coral reefs and human health;

(3) encouraging research, monitoring, and assessment of and education on coral reef ecosystems;

(4) improving the coordination of coral reef efforts and activities of Federal agencies, academic institutions, nongovernmental organizations, and industry; and

(5) promoting preservation and sustainable use of coral reef resources worldwide.

Mr. INOUYE. Mr. President, I am pleased to rise today in support of House Concurrent Resolution 8. The United States is beginning to take steps to maintain and protect our coral reef ecosystems. This resolution encourages us to continue to improve our stewardship of these treasures in the sea. Coral reefs are among the most biologically diverse and productive marine habitats. They occur throughout the world's tropical and subtropical regions and in the waters of two U.S. states, including my home state of Hawaii.

Mr. President, coral reefs are vital to coastal economies, serving as the basis for coastal and marine tourism in several U.S. states and territories. Reefs also make substantial economic contributions by supporting subsistence and commercial reef fisheries. Coral reefs and the ecosystems they support are under increasing pressure, primarily from human activity. Of approximately 600,000 square kilometers of coral reefs worldwide, estimates are that 10 percent have been degraded beyond recovery and an additional 30 percent are likely to decline significantly within the next 20 years.

We must strengthen our commitment to be stewards of coral reefs, to discourage harmful fisheries and other practices, to monitor and assess the health of these unique systems; and improve research of and education about coral reef ecosystems. Further, we must ensure that we balance preservation with sustainable use of our coral reef resources. We must identify factors contributing to the global decline of coral reef ecosystems and discourage overfishing and other practices that are harmful to coral reefs and human health.

It is significant that this resolution is passed during the International Year of the Reef to focus attention on research and public awareness of coral reef issues. The resolution is an important step to promote preservation and sustainable use of coral reef resources worldwide. I appreciate the help of other Senators who have worked to see that our coral reefs are provided the attention that they deserve.

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee amendment to the concurrent resolution be agreed to; that the concurrent resolution, as amended, be agreed to; that the amendment to the preamble be agreed to; and that the preamble, as amended, be agreed to. I further ask unanimous consent that the motions 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 committee amendment was agreed to.

The concurrent resolution (H. Con. Res. 8), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

MEASURE DISCHARGED AND REFERRED—S. 813

Mr. STEVENS. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. 813 and that the bill be referred to the Judiciary Committee.

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

THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following bills, en bloc: S. 587, S. 588, S. 589, and S. 591. I ask unanimous consent that any committee amendments be agreed to; that the bills be read a third time and passed; that the motions to reconsider be laid upon the table; and that any statements relating to the bills appear at the appropriate place in the RECORD, with the above occurring en bloc.

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

HINSDALE COUNTY LANDS EXCHANGE ACT

The Senate proceeded to consider the bill (S. 587) to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, Colorado, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. LARSON AND FRIENDS CREEK EXCHANGE.

(a) IN GENERAL.—In exchange for conveyance to the United States of an equal value of offered land acceptable to the Secretary of the Interior that lies within, or in proximity to, the Handies Peak Wilderness Study Area, the Red Cloud Peak Wilderness Study Area, or the Alpine Loop Backcountry Bi-way, in Hinsdale County, Colorado, the Secretary of the Interior shall convey to Lake City Ranches, Ltd., a Texas limited partnership (referred to in this section as ''LCR''), approximately 560 acres of selected land located in that county and generally depicted on a map entitled ''Larson and Friends Creek Exchange'', dated June 1996.

(b) CONTINGENCY.—The exchange under subsection (a) shall be contingent on the granting by LCR to the Secretary of a permanent conservation easement, on the approximately 440-acre Larson Creek portion of the selected land (as depicted on the map), that limits future use of the land to agricultural, wildlife, recreational, or open space purposes.

(c) APPRAISAL AND EQUALIZATION.—

(1) IN GENERAL.—The exchange under subsection (a) shall be subject to—

(A) the appraisal requirements and equalization payment limitations set forth in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) reviews and approvals relating to threatened species and endangered species, cultural and historic resources, and hazardous materials under other Federal laws.

(2) COSTS OF APPRAISAL AND REVIEW.—The costs of appraisals and reviews shall be paid by LCR.

(3) CREDITING.—The Secretary may credit payments under paragraph (2) against the value of the selected land, if appropriate, under section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

The committee amendment was agreed to.

The bill (S. 587), as amended, was read the third time and passed.

EAGLES NEST WILDERNESS EXPANSION ACT

The Senate proceeded to consider the bill (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, which has been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SLATE CREEK ADDITION TO EAGLES NEST WILDERNESS, ARAPAHO AND WHITE RIVER NATIONAL FORESTS, COLORADO.

(a) SLATE CREEK ADDITION.—If, before December 31, 2000, the United States acquires the parcel of land described in subsection (b)—

(1) on acquisition of the parcel, the parcel shall be included in and managed as part of the Eagles Nest Wilderness designated by Public Law 94–352 (16 U.S.C. 1132 note; 90 Stat. 870); and

(2) the boundary of Eagles Nest Wilderness is adjusted to reflect the inclusion of the parcel.

(b) DESCRIPTION OF ADDITION.—The parcel referred to in subsection (a) is the parcel generally depicted on a map entitled ''Slate Creek Addition-Eagles Nest Wilderness'', dated February 1997, comprising approximately 160 acres in Summit County, Colorado, adjacent to the Eagles Nest Wilderness.

The committee amendment was agreed to.

The bill (S. 588), as amended, was read the third time and passed.

COLORADO BOUNDARY ADJUSTMENT AND LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (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, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. BOUNDARY ADJUSTMENT AND LAND CONVEYANCE, RAGGEDS WILDERNESS, WHITE RIVER NATIONAL FOREST, COLORADO.

(a) FINDINGS.—Congress finds that—

(1) certain landowners in Gunnison County, Colorado who own real property adjacent to the portion of the Raggeds Wilderness in the White River National Forest, Colorado, have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that the landowners reasonably believed were accurate;

(2) in 1993, a Forest Service resurvey of the Raggeds Wilderness established accurate boundaries between the wilderness area and adjacent private lands; and

(3) the resurvey indicates that a small portion of the Raggeds Wilderness is occupied by adjacent landowners on the basis of the earlier erroneous land surveys.

(b) PURPOSE.—It is the purpose of this section to remove from the boundaries of the Raggeds Wilderness certain real property so as to permit the Secretary of Agriculture to use the authority of Public Law 97–465 (commonly known as the ''Small Tracts Act'') (16 U.S.C. 521c et seq.) to convey the property to the landowners who occupied the property on the basis of erroneous land surveys.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Raggeds Wilderness, Gunnison and White River national Forests, Colorado, as designated by section 102(a)(16) of Public Law 96–560 (94 Stat. 3267; 16 U.S.C. 1132 note), is hereby modified to exclude from the area encompassed by the wilderness a parcel of real property approximately 0.86–acres in size situated in the SW¼ of the NE¼ of Section 28, Township 11 South, Range 88 West of the 6th Principal Meridian, as depicted on the map entitled ''Encroachment-Raggeds Wilderness'', dated November 17, 1993.

(d) MAP.—The map described in subsection (c) shall be on file and available for inspection in the appropriate offices of the Forest Service, Department of Agriculture.

(e) CONVEYANCE OF LAND REMOVED FROM WILDERNESS AREA.—The Secretary of Agriculture shall use the authority provided by Public Law 97–465 (commonly known as the ''Small Tracts Act'') (16 U.S.C. 521c et seq.) to convey all right, title, and interest of the United States in and to the real property excluded from the boundaries of the Raggeds Wilderness under subsection (c) to the owners of real property in Gunnison County, Colorado, whose real property adjoins the excluded real property and who have occupied the excluded real property in good faith reliance on an erroneous survey.

The committee amendment was agreed to.

The bill (S. 589), as amended, was read the third time and passed.

DILLON RANGER DISTRICT TRANSFER ACT

The Senate proceeded to consider the bill (S. 591) to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. INCLUSION OF DILLON RANGER DISTRICT IN WHITE RIVER NATIONAL FOREST, COLORADO.

(a) BOUNDARY ADJUSTMENTS.—

(1) WHITE RIVER NATIONAL FOREST.—The boundary of the White River National Forest in the State of Colorado is hereby adjusted to include all National Forest System lands located in Summit County, Colorado, comprising the Dillon Ranger District of the Arapaho National Forest.

(2) ARAPAHO NATIONAL FOREST.—The boundary of the Arapaho National Forest is adjusted to exclude the land transferred to the White River National Forest by paragraph (1).

(b) REFERENCE.—Any reference to the Dillon Ranger District, Arapaho National Forest, in any existing statute, regulation, manual, handbook, or other document shall be deemed to be a reference to the Dillon Ranger District, White River National Forest.

(c) EXISTING RIGHTS.—Nothing in this section affects valid existing rights of persons holding any authorization, permit, option, or other form of contract existing on the date of the enactment of this Act.

(d) FOREST RECEIPTS.—Notwithstanding the distribution requirements of payments under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act entitled ''An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine'', approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500), the distribution of receipts from the Arapaho National Forest and the White River National Forest to affected county governments shall be based on the national forest boundaries that existed on the day before the date of enactment of this Act.

The committee amendment was agreed to.

The bill (S. 591), as amended, was read the third time and passed.

AUTHORIZING PRODUCTION OF RECORDS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 135, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 135) to authorize the production of records by the Committee on Rules and Administration.

The Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the Committee on Rules and Administration has received requests from various law enforcement entities for copies of committee records related to the committee's inquiry into the 1996 Louisiana U.S. Senate election. The committee anticipates future similar requests.

In accord with standard Senate practice, this resolution would authorize the Rules Committee to provide committee records in response to these requests.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 135) was agreed to.

The preamble was agreed to.

The resolution, and its preamble, is as follows:

S. RES. 135

Whereas, federal, state, and local law enforcement officials have requested that the Committee on Rules and Administration provide them with copies of records held by the committee related to the 1996 United States Senate election in Louisiana;

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 can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records 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 the Committee on Rules and Administration, either through formal action or by joint action of the Chairman and Ranking Member, is authorized to provide to federal, state, and local law enforcement officials copies of records held by the committee related to the 1996 United States Senate election in Louisiana.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

REGISTRATION OF MASS MAILINGS

The filing date for 1997 third quarter mass mailings is October 27, 1997. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 8, 1997, the Federal debt stood at $5,412,240,204,620.07. (Five trillion, four hundred twelve billion, two hundred forty million, two hundred four thousand, six hundred twenty dollars and seven cents)

One year ago, October 8, 1996, the Federal debt stood at $5,221,529,000,000. (Five trillion, two hundred twenty-one billion, five hundred twenty-nine million)

Five years ago, October 8, 1992, the Federal debt stood at $4,052,485,000,000. (Four trillion, fifty-two billion, four hundred eighty-five million)

Ten years ago, October 8, 1987, the Federal debt stood at $2,372,340,000,000. (Two trillion, three hundred seventy-two billion, three hundred forty million)

Fifteen years ago, October 8, 1982, the Federal debt stood at $1,132,671,000,000 (One trillion, one hundred thirty-two billion, six hundred seventy-one million) which reflects a debt increase of more than $4 trillion—$4,279,569,204,620.07 (Four trillion, two hundred seventy-nine billion, five hundred sixty-nine million, two hundred four thousand, six hundred twenty dollars and seven cents) during the past 15 years.

AMTRAK CRISIS

Mrs. HUTCHISON. Mr. President, Amtrak is at a crisis point. Actually, it faces two crises: a strike and the financial crisis brought about by failure to reform the railroad. Reform is a prerequisite to accessing the much-needed capital Congress provided for the railroad in the Balanced Budget bill. Congress decided when that bill was passed that it did not make sense to provide that money unless the railroad was able to act more like a business. I strongly support intercity passenger rail but believe that reform is essential before putting this major financial commitment in place.

First, and most immediately, Amtrak is facing a possible national shut down because of an impasse between the Brotherhood of Maintenance of Way Employees (BMWE) and Amtrak over wages and work rules. At question is Amtrak's ability to pay for any increase in wages during the difficult financial times the railroad is currently going through.

Using the Railway Labor Act, the President has named a Presidential Emergency Board to recommend a solution to the dispute. It concluded its investigation and made its recommendations. The parties are now in a 30 day ''cooling off'' period to consider the recommendations. If no agreement is reached by the end of this period, which falls on October 22nd, we could have a strike or a management ''lockout of employees''. Either action would have the effect of shutting down all commuter operations, as well as other services, across the country. A strike would not be confined to the Northeast Corridor, but would affect all of the passengers in the entire Amtrak system.

Amtrak's largest operations are in the Northeast Corridor, where a large number of commuter authorities between Washington, New York and Boston depend on that infrastructure to operate their railroads.

They include: the MBTA or Massachusetts Bay Transportation Authority, CONNDOT, Long Island Railroad, NJ Transit, the SEPTA or Southeastern Pennsylvania Transportation Authority, and the two local services, the MARC or Maryland Commuter service and the VRE or Virginia Railway Express. Each one of these commuter authorities use the Northeast Corridor. If Amtrak cannot operate the Corridor, these services come to a halt. In addition, freight carriers such as Conrail who use the Corridor would be seriously affected, because Amtrak operates much of the track on the Northeast corridor.

Mr. President, let me put this in perspective. When a 60-day cooling off period recently expired in California, the San Francisco Bay Area's commuter railroad was shut down by a strike which stranded 270,000 commuters.

Dispatchers at Norfolk Southern, which carries commuters between Manassas, Virginia, and Washington, DC recently called a ''wildcat'' strike for three hours and the VRE had to cancel one-half of its afternoon trains.

But if Amtrak is shut down, it won't be one commuter authority paralyzed as we saw in San Francisco or Virginia, it will be many. It won't be thousands of commuters, it will be millions.

If this happens, the strike in San Francisco will pale by comparison.

Mr. President, my colleagues need to be aware of this situation, because the Senate needs to address it head-on before we leave in November.

Congress has to act because the future of America's railroad depends on it. Amtrak is simply in a no-win situation. Amtrak cannot afford the terms of the PEB and it cannot afford a strike.

The PEB recommended a package of wage increases recently implemented by the profitable freight railroads. The freight deal for the BMWE would cost Amtrak $25 million in FY98. If it were extended to all of Amtrak's employees, it would cost Amtrak $250 million. I seriously doubt that Congress would appropriate funds for these wages. As it is, the railroad is currently borrowing just to meet existing daily expenses.

Mr. President, my colleagues have to be realistic. I look forward to working with both the Majority Leader and Senate Labor Committee Chairman to find the right solution to this dilemma.

Mr. President, in that spirit, I plan to move forward on Amtrak's reform legislation. I have had extensive discussions with the Majority Leader on this matter and he feels the same way.

Mr. LOTT. The Senator from Texas is correct. Amtrak is an important part of the national transportation system, not just for the Northeast Corridor, but for the entire interstate passenger rail system. This summer, in the Taxpayer Relief Act, Congress provided Amtrak with a secure source of funding for capital assets—some $2.3 billion for infrastructure. I worked hard for those funds, against considerable opposition, as did the Chairman of the Senate Finance Committee and the Chairman of the Subcommittee on Surface Transportation.

Rail transportation will continue to play a critical role in the American intermodal passenger system through the 21st century. However, rail transportation of passengers cannot be done without federal and state funding. It simply cannot be done. Just as commercial air transportation of passengers would have never gotten off the ground without federal and state assistance, rail transportation of passengers will not progress unless Congress provides infrastructure assistance.

Congress is willing to support Amtrak, on the condition that Amtrak be reformed. That is why we insisted that not one dime of that $2.3 billion be spent until a reform package is approved by Congress.

If Amtrak is to survive, it is critical that we complete our work on the authorizing legislation. However, the Senate still has some colleagues who are holding up the authorization bill over labor provisions. These provisions are essentially identical to language that labor supported just last year. Now some of our colleagues find them unacceptable. Organized labor has joined the Administration in creating a moving target. If this continues, Amtrak may never get the capital we provided.

Mr. President, there will be no capital, I repeat, no $2.3 billion in capital funds provided until an authorization is enacted.

I support a national rail system, but I will not support continued inefficient use of taxpayers money.

If Amtrak is ever going to operate like a business, it must have flexibility. It needs freedom from federal laws

that tie its hands at the collective bargaining table. Amtrak's labor rules must be the same as the private sector's, just like in other transportation modes. Labor's unwillingness to negotiate makes it appear that severance packages are more important than rail passenger service.

Mayor John Robert Smith, of Meridian, Mississippi, has noted that rail labor's message seems to be that they are more willing to allow Amtrak to go under and sacrifice all 23,000 Amtrak employees to unemployment than to allow collective bargaining in the reform bill. Like me, he is appalled that the rail union leadership, supposedly representing its workers, would abandon them for its own purposes. Equally amazing is the fact that the Amtrak reform language is language that the union leadership itself once drafted, supported, and came in my office to ask me to support. And I did.

Mrs. HUTCHISON. The Majority Leader has summed up this situation exactly. If we really care about our national rail passenger system, the communities that it serves, the employees that work there and the role it plays in our transportation infrastructure, then we need to take up and pass the Amtrak authorization bill that has been reported from the Commerce Committee. If the Senate wants to give Amtrak the tools it needs to run a national system and collectively bargain with the employees, the Senate needs to act now.

The clock is ticking and time is running out. Congress needs to act or there most likely will be a national rail strike, crippling transportation of people and goods across the country. Congress also needs to act on the Amtrak reforms to ensure it receives adequate capital funding and becomes solvent. If Congress doesn't act, there will be no national rail passenger system.

Mr. LOTT. Senator HUTCHISON and I are committed to bring the Amtrak reform bill to the floor, but not against a swell of opposition. It's a very clear cut choice. My colleagues need to decide if they want a national rail system or not.

HISPANIC HERITAGE MONTH

Mr. DASCHLE. Mr. President, it is with great pleasure that I join with my colleagues in celebrating Hispanic Heritage Month. Hispanic Heritage Month pays a special tribute to a group of Americans that have made important and lasting contributions to this country's political, cultural and intellectual life.

Hispanic Americans are people of diverse background. Their forebears came from Mexico, Cuba, Puerto Rico, Central and South America, and Spain—at different times and for different reasons. Nonetheless, they share a common culture and a deeply held belief in the American Dream. They came here to share in the freedom and prosperity that we have achieved as a nation and have added greatly to that richness.

It is true that Hispanic-Americans faced discrimination in this country. In recent years, however, we have made great strides to eliminate legal and societal barriers to their full integration into American life. Since the passage of laws barring employment discrimination, Hispanics have made great advancements economically and, with the passage of the Voting Rights Act, have increased their participation in the political process. There are currently 17 members of the Congressional Hispanic Caucus.

Just recently, a great Hispanic Congressional leader, Congressman HENRY B. GONZALEZ, announced his retirement to the great sadness of his colleagues. HENRY GONZALEZ has served as the dean of the Hispanic Caucus and is the former chairman, and now ranking member, of the Committee on Banking and Financial Services.

I proudly worked with him when I served in the House of Representatives and witnessed for myself his hard work and commitment to doing what is right. Dean GONZALEZ has given 36 years of dedicated service to his constituents in Texas, the Hispanic community and the American people. He came to Washington in 1961, after serving in the San Antonio City Council and the Texas State Legislature, and was the first Hispanic Congressman ever elected from the State of Texas. And back in December, 1976, Dean GONZALEZ, with 4 other members of Congress, founded the Congressional Hispanic Caucus.

Dean GONZALEZ has served as a leader and trail blazer for Hispanic-Americans and an inspiration to all Americans. He demonstrated to all of us that, as a nation, we are capable of coming together, of overcoming discrimination, and of celebrating the cultural bounty brought by people of all backgrounds. When he leaves the House later this year, I know that he will be sorely missed by his colleagues in the House of Representatives and by those of us in the Senate who had the good fortune to work with him.

Dean GONZALEZ is just one of many great Hispanic-Americans. I am proud to add my tribute to these Americans and thank them for enriching our social, intellectual and artistic life.

THE STRATEGIC RATIONALE FOR NATO ENLARGEMENT

Mr. BIDEN. Mr. Prsident, this week the Committee on Foreign Relations began a comprehensive series of six hearings on NATO enlargement. I commend Chairman HELMS for holding these hearings at this busy time. He and I have met at great length to construct the agenda as preparation for the committee's acting expeditiously next year to consider the enlargement amendment to the Washington Treaty.

At the committee's first hearing on October 7, Secretary of State Madeleine Albright outlined the adminsitration's strategic rationale for enlargement. Mr. President, I ask permission for the text of Secretary Albright's statement be printed in the RECORD. Following my remarks.

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

(See exhibit 1.)

Mr. BIDEN. The second hearing today will feature testimony of distinguished experts who are for and against enlargement. Later in the month the committee will hear examinations of cost and burden-sharing, of the qualifications for membership of the three candidate countries—Poland, the Czech Republic, and Hungary, and of the new relationship between NATO and Russia. The final hearing will be reserved for public testimony from individuals and groups with special interest in the NATO enlargement issue.

Through these hearings, the Committee on Foreign Relations hopes to inform not only the entire Senate on this critically important issue, but also the American public.

Mr. President, as my colleagues know, I have spoken many times in some detail on this floor about the issue of NATO enlargement. As the Committee on Foreign Relations launches its series of hearings, I would like briefly to recapitulate why I believe NATO enlargement is in the best interest of the United States.

Europe remains a vital area of interest for the United States for political, strategic, economic, and cultural reasons. A sizable percentage of the world's democracies are in Europe, and the continent remains a major global economic player and partner of the United States. The European Union, with a combined population a third larger than ours, has a combined gross domestic product that exceeds ours.

While the United States has a larger and less balanced trading relationship with Asia than with Europe, we invest far more in Europe. Several new democracies in Central and Eastern Europe have highly educated work forces, already boast rapidly expanding economies, and already attract considerable American investment. Moreover, most Americans trace their ethnic and cultural roots to Europe, and millions retain personal ties to it.

Other than North America, no other part of the world can match Europe's combination of political, economic, military, and cultural power. By any geopolitical standard, it would be a catastrophe for U.S. interests if instability would alter the current situation in Europe.

Of course no one believes that the Russian Army is poised to pour through the Fulda Gap in Germany—NATO's horror scenario for 45 years. Rather, the threats to stability in Europe have changed, but they are, if anything, even more real than those of the cold war: ethnic and religious hatred as horrifyingly shown in the hundreds of thousands killed, raped, made homeless, or otherwise brutalized in Bosnia, and the well-organized forces of

international crime, whose tentacles extend from Moscow and Palermo to New York and Los Angeles.

Unfortunately, the history of the 20th century has demonstrated that out of enlightened self-interest the United States must play a leading role in organizing the security of Europe. In two world wars and lately in Bosnia without American leadership the countries of Europe have been unable to resolve their differences peacefully.

Translated into 1997 terms it means that we must lead the Europeans to create a new security architecture to guarantee stability to the areas most vulnerable to disruption, namely Central and Eastern Europe, where newly independent states are striving to create and soldify political democracy and free markets. It is a difficult process, which if not put into a larger framework could spin out of control.

It is in this context that the enlargement of NATO must be seen. During the cold war, NATO provided the security umbrella under which former enemies like France and Germany were able to cooperate and build highly successful free societies.

It was the framework in which former pariahs like Germany, Italy, and Spain could be reintegrated into democratic Europe. And it was NATO that kept the feud between Greece and Turkey from escalating to warfare.

The enlargement of NATO can now serve to move the zone of stability eastward to Central Europe and thereby both prevent ethnic conflicts from escalating and forestall a scramble for new bilateral and multilateral pacts along the lines of the 1930's from occurring.

In fact, it is already happening. In anticipation of NATO membership, several Central and East European countries have recently settled long-standing disputes.

If NATO were not to enlarge, however, the countries between Germany and Russia would inevitably seek other means to protect themselves. The question for today is not, as is often assumed, enlarge NATO or remain the same. The status quo is simply not an option.

Finally, there is the moral argument for enlargement. For 40 years the United States loudly proclaimed its solidarity with the captive nations who were under the heel of communist oppressors. Now that most of them have cast off their shackles, it is our responsibility to live up to our pledges to readmit them into the West through NATO and the European Union when they are fully qualified.

NATO enlargement, of course, like any venture, is not cost-free. Earlier this year the Pentagon issued a study that estimated the cost to the United States to be around $200 million per year for 10 years. Other estimates by the Congressional Budget Office and by the Rand Corp. have varied considerably, according to risk assumptions. At the July NATO Summit in Madrid, the North Atlantic Council directed the Alliance to come up with a definitive cost estimate for the NATO ministerial meeting in December.

Whatever the final, authoritative cost estimate turns out to be, we must be certain that our current allies, and our future allies, pay their fair share of the enlargement costs.

Similarly, before we in the Senate vote on whether or not to admit Poland, the Czech Republic, and Hungary to NATO, we must settle what we plan to do in Bosnia after the expiration of the mandate for SFOR in June 1998. That in itself is an immensely complicated topic, for which there is inadequate time to discuss today. After my latest trip to Bosnia at the end of August, I am more convinced than ever that we are making progress and that we must not abandon the international effort to reach a lasting, peaceful, and just solution for that troubled land. But whatever post-SFOR plan we hammer out, it must be done on the basis of sharing the risks and costs with our European allies and with non-NATO contributors to SFOR.

NATO enlargement need not adversely affect our relations with Russia. In fact, we must redouble our peaceful engagement with Russia in the hope that its nascent democracy and free market system will mature sufficiently so that some day it may fully join the Western world. The NATO-Russia Founding Act of May 1997 is a significant step in the right direction.

Enlargement plans have been accompanied by a redefinition of NATO's mission and force posture. The alliance's primary mission remains the same: treating an attack on one member as an attack on all, and responding through the use of armed force if necessary.

NATO's new strategic concept emphasizes rapid and flexible deployment. The three new members, plus other countries like Slovenia and Romania in the near future, will enhance NATO's ability to project power, if necessary, into crisis areas like the Middle East.

In addition, in the current post-cold war situation, missions like peacekeeping, sometimes in cooperation with non-NATO powers, have become possible. The SFOR joint effort in Bosnia with Russia and several other non-NATO countries, which I mentioned earlier, is an excellent example.

NATO enlargement corresponds to America's security requirements in the 21st century. As long as the costs of enlargement are equitably shared among current and future NATO members, and as long as we have agreed upon a fair and coherent plan for Bosina after SFOR, I believe that my Senate colleagues will vote to ratify NATO enlargement when it comes before us next spring.

EXHIBIT 1

STATEMENT BY SECRETARY OF STATE MADELEINE K. ALBRIGHT BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, OCTOBER 7, 1997

Chairman Helms, Senator Biden, members of the committee: It is with a sense of appreciation and anticipation that I come before you to urge support for the admission of the Czech Republic, Hungary and Poland to NATO.

Each of us today is playing our part in the long unfolding story of America's modern partnership with Europe. That story began not in Madrid, when the President and his fellow NATO leaders invited these three new democracies to join our Alliance, nor eight years ago when the Berlin Wall fell, but half a century ago when your predecessors and mine dedicated our nation to the goal of a secure, united Europe.

It was then that we broke with the American aversion to European entanglements, an aversion which served us well in our early days, but poorly when we became a global power. It was then that we sealed a peacetime alliance open not only to the nations which had shared our victory in World War II, but to our former adversaries. It was then that this committee unanimously recommended that the Senate approve the original NATO treaty.

The history books will long record that day as among the Senate's finest. On that day, the leaders of this body rose above partisanship and they rose to the challenge of a pivotal moment in the history of the world.

Mr. Chairman, I believe you are continuing that tradition today. I thank you for your decision to hold these hearings early, for the bipartisan manner in which you and Senator Biden are conducting them, and for the serious and substantive way in which you have framed our discussion.

I am honored to be part of what you have rightly called the beginning of the process of advice and consent. And I am hopeful that with your support, and after the full national debate to which these hearings will contribute, the Senate will embrace the addition of new members to NATO. It would be fitting if this renewal of our commitment to security in Europe could come early next year, as Congress celebrates the 50th anniversary of its approval of the Marshall Plan.

As I said, and as you can see, I am very conscious of history today. I hope that you and your colleagues will look back as I have on the deliberations of 1949, for they address so many of the questions I know you have now: How much will a new alliance cost and what are its benefits? Will it bind us to go to war? Will it entangle us in far away quarrels?

We should take a moment to remember what was said then about the alliance we are striving to renew and expand today.

Senator Vandenberg, Chairman Helms' extraordinary predecessor, predicted that NATO would become ''the greatest war deterrent in history.'' He was right. American forces have never had to fire a shot to defend a NATO ally.

This Committee, in its report to the Senate on the NATO treaty, predicted that it would ''free the minds of men in many nations from a haunting sense of insecurity, and enable them to work and plan with that confidence in the future which is essential to economic recovery and progress.'' Your predecessors were right. NATO gave our allies time to rebuild their economies. It helped reconcile their ancient animosities. And it made possible an unprecedented era of unity in Western Europe.

President Truman said that the NATO pact ''will be a positive, not a negative, influence

for peace, and its influence will be felt not only in the area it specifically covers but throughout the world.'' And he was right, too. NATO gave hope to democratic forces in West Germany that their country would be welcome and secure in our community if they kept making the right choices. Ultimately, it helped bring the former fascist countries into a prosperous and democratic Europe. And it helped free the entire planet from the icy grip of the Cold War.

Thanks in no small part to NATO, we live in a different world. Our Soviet adversary has vanished. Freedom's flag has been unfurled from the Baltics to Bulgaria. The threat of nuclear war has sharply diminished. As I speak to you today, our immediate survival is not at risk.

Indeed, you may ask if the principle of collective defense at NATO's heart is relevant to the challenges of a wider and freer Europe. You may ask why, in this time of relative peace, are we so focused on security?

The answer is, we want the peace to last. We want freedom to endure. And we believe there are still potential threats to our security emanating from European soil.

You have asked me, Mr. Chairman, what these threats are. I want to answer as plainly as I can.

First, there are the dangers of Europe's past. It is easy to forget this, but for centuries virtually every European nation treated virtually every other as a military threat. That pattern was broken only when NATO was born and only in the half of Europe NATO covered. With NATO, Europe's armies prepared to fight beside their neighbors, not against them; each member's security came to depend on cooperation with others, not competition.

That is one reason why NATO remains essential, even though the Cold War is over. It is also one reason why we need a larger NATO, so that the other half of Europe is finally embedded in the same cooperative structure of military planning and preparation.

A second set of dangers lies in Europe's present. Because of conflict in the Balkans and the former Soviet Union, Europe has already buried more victims of war since the Berlin Wall fell than in all the years of the Cold War. It is sobering to recall that this violence has its roots in the same problems of shattered states and hatred among ethnic groups that tyrants exploited to start this century's great wars.

Finally, Mr. Chairman, and most important, we must consider the dangers of Europe's future. By this I mean direct threats against the soil of NATO members that a collective defense pact is designed to meet. Some are visible on Europe's horizon, such as the threat posed by rogue states with dangerous weapons that might have Europe within their range and in their sights. Others may not seem apparent today, in part because the existence of NATO has helped to deter them. But they are not unthinkable.

Within this category lie questions about the future of Russia. We have an interest in seeing Russian democracy endure. We are doing all we can with our Russian partners to see that it does. And we have many reasons to be optimistic. At the same time, one should not dismiss the possibility that Russia could return to the patterns of its past. By engaging Russia and enlarging NATO, we give Russia every incentive to deepen its commitment to democracy and peaceful relations with neighbors, while closing the avenue to more destructive alternatives.

We do not know what other dangers may arise 10, 20, or even 50 years from now. We do know enough from history and human experience to believe that a grave threat, if allowed to arise, would arise. We know that whatever the future may hold, it will be in our interest to have a vigorous and larger alliance with those European democracies that share our values and our determination to defend them.

We recognize NATO expansion involves a solemn expansion of American responsibilities in Europe. It does not bind us to respond to every violent incident by going to war. But it does oblige us to consider an armed attack against one ally an attack against all and to respond with such action as we deem necessary, including the use of force, to restore the security of the North Atlantic area.

As Americans, we take our commitments seriously and we do not extend them lightly. Mr. Chairman, you and I do not agree on everything, but we certainly agree that any major extension of American commitments must serve America's strategic interests.

Let me explain why welcoming the Czech Republic, Hungary and Poland into NATO meets that test.

First, a larger NATO will make us safer by expanding the area in Europe where wars simply do not happen. This is the productive paradox at NATO's heart: By imposing a price on aggression, it deters aggression. By making clear that we will fight, if necessary, to defend our allies, it makes it less likely our troops will ever be called upon to do so.

Now, you may say that no part of Europe faces any immediate threat of armed attack today. That is true. And I would say that the purpose of NATO enlargement is to keep it that way. Senator Vandenberg said it in 1949: ''[NATO] is not built to stop a war after it starts, although its potentialities in this regard are infinite. It is built to stop wars before they start.''

It is also fair to ask if it is in our vital interest to prevent conflict in central Europe. There are those who imply it is not. I'm sure you have even heard a few people trot out what I call the ''consonant cluster clause,'' the myth that in times of crisis Americans will make no sacrifice to defend a distant city with an unpronounceable name, that we will protect the freedom of Strasbourg but not Szczecin, Barcelona, but not Brno.

Let us not deceive ourselves. The United States is a European power. We have an interest not only in the lands west of the Oder river, but in the fate of the 200 million people who live in the nations between the Baltic and Black Seas. We waged the Cold War in part because these nations were held captive. We fought World War II in part because these nations had been invaded.

Now that these nations are free, we want them to succeed and we want them to be safe, whether they are large or small. For if there were a major threat to the security of their region, if we were to wake up one morning to the sight of cities being shelled and borders being overrun, I am certain that we would choose to act, enlargement or no enlargement. Expanding NATO now is simply the surest way to prevent that kind of threat from arising, and thus the need to make that kind of choice.

Mr. Chairman, the second reason why enlargement passes the test of national interest is that it will make NATO stronger and more cohesive. The Poles, Hungarians and Czechs are passionately committed to NATO and its principles of shared responsibility. Experience has taught them to believe in a strong American leadership role in Europe. Their forces have risked their lives alongside ours from the Gulf War to Bosnia. Just last month, Czech soldiers joined our British allies in securing a police station from heavily armed Bosnian Serb extremists.

Mr. Chairman, I know you have expressed concern that enlargement could dilute NATO by adding too many members and by involving the alliance in too many missions. Let me assure you that we invited only the strongest candidates to join the Alliance. And nothing about enlargement will change NATO's core mission, which is and will remain the collective defense of NATO soil.

At the same time, it is important to remember that NATO has always served a political function as well. It binds our allies to us just as it binds us to our allies. So when you consider the candidacy of the Czech Republic, Hungary and Poland, Mr. Chairman, I ask you to consider this:

When peace is threatened somewhere in the world and we decide it is in our interest to act, here are three nations we have been able to count on to be with us. In the fight against terror and nuclear proliferation, here are three nations we have been able to count on. In our effort to reform the UN, here are three nations we have been able to count on. When we speak out for human rights around the world, here are three nations we will always be able to count on.

Here are three nations that know what it means to lose their freedom and who will do what it takes to defend it. Here are three democracies that are ready to do their dependable part in the common enterprise of our alliance of democracies.

Mr. Chairman, the third reason why a larger NATO serves our interests is that the very promise of it gives the nations of central and eastern Europe an incentive to solve their own problems. To align themselves with NATO, aspiring countries have strengthened their democratic institutions. They have made sure that soldiers serve civilians, not the other way around. They have signed 10 major accords that taken together resolve virtually every old ethnic and border dispute in the region, exactly the kind of disputes that might have led to future Bosnias. In fact, the three states we have invited to join NATO have resolved every outstanding dispute of this type.

I have been a student of central European history and I have lived some of it myself. When I see Romanians and Hungarians building a genuine friendship after centuries of enmity, when I see Poles, Ukrainians and Lithuanians forming joint military units after years of suspicion, when I see Czechs and Germans overcoming decades of mistrust, when I see central Europeans confident enough to improve their political and economic ties with Russia, I know something remarkable is happening.

NATO is doing for Europe's east precisely what it did—precisely what this Committee predicted it would do—for Europe's west after World War II. It is helping to vanquish old hatreds, to promote integration and to create a secure environment for economic prosperity. This is another reminder that the contingencies we do not want our troops to face, such as ethnic conflict, border skirmishes, and social unrest are far more easily avoided with NATO enlargement than without it.

In short, a larger NATO will prevent conflict, strengthen NATO, and protect the gains of stability and freedom in central and eastern Europe. That is the strategic rationale. But I would be disingenuous if I did not tell you that I see a moral imperative as well. For this is a policy that should appeal to our hearts as well as to our heads, to our sense of what is right as well as to our sense of what is smart.

NATO defines a community of interest among the free nations of North America and Europe that both preceded and outlasted the Cold War. America has long stood for the proposition that this Atlantic community should not be artificially divided and that its nations should be free to shape their destiny. We have long argued that the nations of

central and eastern Europe belong to the same democratic family as our allies in western Europe.

We often call them ''former communist countries,'' and that is true in the same sense that America is a ''former British colony.'' Yes, the Czechs, Poles, and Hungarians were on the other side of the Iron Curtain during the Cold War. But we were surely on the same side in the ways that truly count.

As Americans, we should be heartened today that so many of Europe's new democracies wish to join the institutions Americans did so much to build. They are our friends and we should be proud to welcome them home.

We should also think about what would happen if we were to turn them away. That would mean freezing NATO at its Cold War membership and preserving the old Iron Curtain as its eastern frontier. It would mean locking out a whole group of otherwise qualified democracies simply because they were once, against their will, members of the Warsaw Pact.

Why would America choose to be allied with Europe's old democracies forever, but its new democracies never? There is no acceptable, objective answer to that question. Instead, it would probably be said that we blocked the aspirations of our would-be allies because Russia objected. And that, in turn, could cause confidence to crumble in central Europe, leading to a search for security by other means, including costly arms buildups and competition among neighbors.

We have chosen a better way. We have chosen to look at the landscape of the new Europe and to ask a simple question: Which of these nations that are so clearly important to our security are ready and able to contribute to our security? The answer to that question is before you today, awaiting your affirmation.

I said at the outset, Mr. Chairman, that there are weighty voices on both sides of this debate. There are legitimate concerns with which we have grappled along the way, and that I expect you to consider fully as well. Let me address a few.

First, we all want to make sure that the costs of expansion are distributed fairly. Last February, at the behest of Congress and before the Alliance had decided which nations to invite to membership, the Administration made a preliminary estimate of America's share. Now that we have settled on three candidates, we are working with our allies to produce a common estimate by the December meeting of the North Atlantic Council. At this point, the numbers we agree upon as 16 allies are needed prior to any further calculations made in Washington.

I know you are holding separate hearings in which my Pentagon colleagues will go into this question in detail. But I will say this: I am convinced that the cost of expansion is real but affordable. I am certain our prospective allies are willing and able to pay their share, because in the long run it will be cheaper for them to upgrade their forces within the alliance than outside it. As Secretary of State, I will insist that our old allies share this burden fairly. That is what NATO is all about.

I know there are serious people who estimate that a larger NATO will cost far more than we have anticipated. The key fact about our estimate is that it is premised on the current, favorable security environment in Europe. Obviously, if a grave threat were to arise, the cost of enlargement would rise. But then so would the cost of our entire defense budget.

In any case, there are budgetary constraints in all 16 NATO democracies that will prevent costs from ballooning. That is why the main focus of our discussion, Mr. Chairman, and in our consultations with our allies, needs to be on defining the level of military capability we want our old and new allies to have in this favorable environment, and then making sure that they commit to that level. We must spend no more than we must, but no less than we need to keep NATO strong.

Another common concern about NATO enlargement is that it might damage our cooperation with a democratic Russia. Russian opposition to NATO enlargement is real. But we should see it for what it is: a product of old misperceptions about NATO and old ways of thinking about its former satellites in central Europe. Instead of changing our policies to accommodate Russia's outdated fears, we need to encourage Russia's more modern aspirations.

This means that we should remain Russia's most steadfast champion whenever it seeks to define its greatness by joining international institutions, opening its markets and participating constructively in world affairs. It means we should welcome Russia's decision to build a close partnership with NATO, as we did in the NATO-Russia Founding Act.

But when some Russian leaders suggest that a larger NATO is a threat, we owe it candor to say that is false—and to base our policies on what we know to be true. When they imply that central Europe is special, that its nations still are not free to choose their security arrangements, we owe it to candor to say that times have changed, and that no nation can assert its greatness at the expense of its neighbors. We do no favor to Russian democrats and modernizers to suggest otherwise.

I believe our approach is sound and producing results. Over the past year, against the backdrop of NATO enlargement, reformers have made remarkable gains in the Russian government. We have agreed to pursue deeper arms reductions. Our troops have built a solid working relationship on the ground in Bosnia. Russia was our full partner at the Summit of the Eight in Denver and it has joined the Paris Club of major international lenders.

What is more, last week in New York we signed documents that should pave the way for the Russian Duma to ratify the START II treaty. While this prospect is still by no means certain, it would become far less so if we gave the Duma any reason to think it could hold up NATO enlargement by holding up START II.

As you know Mr. Chairman, last week, NATO and Russia held the first ministerial meeting of their Permanent Joint Council. This council gives us an invaluable mechanism for building trust between NATO and Russia through dialogue and transparency.

I know that some are concerned NATO's new relationship with Russia will actually go too far. You have asked me for an affirmation, Mr. Chairman, that the North Atlantic Council remains NATO's supreme decision making body. Let me say it clearly: It does and it will. The NATO-Russia Founding Act gives Russia no opportunity to dilute, delay or block NATO decisions. NATO's allies will always meet to agree on every item on their agenda before meeting with Russia. And the relationship between NATO and Russia will grow in importance only to the extent Russia uses it constructively.

The Founding Act also does not limit NATO's ultimate authority to deploy troops or nuclear weapons in order to meet its commitments to new and old members. All it does is to restate unilaterally existing NATO policy: that in the current and foreseeable security environment, we have no plan, no need, and no intention to station nuclear weapons in the new member countries, nor do we contemplate permanently stationing substantial combat forces. The only binding limits on conventional forces in Europe will be set as we adapt the CFE treaty, with central European countries and all the other signatories at the table, and we will proceed on the principle of reciprocity.

Another important concern is that enlargement may create a new dividing line in Europe between a larger NATO and the countries that will not join in the first round. We have taken a range of steps to ensure this does not happen.

President Clinton has pledged that the first new members will not be the last. NATO leaders will consider the next steps in the process of enlargement before the end of the decade. We have strengthened NATO's Partnership for Peace program. We have created a new Euro-Atlantic Partnership Council, through which NATO and its democratic partners throughout Europe will shape the missions we undertake together. We have made it clear that the distinction between the nations NATO invited to join in Madrid and those it did not is based purely on objective factors—unlike the arbitrary line that would divide Europe if NATO stood still.

Among the countries that still aspire to membership, there is enthusiastic support for the process NATO has begun. Had you seen the crowds that cheered the President in Romania in July, had you been with me when I spoke to the leaders of Lithuania and Slovenia, you would have sensed how eager these nations are to redouble their efforts.

They understand a simple fact: With enlargement, no new democracy is permanently excluded; without enlargement, every new democracy would be permanently excluded. The most important thing the Senate can do to reassure them now is to get the ball rolling by ratifying the admission of the first three candidates.

Mr. Chairman, a final concern I wish to address has to do with Bosnia.

Some have suggested that our debate on NATO enlargement simply cannot be separated from our actions and decisions in that troubled country. I agree with them. Both enlargement and our mission in Bosnia are aimed at building a stable undivided Europe. Both involve NATO and its new partners to the east.

It was our experience in Bosnia that proved the fundamental premise of our enlargement strategy: there are still threats to peace and security in Europe that only NATO can meet. It was in Bosnia that our prospective allies proved they are ready to take responsibility for the security of others. It was in Bosnia that we proved NATO and Russian troops can work together.

We cannot know today if our mission in Bosnia will achieve all its goals, for that ultimately depends on the choices the Bosnian people will make. But we can say that whatever may happen, NATO's part in achieving the military goals of our mission has been a resounding success. Whatever may happen, our interest in a larger, stronger NATO will endure long after the last foreign soldier has left Bosnia.

We can also say that NATO will remain the most powerful instrument we have for building effective military coalitions such as SFOR. At the same time, Bosnia does not by itself define the future of a larger NATO. NATO's fundamental purpose is collective defense against aggression. Its most important aim, if I can paraphrase Arthur Vandenberg, is to prevent wars before they start so it does not have to keep the peace after they stop.

These are some of the principal concerns I wanted to address today; I know you have many more questions and I look forward to answering them all.

This discussion is just beginning. I am glad that it will also involve other committees of the Senate, the NATO Observers' Group and the House of Representatives. Most important, I am glad it will involve the people of the United States. For the commitment a larger NATO entails will only be meaningful if the American people understand and accept it.

When these three new democracies join NATO in 1999, as I trust they will, it will be a victory for us all, Mr. Chairman. And on that day, we will be standing on the shoulders of many.

We will be thankful to all those who prosecuted the Cold War, to all those on both sides of the Iron Curtain who believed that the goal of containment was to bring about the day when the enlargement of our democratic community would be possible.

We will be grateful to all those who championed the idea of a larger NATO—not just President Clinton, or President Havel, or President Walesa, but members of Congress from both parties who voted for resolutions urging the admission of these three nations. We will owe a debt to the Republican members who made NATO enlargement part of their Contract with America.

Today, all of our allies and future allies are watching you for one simple reason. The American Constitution is unique in the power it grants to the legislative branch over foreign policy, especially over treaties. In this matter, Mr. Chairman, members of the Committee, you and the American people you represent are truly in the driver's seat.

That is as it should be. In fact, I enjoy going to Europe and telling our allies: ''This is what we want to do, but ultimately, it will be up to our Senate and our people to decide.'' I say that with pride because it tells them something about America's faith in the democratic process.

But I have to tell you that I say it with confidence as well. I believe we will stand together, Mr. Chairman, when the time comes for the Senate to decide, because I know that the policy we ask you to embrace is a policy that the Administration and Congress shaped together, and because I am certain that it advances the fundamental interests of the United States.

Thank you very much.

CONGRATULATIONS TO KENTUCKY FORD AND TOYOTA WORKERS

Mr. FORD. Mr. President, I want to take just a moment today to talk about some hard working Kentuckians. Earlier this month marked the close of the 1997 year for car models. With that closing came the news that the Toyota Camry was the best-selling car in the United States and that Ford's F-Series trucks are the number one selling trucks in the nation for the 16th year in a row. Also at the top were the Ford Explorer as the number one sports utility vehicle and the Ranger as the number one compact pickup.

I'm proud to say that the number one car, truck and sports utility vehicle all have ''made in Kentucky'' stamped inside. The Camry is built in Georgetown and two of the Ford trucks—the F–250 and the F–350—along with both the Ranger and the Explorer, are all made in Louisville. About 80 percent of the Camrys sold in the nation come from Kentucky, while the Kentucky-made Ford trucks account for about 26 percent of the F-Series sales.

Behind those impressive sales figures are thousands of hard-working Kentuckians committed to doing the best job possible.

Their hard work not only put Toyota and Ford at the top of the charts, but their local communities and the state come out winners as well. A strong company with productive workers is a boost to the local economy and a successful plant is a powerful recruitment tool for the state.

Mr. President, number one sales mean a number one production team. I know I speak for my fellow Kentuckians when I say we're awfully proud of all the hard work that put the Toyota and Ford vehicles at the top.

Keep up the good work and know that you've made all Kentuckians proud.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in execution session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:02 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 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. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

At 2:34 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 following bill, in which it requests the concurrence of the Senate:

H.R. 901. An act to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

At 6:19 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 following bill, in which it requests the concurrence of the Senate:

H.R. 2607. An act 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.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 901. An act to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; to the Committee on Energy and Natural Resources.

The Committee on Veterans' Affairs was discharged from further consideration of the following measure which was referred to the Committee on the Judiciary:

S. 813. A bill to amend chapter 91 of title 18, United States Code to provide criminal penalties for theft and willful vandalism at national cemeteries.

MEASURES PLACED ON THE CALENDAR

The following measures were discharged from the Committee on Governmental Affairs and ordered placed on the calendar:

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the operations of the Circle City Station Post Office as the ''Andrew Jacobs, Jr. Post Office Building.''

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Margaret Drive in Terre Haute, Indiana, as the ''John T. Myers Post Office Building.''

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2607. An act 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.

REPORTS OF COMMITTEE

The following report of committee was 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. No. 105–104).

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 1278. An original bill to extend preferential treatment to certain products imported from Caribbean Basin countries (Rept. No. 105–105).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 660. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes (Rept. No. 105–106).

By Mr. THOMPSON, from the Committee on Government Affairs, with amendments and an amendment to the title:

S. 207. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies (Rept. No. 105–107).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 10. A bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes (Rept. No. 105–108).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 1847. A bill to improve the criminal law relating to fraud against consumers.

S. 900. A bill to provide for sentencing enhancements and amendments to the Federal Sentencing Guidelines for offenses relating to the abuse and exploitation of children, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1024. A bill to make chapter 12 of title 11 of the United States Code permanent, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1149. A bill to amend title 11, United States Code, to provide for increased education funding, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1189. A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Charles J. Siragusa, of New York, to be United States District Judge for the Western District of New York.

Richard Conway Casey, of New York, to be United States District Judge for the Southern District of New York.

Ronald Lee Gilman, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

Raymond C. Fisher, of California, to be Associate Attorney General.

James S. Gwin, of Ohio, to be United States District Judge for the Northern District of Ohio.

Algenon L. Marbley, of Ohio, to be United States District Judge for the Southern District of Ohio.

Dale A. Kimball, of Utah, to be United States District Judge for the District of Utah.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. ROTH:

S. 1278. An original bill to extend preferential treatment to certain products imported from Caribbean Basin countries; from the Committee on Finance; placed on the calendar.

By Mr. CAMPBELL (for himself and Mr. MURKOWSKI):

S. 1279. A bill to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to emphasize the need for job creation on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL:

S. 1280. A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; to the Committee on Indian Affairs.

By Mr. MURKOWSKI (for himself and Mr. CAMPBELL):

S. 1281. A bill to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to facilitate the creation of employment opportunities for American Indians and Alaska Natives, and for other purposes; to the Committee on Indian Affairs.

By Mr. AKAKA (for himself, Ms. MOSELEY-BRAUN, and Mrs. MURRAY):

S. 1282. A bill to provide for the establishment of the National Museum for the Peopling of America within the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

By Mr. BUMPERS (for himself, Ms. MOSELEY-BRAUN, and Mr. HUTCHINSON):

S. 1283. A bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the ''Little Rock Nine'' on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROBERTS:

S. 1284. A bill to prohibit construction of any monument, memorial, or other structure at the site of the Iwo Jima Memorial in Arlington, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FAIRCLOTH (for himself, Mrs. HUTCHISON, Mr. MACK, Mr. LOTT, Mr. ABRAHAM, Mr. SHELBY, Mr. ALLARD, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mr. BENNETT, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, and Ms. SNOWE):

S. 1285. A bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals; to the Committee on Finance.

By Mr. JEFFORDS:

S. 1286. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Corps Scholarship Program; to the Committee on Finance.

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; to the Committee on Environment and Public Works.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1288. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain in-line skates; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. CAMPBELL):

S. 1289. A bill to temporarily decrease the duty on certain industrial nylon fabrics; to the Committee on Finance.

By Mr. HATCH:

S. 1290. A bill for the relief of Saeed Rezai; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. FEINGOLD, Mr. THOMAS, Mr. BROWNBACK, Mr. ROBERTS, and Mr. BURNS):

S. 1291. A bill to permit the interstate distribution of State-inspected meat under certain circumstances; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. STEVENS (for himself, Mr. BYRD, Mr. BURNS, Mrs. MURRAY, Mr. AKAKA, Mr. ALLARD, Mr. BOND, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. CAMPBELL, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FORD, Mr. FRIST, Mr. GRAHAM, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. KEMPTHORNE, Mr. LEAHY, Mr. LOTT, Mr. MACK, Mr. MCCONNELL, Mr. MOYNIHAN, Mr. REID, Mr. ROBERTS, Mr. SANTORUM, Mr. SARBANES, Mr. SPECTER, Mr. THOMPSON, and Mr. WARNER):

S. 1292. A resolution disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45; to the Committee on Appropriations, pursuant to the order of section 1025 of Public Law 93–344 for seven days of session.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1293. A bill to improve the performance outcomes of the child support enforcement program in order to increase the financial stability and well-being of children and families; to the Committee on Finance.

By Mr. JEFFORDS:

S. 1294. A bill to amend the Higher Education Act of 1965 to allow the consolidation of student loans under the Federal Family Loan Program and the Direct Loan Program; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself, Mr. KOHL, Mr. CHAFEE, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. BIDEN, Mr. KERRY, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. HARKIN, Mr. DURBIN, Mr. TORRICELLI, Mr. REED, Mr. INOUYE, Mr. AKAKA, Mr. LEVIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. WELLSTONE, and Mr. ROBB):

S. Res. 133. A resolution expressing the sense of the Senate that every handgun sold in the United States should include a child safety device; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. LUGAR):

S. Res. 134. A resolution expressing the sense of the Senate that the United States

should give high priority to working with partners in the Americas to address shared foreign policy and security problems in the Western Hemisphere; to the Committee on Foreign Relations.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 135. A resolution to authorize the production of records by the Committee on Rules and Administration; considered and agreed to.

By Mr. BIDEN (for himself, Mr. MACK, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mrs. BOXER, Mr. BRYAN, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. D'AMATO, Mr. DASCHLE, Mr. DEWINE, Mr. DORGAN, Mr. DURBIN, Mr. FAIRCLOTH, Mr. FRIST, Mr. FORD, Mr. GLENN, Mr. GORTON, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SMITH of Oregon, Mr. SPECTER, Mr. THOMAS, Mr. THURMOND, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 136. A resolution designating October 17, 1997, as ''National Mammography Day.''; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself and Mr. MURKOWSKI):

S. 1279. A bill to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to emphasize the need for job creation on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

THE INDIAN EMPLOYMENT TRAINING AND RELATED SERVICES DEMONSTRATION ACT AMENDMENTS OF 1997

Mr. CAMPBELL. Mr. President, today I am pleased to introduce legislation which amends the Indian Employment, Training, and Related Services Demonstration Act of 1992 (P.L. 102–477). The current Act has proven successful and represents one of the few programs that works for Indian country. I want to thank Senator MURKOWSKI for his work on his own ''477'' bill that takes aim at the specific problems experienced by Alaska natives in administering the 477 program. I am pleased to co-sponsor his and that he is co-sponsoring my legislation.

It is my hope that together we can develop amendments that will clarify and strengthen the program for American Indians and Alaska natives and lead to better training programs and higher job placements. The main reason for the success of the 477 program is that it relies on the tribes themselves to make the key decisions involving the design and implementation of employment training and related matters. This program puts tribes, not federal bureaucrats, in the driver's seat.

The Act empowers tribal governments to consolidate formula funds they receive for employment training and education services into one program—which in turn enables tribes to streamline services provided, while cutting administrative time and costs. The Act does contain certain limitations and in practice tribes have faced a few roadblocks.

This bill removes these limitations, expands programs affected by the Act, and broadens permissible job creation activities. The unemployment problem in Indian country is well-documented. Tribes currently suffer from a national unemployment rate of approximately 52%, with some like the Oglala Sioux Tribe suffer from a rate of 95%. In comparison, the national unemployment rate is 6%. The lack of employment opportunities in Indian country has exacerbated an already-poor health situation, and has lead to grinding social problems such as crime, domestic abuse, and alcohol and drug abuse. While gaming has aided a few tribal economies over the past decade, the great majority of tribes continue to struggle with joblessness and poverty. Gaming is not the long term solution to the goal of tribal self-determination and economic self-sufficiency. Diverse job creation is.

The Indian Employment, Training, and Related Services Demonstration Act provides tribes with a valuable tool in combating reservation unemployment. Indian tribes, like many American communities, are struggling to comply with the work requirements of the new welfare reform law. By focusing on job creation as a necessary component to any employment training program, tribes can add a new weapon in their battle against joblessness and poverty.

One of the more consistent obstacles to greater success with the Act is the Bureau of Indian Affairs management of the program. To remedy this problem, the bill transfers lead agency responsibilities from the Bureau of Indian Affairs (BIA) to the Office of Self-Governance (OSG), both agencies contained within the Department of the Interior. On May 13, 1997, the Committee on Indian Affairs conducted an oversight hearing to discuss the progress made by tribes under the Act. Tribe after tribe testified and revealed that this program is working, and working well. Tribes participating in the program testified that the program has reduced the federal paperwork burden associated with applying for related programs by as much as 96%, reduced administration time and costs of delivering job training services to tribal customers while enhancing the quality of services rendered.

Most importantly, witnesses indicated great increases in job placements for tribal members. One of the reasons for the success of this program is that it is voluntary. It is not another imposition, by the federal government, of what we think will work for them. I would like to highlight the fact that this Demonstration Act has cost the federal government nothing—- the attraction of the program is in streamlining paperwork and other administrative burdens and operating primarily at the local level. The philosophy of the program is similar to that of the Self-Governance model under which tribes, under contract with the United States, manage services and programs formerly provided by the federal government.

The witnesses at the May hearing discussed problems that they have had with the lead agency, the BIA. Of the four tribal participants testifying, all expressed dissatisfaction with the BIA. One testified that ''the Bureau of Indian Affairs has been the biggest obstacle to the implementation of P.L. 102–477.'' 20 tribal applicants representing more than 175 tribes currently participate in this demonstration, yet the BIA states that it has only two full-time employees committed to working on this program, and that number is in dispute. Additionally, all tribal witnesses reported significant delays in receiving programs funds consolidated under their approved plans.

Reasons for the delays ranged from deliberate withholding to poor accounting procedures on the part of the BIA. The May hearing, as well as subsequent meetings held with the Tribal Working Group for the Demonstration Act, have made clear that there is a consensus among participating tribes that the OSG should undertake this program. The bill proposes to transfer authority to the OSG because that office has a proven track record in working with tribes to consolidate programs and services and to achieve more effective delivery to tribal members.

If this Congress is serious about encouraging self-determination and self-sufficiency, we must provide tribes with the tools they need to further these goals. Reservation economic development and job creation go hand-in-hand and we cannot ignore this basic fact.

The current Act has gone far in permitting tribes to do more with less, as the quality of training and education services has risen with increased job placements. These amendments take the next logical step, which is to encourage job creation and make the promise of the program a reality for those that want to work and want to be productive and want to improve their lives and the lives of their families.

With that, Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 1279

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 ''Indian Employment, Training and Related Services Demonstration Act Amendments of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of services provided by those tribes and organizations;

(B) enabled more Indian people to secure employment;

(C) assisted welfare recipients; and

(D) otherwise demonstrated the value of integrating education, employment, and training services.

(2) The initiative under the Indian Employment, Training and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all programs that emphasize the value of work may be included within a demonstration program of an Indian tribe or Alaska Native organization.

(3) The initiative under the Indian Employment, Training and Related Services Demonstration Act of 1992 shares goals and innovative approaches of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(4) The programs referred to in paragraph (2) should be implemented by the unit within the Department of the Interior responsible for carrying out the Indian Employment, Training and Related Services Demonstration Act of 1992.

(5) The initiative under the Indian Employment, Training and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials of—

(A) the Department of the Interior; and

(B) other Federal agencies involved with policymaking authority with respect to programs that emphasize the value of work for American Indians and Alaska Natives.

SEC. 3. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

''(1) FEDERAL AGENCY.—The term 'Federal agency' has the same meaning given the term 'agency' in section 551(1) of title 5, United States Code.''.

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking ''employment opportunities, or skill development'' and all that follows through the end of the section, and inserting ''securing employment, retaining employment, or creating employment opportunities. The programs referred to in the preceding sentence may include the program commonly referred to as the general assistance program established under the Act of November 2, 1921 (commonly known as the 'Snyder Act') (42 Stat. 208, chapter 115; 25 U.S.C. 13) and the program known as the Johnson-O'Malley Program established under the Johnson-O'Malley Act (25 U.S.C. 452 through 457).''.

(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking ''Federal department'' both places it appears and inserting ''Federal agency'';

(2) by striking ''Federal departmental'' and inserting ''Federal agency'';

(3) by striking ''department'' each place it appears and inserting ''agency''; and

(4) in the third sentence, by inserting ''statutory requirement,'' after ''to waive any''.

(d) PLAN APPROVAL.—The second sentence of section 8 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended by inserting before the period at the end the following: '', including reconsidering the disapproval of any waiver requested by the Indian tribe''.

(e) JOB CREATION ACTIVITIES.—Section 9 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3408) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The plan submitted'';

(2) by striking ''if such expenditures'' and all that follows through the end of subsection (a) (as redesignated by paragraph (1) of this subsection); and

(3) by adding at the end the following:

''(b) LIMITATION.—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula.''.

(f) PRIVATE SECTOR TRAINING PLACEMENTS.—Section 11(a) of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3410(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Bureau of Indian Affairs'' and inserting ''Office of Self-Governance of the Department of the Interior'';

(2) in paragraph (4)—

(A) by inserting ''delivered under an arrangement subject to the approval of the Indian tribe participating in the project,'' after ''appropriate to the project,''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the convening by an appropriate official of the lead agency (whose appointment is subject to the confirmation of the Senate) and a representative of the Indian tribes that carry out demonstration projects under this Act, in consultation with each such Indian tribe, of a meeting not less than 2 times during each fiscal year for the purpose of providing an opportunity for all Indian tribes that carry out demonstration projects under this Act to discuss issues relating to the implementation of this Act with officials of each department specified in subsection (a).''.

(g) PERSONNEL.—In carrying out the amendment made by subsection (f)(1), the Secretary of the Interior shall transfer from the Bureau of Indian Affairs to the Office of Self-Governance of the Department of the Interior such personnel and resources as the Secretary determines to be appropriate.

By Mr. CAMPBELL:

S. 1280. A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; to the Committee on Indian Affairs.

THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT AMENDMENTS OF 1997

Mr. CAMPBELL. Mr. President, in 1996 the Congress enacted historic legislation involving the financing, construction, and maintenance of housing for Indian people. With the enactment of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), Indian housing is no longer solely in the province of the Department of Housing and Urban Development (HUD).

With NAHASDA tribes have the opportunity to develop and implement housing plans that meet their needs and values, and can do so in a way that is more efficient. I am hopeful that the success achieved by tribes participating in the Indian Self-Determination and Education Act and the Self-Governance Act programs can be duplicated in the housing arena with the implementation of NAHASDA.

The Act requires that funds for Indian housing be provided to Indian tribes in block grants with monitoring and oversight appropriately provided by HUD. By empowering the tribes themselves and decreasing tribal reliance on the federal bureaucracy, this Act is consistent with principles of tribal self-determination and self-sufficiency that have been the hallmark of federal Indian policy for nearly thirty years.

By the terms of the Act, NAHASDA becomes effective October 1, 1997. This will mean sweeping changes in the way housing is built and financed in Indian country. It is my hope that we can build on the NAHASDA model and encourage related initiatives such as banking, business development, and infrastructure construction.

Even though NAHASDA has yet to be implemented, both HUD and the tribes agree that there are sections in the Act that need clarification. The bill I am introducing, the ''Native American Housing Assistance and Self-Determination Act Amendments of 1997'', provides the required clarification and changes that will help tribes and HUD in achieving a smoother transition from the old housing regime to the new framework of NAHASDA.

The proposed amendments contained in this bill are partly the result of a hearing held by the Committee on Indian Affairs in March, 1997, which focused on the management of Indian housing under the old HUD-dominated regime.

Tribal leaders, Indian housing experts, and federal officials testified about funding problems and other matters, including the proper level of oversight and monitoring. The focus of the hearing was constructive and with an eye toward encouraging a better managed and more efficient Indian housing system.

After auditing Indian housing programs from around the nation, and after reviewing HUD's monitoring and enforcement provisions, HUD's Inspector General testified as to perceived problems in the old housing regime and the NAHASDA framework. The IG's testimony included her opinion that clarifications were needed in the

NAHASDA including minor changes to the Act's enforcement provisions.

My goal as Chairman of the Committee on Indian Affairs is to ensure that housing funds are used properly and within the bounds permitted by law. I also want to ensure that, consistent with federal obligations to Indian tribes, tribal members are properly housed and living in decent conditions.

I am confident that with the implementation of NAHASDA, tribes will be able to better design and implement their own housing plans and in the process will be able to provide better housing to their members. In making the transition from dominating the housing realm to monitoring the activities of the tribes, HUD needs guidance from the Committee as to its proper role and responsibilities under the Act.

The Act, and the amendments I am proposing today, will go a long way in making sure that the management problems that were associated with the old, HUD-dominated housing system will not be part of NAHASDA.

I ask unanimous consent that a copy of the bill be printed in the RECORD, and urge my colleagues to join me in enacting these reasonable amendments.

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

S. 1280

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 ''Native American Housing Assistance and Self-Determination Act Amendments of 1997''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Restriction on waiver authority.
Sec. 3. Organizational capacity; assistance to families that are not low-income.
Sec. 4. Elimination of waiver authority for small tribes.
Sec. 5. Expanded authority to review Indian housing plans.
Sec. 6. Oversight.
Sec. 7. Allocation formula.
Sec. 8. Hearing requirement.
Sec. 9. Performance agreement time limit.
Sec. 10. Block grants and guarantees not Federal subsidies for low-income housing credit.
Sec. 11. Technical and conforming amendments.

SEC 2. RESTRICTION ON WAIVER AUTHORITY.

Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking ''if the Secretary'' and all that follows before the period at the end and inserting the following: ''for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to extreme circumstances beyond the control of the Indian tribe''.

SEC. 3. ORGANIZATIONAL CAPACITY; ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.

(a) ORGANIZATIONAL CAPACITY.—Section 102(c)(4) of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4112(c)(4)) is amended—

(1) by redesignating subparagraphs (A) through (K) as subparagraphs (B) through (L), respectively; and

(2) by inserting before subparagraph (B), as redesignated by paragraph (1) of this subsection, the following:

''(A) a description of the entity that is responsible for carrying out the activities under the plan, including a description of—

''(i) the relevant personnel of the entity; and

''(ii) the organizational capacity of the entity, including—

''(I) the management structure of the entity; and

''(II) the financial control mechanisms of the entity;''.

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended by adding at the end the following:

''(6) CERTAIN FAMILIES.—With respect to assistance provided by a recipient to Indian families that are not low-income families under section 201(b)(2), evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.''.

SEC. 4. ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

SEC. 5. EXPANDED AUTHORITY TO REVIEW INDIAN HOUSING PLANS.

Section 103(a)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113(a)(1)) is amended—

(1) in the first sentence, by striking ''limited''; and

(2) by striking the second sentence.

SEC. 6. OVERSIGHT.

(a) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

''SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

''If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).''.

(b) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 1465) is amended to read as follows:

''SEC. 405. REVIEW AND AUDIT BY SECRETARY.

''(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—

''(1) IN GENERAL.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

''(2) PAYMENT OF COSTS.—

''(A) IN GENERAL.—The Secretary may arrange for, and pay the cost of, any audit required under paragraph (1).

''(B) WITHHOLDING OF AMOUNTS.—If the Secretary pays for the cost of an audit under subparagraph (A), the Secretary may withhold, from the assistance otherwise payable under this Act, an amount sufficient to pay for the reasonable costs of conducting an audit that meets the applicable requirements of chapter 75 of title 31, United States Code, including, if appropriate, the reasonable costs of accounting services necessary to ensure that the books and records of the entity referred to in paragraph (1) are in such condition as is necessary to carry out the audit.

''(b) ADDITIONAL REVIEWS AND AUDITS.—

''(1) IN GENERAL.—In addition to any audit under subsection (a)(1), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit of a recipient in order to—

''(A) determine whether the recipient—

''(i) has carried out—

''(I) eligible activities in a timely manner; and

''(II) eligible activities and certification in accordance with this Act and other applicable law;

''(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

''(iii) is in compliance with the Indian housing plan of the recipient; and

''(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

''(2) ONSITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include onsite visits by the appropriate official of the Department of Housing and Human Development.

''(c) REVIEW OF REPORTS.—

''(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

''(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

''(A) may revise the report; and

''(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

''(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.''.

SEC. 7. ALLOCATION FORMULA.

Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking ''The formula,'' and inserting the following:

''(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula''; and

(2) by adding at the end the following:

''(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 1998 and each fiscal year thereafter, with respect to any Indian tribe having an Indian housing authority that owns or operates fewer than 250 public housing units, the formula under subparagraph (A) shall provide that the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the

United States Housing Act of 1937 (42 U.S.C. 1437*l*) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.''.

SEC. 8. HEARING REQUIREMENT.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting each such subparagraph 2 ems to the right;

(2) by striking ''Except as provided'' and inserting the following:

''(1) IN GENERAL.—Except as provided'';

(3) by striking ''If the Secretary takes an action under paragraph (1), (2), or (3)'' and inserting the following:

''(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)''; and

(4) by adding at the end the following:

''(3) EXCEPTION FOR CERTAIN ACTIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

''(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

''(i) provide notice to the recipient at the time that the Secretary takes that action; and

''(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

''(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.''.

SEC. 9. PERFORMANCE AGREEMENT TIME LIMIT.

Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary'';

(2) by striking ''(1) is not'' and inserting the following:

''(A) is not'';

(3) by striking ''(2) is a result'' and inserting the following:

''(B) is a result:

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this section—

(A) by adjusting the margin 2 ems to the right; and

(B) by inserting before the period at the end the following: '', if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement''; and

(5) by adding at the end the following:

''(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

''(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

''(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

''(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

''(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).''.

SEC. 10. BLOCK GRANTS AND GUARANTEES NOT FEDERAL SUBSIDIES FOR LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 42(i)(2) of the Internal Revenue Code of 1986 (relating to determination of whether building is federally subsidized) is amended to read as follows:

''(E) BUILDINGS RECEIVING HOME ASSISTANCE OR NATIVE AMERICAN HOUSING ASSISTANCE.—

''(i) IN GENERAL.—

''(I) INAPPLICABILITY.—Assistance provided under the HOME Investment Partnerships Act or the Native American Housing Assistance and Self-Determination Act of 1996 as in effect on the day before the date of enactment of the Native American Housing Assistance and Self-Determination Act Amendments of 1997 with respect to any building shall not be taken into account under subparagraph (D) if 40 percent or more of the residential units in the building are occupied by individuals whose income is 50 percent or less of the area median gross income.

''(II) APPLICABILITY OF OTHER LAW.—Subsection (d)(5)(C) does not apply to any building to which subclause (I) applies.

''(ii) SPECIAL RULE FOR CERTAIN HIGH-COST HOUSING AREAS.—In the case of a building located in a city described in section 142(d)(6), clause (i) shall be applied by substituting '25 percent' for '40 percent'.''.

(b) APPLICABILITY.—The amendment made by this section shall apply to determinations made under section 42(i)(2) of the Internal Revenue Code after the date of enactment of this Act.

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) 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—

(1) by striking the item relating to section 206; and

(2) by striking the item relating to section 209 and inserting the following:

''209. Noncompliance with affordable housing requirement.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended to read as follows:

''SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for each of fiscal years 1998 through 2001—

''(1) to provide assistance under this title for emergencies and disasters, as determined by the Secretary, $10,000,000; and

''(2) such sums as may be necessary to otherwise provide grants under this title.''.

(c) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(d) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: ''Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter be considered to be a dwelling unit under section 302(b)(1).''.

By Mr. MURKOWSKI (for himself and Mr. CAMPBELL):

S. 1281. A bill to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to facilitate the creation of employment opportunities for American Indians and Alaska Natives, and for other purposes; to the Committee on Indian Affairs.

THE INDIAN EMPLOYMENT AND TRAINING IMPROVEMENTS ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise to introduce the Indian Employment and Training Improvements Act of 1997, making technical amendments to the Indian Job Training and Consolidation Act of 1992. I was an original cosponsor of this law because I saw a need to reduce unnecessary, repetitive administrative costs in job development programs geared toward American Indians and Alaska Natives.

I am glad to say that after only a few years, it is clear that this program is working. Alaska tribal groups tell me that they have reported great savings in administering employment and training programs through consolidation of application and reporting requirements. The Cook inlet Tribal Corporation in Alaska alone reports a near tripling of jobs in the Anchorage area since the passage of this act, from 500 to nearly 1,500 jobs. The Aleutian Pribiloffs Island Association, the Bristol Bay Native Association, Tlingit-Haida Indian Tibes in southeast Alaska, and Kawerak corporation in Norton Sound all report satisfaction with this program. I thank these Alaska Native groups for working with my staff to complete these amendments.

I would also like to thank Senator CAMPBELL for his work on this issue and for introducing his fine bill. I look forward to combining the best aspects of our bills at a mark-up to be held later this year. I appreciate his sensitivity to Alaska-specific concerns on this and other Indian Affairs issues.

Mr. President, my bill would make several technical corrections that would encourage more tribes to take advantage of this demonstration. Let me highlight a few of these changes. First, it would establish the Office of Self Governance as the lead agency, replacing the Bureau of Indian Affairs. This change is needed because the BIA has shown resistance to allowing two of its programs to be included in the program: the Johnson O'Malley education program and general assistance dollars. The Office of Self governance, in contrast, has shown itself to be an effective administration in working with tribes to meet their needs.

Second, it would allow the regional non-profit corporations in Alaska to act on behalf of the tribes, without having specific authorizing resolutions on the exact subject at hand, though the tribes could always object and opt out of the regional's actions. Third, it

would enable tribes to establish one consolidated advisory committee to encompass all the advisory councils currently required by the programs that are included in the demonstration.

All these changes will allow the participating tribes to get more out of the Indian Job Training and consolidation Act by enabling them to better tailor their programs for their individual needs and by reducing regulatory barriers to efficient consolidation of Indian job training programs.

Mr. President, the drop-out rate from college of Alaska Native kids in the Anchorage area is usually between 80–90 percent. We need to provide these young Alaskans with both educational and job skills so they can fully participate in Alaska's economy. The technical amendments I am introducing today will lead to further economic growth and more efficient use of Indian job training dollars. I urge my colleagues to support these amendments.

By Mr. AKAKA (for himself, Ms. MOSELEY-BRAUN, and Mrs. MURRAY):

S. 1282. A bill to provide for the establishment of the National Museum for the Peopling of America within the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

THE PEOPLING OF AMERICA MUSEUM ACT

Mr. AKAKA. Mr. President, last year marked the 150th anniversary of the Smithsonian Institution, an establishment dedicated to the ''increase and diffusion of knowledge among men.'' Since its founding, the Smithsonian has promoted excellence in research and public education in all fields of human and scientific interest. To continue this great tradition of excellence, and to ensure its relevance to its patrons and beneficiaries, the American people, today I am introducing legislation, cosponsored by Senator CAROL MOSELEY-BRAUN and Senator PATTY MURRAY, to establish a new Smithsonian entity, the National Museum for the Peopling of America.

The Peopling of America Museum would be dedicated to presenting one of the most significant experiences in American history, the complex movement of people, ideas, and cultures across boundaries—both internal or external—that resulted in the peopling of the Nation and the development of our unique, pluralist society. This movement transformed us from strangers from different shores into neighbors unified in our inimitable diversity—Americans all.

Under our bill, the Museum would have a number of different functions. These include serving as: A location for exhibits and programs depicting the history of America's diverse peoples and their interactions with each other. The exhibits would collectively form a unified narrative of the historical processes by which the United States was developed; A center for research and scholarship to ensure that future generations of scholars will have access to resources necessary for telling the story of American pluralism; A repository for the collection of relevant artifacts, artworks, and documents to be preserved, studied, and interpreted; A venue for integrated public education programs, including lectures, films, and seminars, based on the Center's collections and research; and A location for a standardized index of resources within the Smithsonian dealing with the heritages of all Americans. The Smithsonian's holdings contain millions of artifacts which have not been identified or classified for this purpose.

A clearinghouse for information on ethnic documents, artifacts, and artworks that may be available through non-Smithsonian sources, such as other federal agencies, museums, academic institutions, individuals, or foreign entities.

A folklife center highlighting the cultural expressions of the peoples of the United States. The existing Smithsonian Center for Folklife Programs and Cultural Studies, which already performs this function, could be integrated with the museum.

A center to promote mutual understanding and tolerance. The Museum would facilitate programs designed to encourage greater understanding of, and respect for, each of America's diverse ethnic and cultural heritages. The Museum would also disseminate techniques of conflict resolution currently being developed by social scientists.

An oral history center developed through interviews with volunteers and visitors. The museum would also serve as an oral history repository and a clearinghouse for oral histories held by other institutions.

A visitor center providing individually tailored orientation guides to Smithsonian visitors. Visitors could use the museum as an initial orientation phase for ethnically or culturally related artifacts, artworks, or information that can be found in each of the Smithsonian's many facilities.

A location for training museum professionals in museum practices relating to the life, history, art, and culture of the peoples of the United States. The museum would sponsor training programs for professionals or students involved in teaching, researching, and interpreting the heritage of America's peoples.

A location for testing and evaluating new museum-related technologies that could facilitate the operation of the museum. The facility could serve as a test bed for cutting-edge technologies that could later be used by other private or public museums.

Our legislation also stipulates that the museum would be located in new or existing Smithsonian facilities on or near the National Mall. Additionally, the measure establishes an Advisory Committee on American Cultural Heritage to provide guidance on the operation and direction of the proposed museum.

Mr. President, aside from the first Americans, whose precedence must be acknowledged, we Americans were travelers from other lands. From the first Europeans who came as explorers and conquerors to the African slaves who endured the middle passage and labored in the fields of our early plantations, from the people of Nuevo Mexico to the French of the Louisiana Territory who became Americans through annexation, from the Irish who fled poverty and famine at home to the Chinese who came in search of Gold Mountain—all were once visitors to this great country.

America is defined by the grand, entangled progress of its individual peoples to and across the American landscape—through exploration, the slave trade, immigration, or internal migration—that gave rise to the rich interactions that make the American experience unique. We embody the cultures and traditions that our forebears brought from other shores, as well as the new traditions and cultures that we adopted on arrival.

Whether we settled in the agrarian West, the industrialized North, the small towns of the Midwest, or the genteel cities of the South, our forebears inevitably formed relationships with peoples of other backgrounds and cultures. Our rich heritage as Americans is comprehensible only through the histories of our various constituent cultures, carried with us from other lands and transformed by encounters with other cultures. As one eminent cultural scholar has noted:

> How can one learn about slavery, holocausts, immigration, ecological adaptation or ways of seeing the world without some type of comparative perspective, without some type of relationship between cultures and peoples. How can we understand the history of any one cultural group—for example, the Irish—without reference to other groups—for example, the British. How can we understand African American culture without placing it in some relationship to its diverse African cultural roots, the creolized cultures of the Caribbean, the Native American bases of Maroon and Black Seminole cultures, the religious, economic and linguistic cultures of the colonial Spanish in Columbia, the French in Haiti, the Dutch in Suriname, and the English in the United States?

Unfortunately, Mr. President, the Smithsonian, perhaps our most prestigious educational institution, has never attempted to explore this comparative perspective of how our Nation came to be peopled. For whatever reason, the institution has failed to examine the college of relationships that shaped the values, attitudes, and behaviors of our various constituencies. Aside from occasional, temporary exhibits on a specific immigration or migration topic, such as the Museum of American History's recent exhibit on the northern migration of African-Americans, none of the Smithsonian's many museums and facilities has tasked itself to examine any aspect of

this phenomenon, the peopling of America experience, much less offered a global review of the subject.

This shortcoming derives, in part, from the fact that the Smithsonian, for all its reputation as a world-class research and educational organization, remains an institution rooted in 19th century intellectual taxonomy. For example, during the early years of the Smithsonian, the cultures of Northern and Western European Americans were originally represented at the Museum of Science and Industry, which eventually became the Museum of American History. However, African Americans, Asian Americans, Native Americans, and others were treated ethnographically as part of the Museum of Natural History. This artificial bifurcation of our cultural patrimonies is still in place today. Consequently, the collections of various ethnic and cultural groups have been fragmented among various Smithsonian entities, making it difficult to view these groups in relation to each other or as part of a larger whole.

The establishment of the Peopling of America Museum would address this glaring deficiency. The museum would instantly create a national venue where all Americans, regardless of ethnic origin, could visit in order to discover and celebrate their diverse historical roots. More important, the museum would facilitate an exploration of our commonalities, the historical and cultural experiences that created the unique American identity and sensibility.

Mr. President, in May 1995, the Commission on the Future of the Smithsonian Institution, a blue ribbon panel charged with pondering the future of the 150-year-old institution, issued its final report. In its preface, the Commission noted:

The Smithsonian Institution is the principal repository of the nation's collective memory and the nation's largest public cultural space. It is dedicated to preserving, understanding, and displaying the land we inhabit and the diversity and depth of American civilization in all its timbres and color. It holds in common for all Americans that set of beliefs—in the form of artifacts—about our past that, taken together, comprise our collective history and symbolize the ideals to which we aspire as a polity. The Smithsonian—with its 140 million objects, 16 museums and galleries, the national Zoo, and 29 million annual visits—has been, for a century and a half, a place of wonder, a magical place where Americans are reminded of how much we have in common.

The story of America is the story of a plural nation. As epitomized by our nation's motto, America is a composite of peoples. Our vast country was inhabited by various cultures long before the Pilgrims arrived. Slaves and immigrants built a new nation from ''sea to shining sea,'' across mountains, plains, deserts and great rivers, all rich in diverse climates, animals, and plants. One of the Smithsonian's essential tasks is to make the history of our country come alive for each new generation of American children.

We cannot even imagine an ''American'' culture that is not multiple in its roots and in its branches. In a world fissured by differences of ethnicity and religion, we must all learn to live without the age-old dream of purity—whether of bloodlines or cultural inheritance—and learn to find comfort, solace, and even fulfillment in the rough magic of the cultural mix. And it is the challenge to preserve and embody that marvelous mix—the multi-various mosaic that is our history, culture, land, and the people who have made it—that the Smithsonian Institution, on the eve of the twenty-first century, must rededicate itself.

Mr. President, what more compelling argument in favor of the Peopling of America Museum can be found than in these words? What initiative other than the Peopling of America Museum would more directly address the Smithsonian's role in presenting the diversity and depth of American civilization in all its timbres and color, or making the history of our country come alive for each new generation of American children, or preserving the multivarious mosaic that is our history, culture, land, and the people who have made it?

In conclusion, Mr. President, I believe that this initiative will foster a much-needed understanding of our diversity, of the rich cultural and historical differences that constitute our uniqueness as individuals. Conversely, and more important, I believe that the Peopling of America Museum will promote an appreciation of the common values, relationships, and experiences that bind our citizens together. A museum dedicated to the celebration of our unity in diversity will sustain and invigorate our sense of national purpose; surely this is a mission worthy of the Smithsonian to undertake.

Thank you, Mr. President. I hope that this legislation will initiate a national dialog about the central role that the Smithsonian should play in preserving, researching, and exhibiting America's cultural and historical patrimony. I look forward to beginning this conversation with my colleagues, the academic community, and the interested public.

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. 1282

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 ''Peopling of America Museum Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The history of the United States is in large measure the history of how the United States was populated.

(2) The evolution of the American population is broadly termed the ''peopling of America'' and is characterized by the movement of groups of people across external and internal boundaries of the United States as well as by the interactions of the groups with each other.

(3) Each of the groups has made unique, important contributions to American history, culture, art, and life.

(4) The spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the population.

(5) The Smithsonian Institution operates 16 museums and galleries, a zoological park, and 5 major research facilities. None of these public entities is a national institution dedicated to presenting the history of the peopling of the United States, as described in paragraph (2).

(6) The respective missions of the National Museum of American History of the Smithsonian Institution and the Ellis Island Immigration Museum of the National Park Service limit the ability of those museums to present fully and adequately the history of the diverse population and rich cultures of the United States.

(7) The absence of a national facility dedicated solely to presenting the history of the peopling of the United States restricts the ability of the citizens of the United States to fully understand the rich and varied heritage of the United States derived from the unique histories of many peoples from many lands.

(8) The establishment of a Peopling of America Museum to conduct educational and interpretive programs on the multiethnic and multiracial character of the history of the United States will assist in inspiring and better informing the citizens of the United States concerning the rich and diverse cultural heritage of the citizens.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Committee.

(2) COMMITTEE.—The term ''Committee'' means the Advisory Committee on American Cultural Heritage established under section 7(a).

(3) DIRECTOR.—The term ''Director'' means the Director of the Museum.

(4) MUSEUM.—The term ''Museum'' means the National Museum for the Peopling of America established under section 4(a).

SEC. 4. ESTABLISHMENT OF THE NATIONAL MUSEUM FOR THE PEOPLING OF AMERICA.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a facility that shall be known as the ''National Museum for the Peopling of America''.

(b) PURPOSES OF THE MUSEUM.—The purposes of the Museum are—

(1) to promote knowledge of the life, art, culture, and history of the many groups of people who comprise the citizens of the United States;

(2) to illustrate how such groups cooperated, competed, or otherwise interacted with each other; and

(3) to explain how the diverse, individual experiences of each group collectively helped forge a unified national experience.

(c) COMPONENTS OF THE MUSEUM.—The Museum shall include—

(1) a location for permanent and temporary exhibits depicting the historical process by which the United States was populated;

(2) a center for research and scholarship relating to the life, art, culture, and history of the groups of people of the United States;

(3) a repository for the collection, study, and preservation of artifacts, artworks, and documents relating to the diverse population of the United States;

(4) a venue for public education programs designed to explicate the multicultural past and present of the United States;

(5) a location for the development of a standardized index of documents, artifacts, and artworks in collections that are held by the Smithsonian Institution, classified in a manner consistent with the purposes of the Museum;

(6) a clearinghouse for information on documents, artifacts, and artworks relating to the groups of people of the United States that may be available to researchers, scholars, or the general public through non-Smithsonian collections, such as documents, artifacts, and artworks relating to the groups that are held by—

(A) other Federal agencies;

(B) other museums;

(C) universities;

(D) individuals; and

(E) foreign institutions;

(7) a folklife center committed to highlighting the cultural expressions of various groups of people within the United States;

(8) a center to promote mutual understanding and tolerance among the groups of people of the United States through exhibits, films, brochures, and other appropriate means;

(9) an oral history library developed through interviews with volunteers, including visitors;

(10) a location for a visitor center that shall provide individually tailored orientation guides for visitors to all Smithsonian Institution facilities;

(11) a location for the training of museum professionals and others in the arts, humanities, and sciences with respect to museum practices relating to the life, art, history, and culture of the various groups of people of the United States; and

(12) a location for developing, testing, demonstrating, evaluating, and implementing new museum-related technologies that assist in fulfilling the purposes of the Museum, enhance the operation of the Museum, and improve the accessibility of the Museum.

SEC. 5. LOCATION AND CONSTRUCTION.

(a) LOCATION.—The Museum shall be located—

(1) in a facility of the Smithsonian Institution that is, or is not, in existence on the date of enactment of this Act; and

(2) on or near the National Mall located in the District of Columbia.

(b) CONSTRUCTION.—The Board of Regents of the Smithsonian Institution may plan, design, reconstruct, or construct appropriate facilities to house the Museum.

SEC. 6. DIRECTOR AND STAFF.

(a) IN GENERAL.—

(1) APPOINTMENTS.—The Secretary of the Smithsonian Institution shall appoint and fix the compensation and duties of—

(A) a Director, Assistant Director, Secretary, and Chief Curator of the Museum; and

(B) any other officers and employees that are necessary for the operation of the Museum.

(2) QUALIFICATIONS.—Each individual appointed under paragraph (1) shall be an individual who is qualified through experience and training to perform the duties of the office to which that individual is appointed.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Secretary of the Smithsonian Institution may—

(1) appoint the Director and 5 employees under subsection (a), without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) fix the pay of the Director and the 5 employees, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification of positions and General Schedule pay rates.

SEC. 7. ADVISORY COMMITTEE ON AMERICAN CULTURAL HERITAGE.

(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—There is established an advisory committee to be known as the ''Advisory Committee on American Cultural Heritage''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Committee shall be composed of 15 members, who shall—

(i) be appointed by the Secretary of the Smithsonian Institution;

(ii) have expertise in immigration history, ethnic studies, museum science, or any other academic or professional field that involves matters relating to the cultural heritage of the citizens of the United States; and

(iii) reflect the diversity of the citizens of the United States.

(B) INITIAL APPOINTMENTS.—The initial appointments of the members of the Committee shall be made not later than 6 months after the date of enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold its first meeting.

(5) MEETINGS.—The Committee shall meet at the call of the Chairperson, but shall meet not less frequently than 2 times each fiscal year.

(6) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Committee shall select a Chairperson and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMITTEE.—The Committee shall advise the Secretary of the Smithsonian Institution and the Director concerning policies and programs affecting the Museum.

(c) COMMITTEE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed 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 Committee.

(B) FEDERAL MEMBERS.—Members of the Committee 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.

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(B) COMPENSATION.—The Chairperson may fix the compensation of the executive director and 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 the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

By Mr. BUMPERS (for himself, Ms. MOSELEY-BRAUN, and Mr. HUTCHINSON):

S. 1283. A bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the ''Little Rock Nine'' on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDALS LEGISLATION

Mr. BUMPERS. Mr. President, I rise today to introduce a bill on behalf of Senator CAROL MOSELEY-BRAUN and myself authorizing the award of the Congressional Gold Medal to the extraordinary group of Americans known as the Little Rock Nine. We speak often of heroes in this body. Sometimes we worry that there are no heroes in our country today, no one for our children to look up to, no one to inspire us to be our best selves. But a couple of weeks ago, we had a vivid reminder that there are still heroes among us. The Little Rock Nine returned to Little Rock Central High School to stride through the doors again. This time those doors were held open by the Governor of Arkansas and the President of the United States.

Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas. Their names are not so familiar to the American public, but they ought to be.

On a fall day in 1957, these nine Americans were teenagers, children really, and they marched up the steps of Little Rock Central High School, young black teenagers through a huge crowd—actually a mob—of angry white people who despised them just for being there and presuming to attend a public school in their own home town. They marched up the steps with a cool courage that remains awesome today, no matter how many times we see the grainy newsreels.

In 1957, Little Rock was not a very big city, but for a few days, it became the center of the world. Arkansas was not the most staunchly segregationist State in the South, but politics, history and fear conspired to make it the

crucible for the authority of *Brown* v. *Board of Education*. And through that storm of controversy marched these nine young people, frightened but dignified, barely comprehending what was happening but sensing that they were helping to move aside a profound obstacle.

Now, even the people who jeered at them will admit that they were impressed and moved by the courage of those nine kids. The images of those days in Little Rock, and the extraordinary lives these nine sons and daughters of Arkansas have led are proud symbols of the progress we have made in America and a solemn reminder of the progress we have yet to make.

Any ordinary teenager is sensitive to the tiniest insult, the most innocent slight. It is hard to imagine what these nine felt as they were cursed and spat upon, peppered with every slur and threat the crowd could muster. They were opposed by the Governor, by most every local leader, by their peers and by a fully armed unit of the National Guard. They were able to enter the school when President Eisenhower ordered in units of the airborne division to escort them and enforce the order of the Supreme Court. But it was not the power of the soldiers or the authority of the law that won the day. It was the grace and courage of those nine young people.

Their grace and courage prevailed that day and has inspired us for 40 years. They deserve our thanks and admiration. They deserve a medal. We should present those nine heroes of Little Rock with the Congressional Gold Medal as a permanent remembrance of their unforgettable moment of courage. I hope all of my colleagues will cosponsor this bill and see that it quickly becomes law.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1283

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

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress hereby finds the following:

(1) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the ''Little Rock Nine'', voluntarily subjected themselves to the bitter stinging pains of racial bigotry.

(2) The Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country.

(3) The Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation.

(4) The Little Rock Nine sacrificed their innocence to protect the American principle that we are all ''one nation, under God, indivisible''.

(5) The Little Rock Nine have indelibly left their mark on the history of this Nation.

(6) the Little Rock Nine have continued to work towards equality for all Americans.

SEC. 2. CONGRESSIONAL GOLD MEDALS.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Malba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to the ''Little Rock Nine'', gold medals of appropriate design, in recognition of the selfless heroism such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(b) DESIGN AND STRIKING.—For purposed of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient.

(c) AUTHORIZATION OF APPROPRIATION.—Effective October 1, 1997, there are authorized to be appropriated such sums as may be necessary, to carry out this section.

SEC. 3. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 2 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

By Mr. ROBERTS:

S. 1284. A bill to prohibit construction of any monument, memorial, or other structure at the site of the Iwo Jima Memorial in Arlington, VA, and for other purposes; to the Committee on Energy and Natural Resources.

CONSTRUCTION PROHIBITION LEGISLATION

Mr. ROBERTS. Mr. President, today I am introducing legislation that really should not have to be introduced to address a controversy that should not be taking place. The legislation is intended to prevent further construction of any memorial on the parcel of Federal land surrounding the U.S. Marine Corps memorial commonly known as the Iwo Jima memorial located in Arlington, VA.

Mr. President, the reason I am introducing this legislation is that, unfortunately, this site has been selected for a 50-foot high Air Force memorial approximately 500 feet from the Iwo Jima statue.

Mr. President, I realize full well that this legislation and this issue will and has caused considerable emotional debate and difference of opinion within our Marine and Air Force communities. I stress that in my opinion it does not have to be that way.

First, the points that I will raise should not be construed as any denigration or challenge to the worthiness of a memorial to the proud men and women of the U.S. Air Force who have served our Nation so very well. In fact, one of my points is that our U.S. Air Force deserves its own special place that will not compete with any other memorial.

In discussing this legislation, I am going to leave the legal issues to those with better expertise in the nuance of law. The point I would like to stress is very basic. It supersedes reports and hearings and commission recommendations and whether or not the proponents of construction of another memorial have successfully—and apparently they have—traversed the procedural obstacle course and the tripwires necessary to gain approval for construction.

Simply put, the Iwo Jima memorial represents and memorializes an absolutely unique and special time in our Nation's history. Just as Bunker Hill and Saratoga and Yorktown and Gettysburg, Belleau Wood and Bataan, Normandy, Chosin Reservoir, and other battles have been etched in our national psyche as touchstones and reminders of courage, valor and bravery in defense of freedom, and have special meaning for this Nation and the valiant members of our Armed Forces that fought bravely in each of those campaigns, Iwo Jima became a rallying point for this country and the U.S. Marine Corps during the dark days of the war in the Pacific.

Mr. President, on a personal note, for me, the Iwo Jima memorial has special meaning. My dad, then a Marine major, Wes Roberts, took part in the battle of Iwo Jima. His accounts of the bravery and sacrifice are part of our family's history and inspiration. Fifteen years later, then Marine Lt. Pat ROBERTS, stationed in Okinawa with the 3d Marine Division, revisited Iwo Jima, along with the first official Marine party to pay a personal tribute and visit to that island. My assignment was to cover the visit and dedication for the Stars and Stripes newspaper.

I shall never forget the experience. Iwo Jima veterans, enlisted and officers, stood on Mt. Suribachi in the quiet of the gentle wind overlooking a now lush green island in the blue of the Pacific, and there was not a sound. Then, in hushed tones, mixed with emotion and tears, the Iwo Jima veterans relived, recounted that battle and said many a prayer for their fallen comrades.

Lt. General Thomas A. Wornham placed a 5th Marine Division insignia on the flagpole atop famous Suribachi. Former members of his old unit, the 27th Marines, stood with visiting dignitaries. They listened quietly. The general said, ''We landed over there by those two rocks. The terraces were much higher then. I crawled on my hands and knees right by that small hill.''

In a low whisper, Col. John W. Antonelli, former 2d battalion Commander in the 27th, said, ''I cannot look at this scene, this island, without thinking of my Marines who died in

order to capture it. From the top of Suribachi, I can see where they fell. One of my best friends was killed in that ravine. Every time the Marines would take cover there, they invited the incoming artillery.''

Then Col. Donn J. Robertson, former 3d battalion commander in the famous regiment, told listeners how the island had changed. ''This new lush vegetation would have given our boys much needed cover then. As I stand here looking down from Suribachi, I realize how the enemy had us covered in interlocking fire. We landed on a beautiful day just like this, sun shining, blue sky, blue ocean. I am thankful to be alive.''

Standing on Suribachi, it was difficult for any of us to imagine how anyone could have survived the landing and day-after-day assault. The day after the island was declared secure more marines suffered casualties than they had in the last 10.

But survive they did, and Old Glory was raised over Iwo Jima on the 23d of February, 1945, and captured on film to become a pictorial moment in history unequaled in portraying uncommon valor. Almost 10 years later, that special event in our Nation's history was recreated and consecrated forever in the dedication of the Iwo Jima memorial here in our Nation's Capital and now attracts over 1 million visitors every year.

Let me stress, Mr. President, that Iwo Jima is not purely a Marine Corps memorial. It does, of course, represent an extremely important event in the proud history of our corps, but it is, in a larger sense, a memorial for the American people. Many consider the Iwo Jima site as hallowed ground and certainly not a site where there should be a competing memorial.

I also wish to acknowledge that the Air Force Association has been forthright and aboveboard in the process to find a suitable site for their proposed memorial. I applaud and support their efforts to properly recognize the superb contribution the men and women of the U.S. Air Force have made to this country. The point is that I do not believe it serves any purpose for either memorial to compete with or stand in the shadow of the other.

I also realize the proponents of the Air Force memorial will say it will not interfere with Iwo Jima, and it will be located behind a line of trees so that it cannot be seen from the Iwo site.

Now, the sense I get from those statements is that the Air Force memorial will figuratively be in the shadow of Iwo Jima. If so, that, quite frankly, is not fair to the Air Force and to those the memorial is intended to honor. A location should be found where the memorial can stand clearly, proudly, and in its own place without competition from any other structure.

In addition, the National Planning Commission report recognizes that the site for the proposed Air Force memorial is, ''fragile and delicate.'' The report further recognizes that the area encompassing the Iwo Jima memorial and the Netherlands Carillon and the Arlington National Cemetery is ''reverent space whose beautiful nature is already heavily disrupted by heavy automobile and bus traffic on the periphery and by tour bus traffic within the area itself. The planned construction of 40 additional parking spaces adjacent to the memorial, which is currently a wooded area, would further diminish the natural beauty of the memorial and the park surroundings.''

I realize in the passage of time, even the most memorable acts of courage and valor and bravery tend to fade into yesterday's history books. Succeeding generations tend to forget the lessons of the past, and the world, indeed, is a different place. Today, great historical events, and even the lives and lessons of our Founding Fathers are many times mere footnotes in a fast-paced society, or worse, subject to revision depending on what is politically correct at the moment.

But, let us not add to or hasten this erosion by unnecessarily competing or infringing upon what has been accurately called ''sacred and reverent space.''

This so-called controversy about the location of the proposed Air Force memorial in conjunction with the Iwo Jima memorial is, in fact, a paradox of enormous irony. The battle of Iwo Jima was fought to secure a safe haven and staging area for bomber aircraft flown by the forerunners of the U.S. Air Force. Marines fought and died to help save the lives of the fliers of the Army Air Corps. For 43 years, ever since the memorial was dedicated on the Marine Corps birthday in 1954, the Iwo Jima memorial has been in fact a memorial to both brave marines and fliers of World War II.

Why, why then, why indeed, should any memorial so inspired, so true to the memory and sacrifice of both marines and Army Air Corps fliers, why should such hallowed ground be subject to encroachment and duplication of yet another memorial for the same purpose, a memorial that should stand in its own right and on its own site?

We should preserve the sanctity of a memorial that has come to be viewed by all Americans as a de facto memorial to World War II. Nothing should detract from the serene and hallowed setting of the Iwo Jima memorial.

In a letter I have received from the Commandant of the U.S. Marine Corps, Gen. C.C. Krulak, the Commandant eloquently sums up what all marines feel in their hearts and what I have tried to explain in my remarks. I quote from his letter:

> Although I was just a young boy, I remember watching as the Iwo Jima memorial was erected on the edge of Arlington Cemetery. I remember that November day in 1954 when my godfather, Gen. Holland ''Howlin Mad'' Smith, stood before that magnificent statue and, with tears slowly streaming down his cheeks, softly said, ''My marines, my marines. . . .'' Truly, this is a sacred place.

Mr. President, the commandant went on to say that, as the last marine on active duty to have witnessed the Iwo dedication, he truly believes that this Nation must preserve its sanctity. For, as General Krulak said, the Iwo Jima memorial is more than a monument; it is a place for reflection, a place to pay respect, and a place to gain inner strength. Over 23,000 marines were killed or injured on Iwo Jima, and each year, over 1 million Americans pay tribute to those marines.

General Krulak closed his letter by saying:

> In speaking for them, for their survivors, and for all marines past, present and future, the sanctity of the Iwo Jima memorial must be preserved.

Semper fidelis, general, semper fidelis.

I ask my colleagues to join me in this effort.

By Mr. FAIRCLOTH (for himself, Mrs. HUTCHISON, Mr. MACK, Mr. LOTT, Mr. ABRAHAM, Mr. SHELBY, Mr. ALLARD, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mr. BENNETT, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. THOMAS, Mr. THURMOND, Mr. WARNER and Ms. SNOWE):

S. 1285. A bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals; to the Committee on Finance.

THE MARRIAGE TAX PENALTY ELIMINATION ACT OF 1997

Mr. FAIRCLOTH. Mr. President, today I am pleased to introduce legislation that will eliminate the marriage penalty tax. This is similar to legislation in the House, H.R. 2456, which has 218 cosponsors, including the Speaker of the House.

According to the Joint Economic Committee, in 1996, more than 23 million married couples paid a marriage penalty, totaling an extra $28 billion in taxes. This would mean the average couple is paying $1,200 more in income taxes simply because they are married. I think it is time to change the tax code so that we do not punish people simply for being married.

From 1913 to 1969, the federal income tax treated married couples either just as well as or better than if they were single. Since then, married couples have had to pay a marriage penalty. This is even more ironic if you consider that the number of married couples where both work has increased dramatically. Finally, the tax increase in 1993 made the problem worse by raising the tax rates.

This legislation is supported by Americans for Tax Reform and the National Taxpayers Unions. I am pleased to be joined by Senators HUTCHINSON and MACK, making a total of 35 Senators that are original cosponsors.

I would hope that we could end this penalty against marriage. Marriage should be cherished, not punished by the Federal Government. I would urge other Senators to cosponsor this bill, and I would hope that we could take up this legislation as soon as possible.

By Mr. JEFFORDS:

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; to the Committee on Environment and Public Works.

THE ASIAN ELEPHANT CONSERVATION ACT OF 1997

Mr. JEFFORDS. Mr. President, today I rise today to introduce a bill to assist in the preservation of Asian elephants. The bill, the ''Asian Elephant Conservation Act of 1997'', is modeled after the highly successful African Elephant Conservation Act of 1988 and the Rhinoceros and Tiger Conservation Act of 1994. It will authorize up to $5 million per year to be appropriated to the Department of the Interior to fund various projects to aid in the preservation of the Asian elephant.

Since the challenges of the Asian elephants are so great, resources to date have not been sufficient to cope with the continued loss of habitat and the consequent diminution of Asian elephant populations

Among the threats to the Asian elephant in addition to habitat loss are population fragmentation, human-elephant conflict, poaching for ivory, meat, hide, bones and teeth, and capture for domestication. To reduce, remove, or otherwise effectively address these threats to the long-term viability of populations of Asian elephants in the wild will require the joint commitment and effort of nations within the range of Asian elephants, the United States and other countries, and the private sector.

On April 22, 1997, I introduced the African Elephant Conservation Reauthorization Act of 1997 (S. 627). By the late 1980's, the population of African elephants had dramatically declined from approximately 1.3 million animals in 1979 to less than 700,000 in 1987. The primary reason for this decline was the poaching and illegal slaughter of elephants for their tusks, which fueled the international trade policy. Today, as a result of the bill, the African elephant population has stabilized, international ivory prices remain low, and wildlife rangers are better equipped to stop illegal poaching activities.

I am a strong proponent of the protection and conservation of endangered species. If we do not act now, the world's future generations may not be able to enjoy many of the species of wildlife now in existence. This small, but critical investment of U.S. taxpayer money will be matched by private funds and will significantly improve the likelihood that wild Asian elephants will exist in the 21st Century. It is my hope that the Asian Elephant Conservation Act of 1997 will hopefully see the same successes that the African elephant bill has seen.

By Mr. ALLARD (for himself and Mr. CAMPBELL):

S. 1289. A bill to temporarily decrease the duty on certain industrial nylon fabrics; to the Committee on Finance.

TARIFF REDUCTION LEGISLATION

Mr. ALLARD. Mr. President, today I am introducing this legislation to lessen a financial burden on American companies. I am pleased that my colleague from Colorado, Senator CAMPBELL is joining me as an original cosponsor. For approximately 20 years, various U.S. manufacturers have been paying substantial tariffs on a product that is not produced in this country.

Mr. President, my legislation would significantly reduce the tariff on this particular product from 16 to 6.7 percent. This product is an industrial nylon fabric used in the manufacture of automotive timing belts. United States companies that use this product in their manufacturing processes have no choice but to import it since it has not been produced domestically since the mid-1970's.

There is no domestic industry to harm by lowering this tariff, consumers will clearly benefit, and many domestic industries will benefit by becoming more competitive.

My bill would temporarily reduce the tariff on the nylon fabric product for 3 years. After that period, if there are still no U.S. producers, further action would then be in order. Mr. President, reducing American competitiveness to protect non-existent domestic industries simply does not make sense. It is my hope that this situation will be rectified.

By Mr. HATCH:

S. 1290. A bill for the relief of Saeed Rezai; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. HATCH. Mr. President, I rise today to introduce private relief legislation on behalf of my constituents, Mr. Saeed Rezai, and his wife, Mrs. Julie Rezai.

As my colleagues are aware, those immigration cases that warrant private legislation are extremely rare. In fact, in nearly 8 years, I have introduced just one bill to grant such relief—a bill for the relief of Saeed Rezai in the last Congress. As I said before the Senate when I introduced that bill in 1995, I had hoped that this case would not require congressional intervention. Unfortunately, it is clear that private legislation is the only means remaining to ensure that the equities of Mr. and Mrs. Rezai's case are heard and that a number of unresolved questions are answered without imposing a terrible hardship on Mr. and Mrs. Rezai and on their marriage.

I wish to take a moment, Mr. President, to provide something by way of background to this somewhat complicated case and to explain the urgency of this legislation. Mr. Rezai first came to the United States in 1986. On June 15, 1991, he married his current wife, Julie, who is a U.S. citizen. Shortly thereafter, she filed an immigrant visa petition on his behalf. Approval of this petition has been blocked, however, by the application of §204(c) of the Immigration and Nationality Act. Section 204(c) precludes the approval of a visa petition for anyone who entered, or conspired to enter, into a fraudulent marriage. The Immigration and Naturalization Service [INS] applied this provision in Mr. Rezai's case because his previous marriage ended in divorce before his 2-year period of conditional residence had expired. In immigration proceedings following the divorce, the judge heard testimony from witnesses on behalf of Mr. Rezai and his former wife. After considering that testimony, he found there was insufficient evidence to warrant lifting the conditions on Mr. Rezai's permanent residency and, in the absence of a qualifying marriage, granted Mr. Rezai voluntary departure from the United States. The judge was very careful to mention, however, that there was no proof of false testimony by Mr. Rezai, and he granted voluntary departure rather than ordering deportation because, in his words, Mr. Rezai ''may be eligible for a visa in the future.''

Despite these comments by the immigration judge, who clearly did not anticipate the future application of the §204(c) exclusion to Mr. Rezai's case, the INS has refused to approve Mrs. Rezai's petition for permanent residence on behalf of her husband based on that very exclusion. An appeal of this decision has been pending before the Board of Immigration Appeals [BIA] for 3 years. In the meantime, Mr. Rezai appealed the initial termination of his lawful permanent resident status in 1990. In August 1995, the 10th Circuit Court of Appeals denied this appeal and reinstated the voluntary departure order. Under current law, there is no provision to stay Mr. Rezai's deportation pending the BIA's consideration of Mrs. Rezai's current immigrant visa petition.

Mr. President, there is no question that Mr. Rezai deportation will create extraordinary hardship for both Mr. and Mrs. Rezai. Throughout all the proceedings of the past 6 years, not a single person that I know of—including the INS—has questioned the validity of Mr. and Mrs. Rezai's marriage. In fact, many that I have heard from have emphatically told me that Mr. and Mrs.

Rezai's marriage is as strong as any they have seen. Given the prevailing political and cultural climate in Iran, I would not expect that Mrs. Rezai will choose to make her home there. Thus, Mrs. Rezai's deportation will result in either the breakup of a legitimate family or the forced removal of a U.S. citizen and her husband to a third country foreign to both of them.

It should also be noted that Mr. Rezai has been present in the United States for more than a decade. During this time he has assimilated to American culture and has become a contributing member of his community. He has been placed in a responsible position of employment as the security field supervisor at Westminster College where he has gained the respect and admiration of both his peers and his supervisors. In fact, I received a letter from the interim president of Westminster College, signed by close to 150 of Mr. Rezai's associates, attesting to his many contributions to the college and the community. This is just one of the many, many letters and phone calls I have received from members of our community. Mr. Rezai's forced departure in light of these considerations would both unduly limit his own opportunities and deprive the community of his continued contributions.

Finally, Mr. Rezai's deportation would create a particular hardship for his wife, who was diagnosed just a few years ago with Multiple Sclerosis [MS]. Mrs. Rezai's doctor has recommended that her husband be designated as her primary caregiver for what is expected to be a lifelong debilitating illness. It is doubtful that adequate medical care would be available should she be forced to return with her husband to Iran or to some other country willing to accept them as immigrants. Finally, her doctor has suggested that severe symptoms and rapid deterioration of Mrs. Rezai's condition are possible as a result of the stress being placed upon her by her husband's protracted immigration proceedings and the uncertainty of their future.

Mr. President, I firmly believe that we must think before enforcing an action that will result in such severe consequences as the destruction of Mr. and Mrs. Rezai's marriage and the endangering of Mrs. Rezai's already fragile health. The legislation I am introducing today, if enacted, will put an end to what has been a long and drawn-out ordeal for the Rezais by granting Mr. Rezai full permanent resident status. At a minimum, the outstanding questions regarding the propriety of the denial of Mr. Rezai's current immigrant visa petition need to be addressed. With the introduction of this legislation today and its consideration by the Judiciary Committee's Subcommittee on Immigration, we can ensure that Mr. Rezai's deportation will be stayed pending the thorough review of these questions by the Board of Immigration Appeals. I urge each of my colleagues to support this immigration bill.

By Mr. HATCH (for himself, Mr. FEINGOLD, Mr. THOMAS, Mr. BROWNBACK, Mr. ROBERTS and Mr. BURNS):

S. 1291. A bill to permit the interstate distribution of State-inspected meat under certain circumstances; to the Committee on Agriculture, Nutrition, and Forestry.

THE INTERSTATE DISTRIBUTION OF STATE-INSPECTED MEAT ACT OF 1997

Mr. HATCH. Mr. President, I rise to introduce the Interstate Distribution of State-inspected Meat Act of 1997. This legislation will lift the ban on interstate distribution of State-inspected meat and poultry, providing some long-term relief to our livestock producers and finally ending a long-standing inequity in meat inspection laws that affects about 3,000 meat processors in 26 States.

In the 1960's, the Federal Meat Inspection Act and the Poultry Products Inspection Act allowed States to implement their own inspection programs. At the time, there remained some uncertainty as to how well the State inspection programs would function, so a provision was included banning meat inspected by States from interstate distribution. There was also a provision included requiring the U.S. Department of Agriculture to periodically recertify that the State programs are ''at least equal to'' the Federal standards. In the 30 years since this program was instituted, a State program has never failed to achieve recertification.

Mr. President, today the ban on interstate distribution has clearly outlived its purpose. Instead of protecting the health of our citizens, it only stifles competition in the meat packing industry and impounds the available market to State-inspected plants. Right now, State-inspected ostrich, venison, buffalo, and pheasant are freely distributed across State lines; yet, a perfectly good steak is banned.

Furthermore, foreign competitors are allowed to send their meat products throughout the United States without regard for State boundaries. These foreign companies do not face a higher standard than our State-inspected processing plants. The only difference is that the State-inspected plants have much tighter oversight by the USDA. There is no reason that U.S. plants should be restricted from competing with foreign countries.

Monte Lucherini runs a State-inspected plant in Logan, UT. He runs a good business and makes an excellent product, but is still not allowed to do business outside of Utah. He writes:

> I believe that my gross sales would increase 30 to 40 percent. . . . Employment would be increased also. I would need two to three more butchers, and probably five to six more part-time workers. . . . It has always been a thorn in our side that we couldn't service the customers that want our products.

David H. Yadron runs a state-inspected plant in Orem, Utah. He says:

> By scrimping and saving, this ''mom and pop'' operation was built to federal standards two years ago. Nevertheless, large companies and foreign competitors enjoy the privilege of shipping their meat products interstate even though our facility and products are equal or superior to theirs. This injustice limits our profitability while providing an unfair marketing advantage to foreign companies and large domestic operations. Unless Congress repeals the unfair prohibition, we could be forced out of business. Conversely, if Wind River grows, then our suppliers, including the local, federal meat inspected packers, would also grow.

Mr. President, there are restaurants and food retailers in many States that would love to purchase meat products from Utah's State-inspected plants. Utah's State inspection program receives the highest marks possible by the USDA, and many of our plants produce unique and hard-to-find products. Instead of purchasing from Utah, these restaurants and retailers are forced to purchase from foreign competitors, even though the quality of the foreign product is often inferior.

There is no sense to this, Mr. President; it cuts into the profits of our retailers, raises the prices for our consumers, stifles business for our processors, and limits the market for our livestock and poultry producers.

Mr. President, the time has come to lift the ban in State-inspected meat and poultry. There is no reason whatever to believe that permitting interstate distribution for State-inspected meat would compromise safety in any way. In fact, I believe we would have even greater assurances about the safety of meat than we do now. The USDA would continue to set and ensure inspection standards.

I am aware that the USDA has recently begun looking into the merits of lifting the prohibition on interstate distribution, and I am eager to work with the USDA on a workable plan for bringing this law up-to-date. I call on my colleagues to support this effort to introduce equity into the meat packing industry.

Mr. FEINGOLD. Mr. President, I am pleased to be an original cosponsor of the Interstate Distribution of State-inspected Meat Act of 1997 introduced today by my colleague from Utah [Mr. HATCH] and I thank him for his leadership on this issue.

This is a very important bill for my State of Wisconsin which has nearly 300 State-inspected meat plants which provide jobs and income for rural communities. The quality meat products processed by these plants such as the Lodi Sausage Co. in Lodi, WI, Gunderson Food Service in Mondovi, WI, Goodfella's Pizza Corp. in Medford, WI, The Ham Store in Brookfield, WI, Country Fresh Meats in Hatley, WI, and Louie's Finer Meats, Inc. in Cumberland, WI are prohibited from being sold across State lines. These small businesses face the interstate marketing prohibition not because their products haven't been inspected—in fact all these businesses are inspected by the

State of Wisconsin—but because of an archaic provision of Federal law which prohibits interstate shipment of State-inspected meats even though the State inspection program is certified as equal to Federal meat inspection programs.

These plants, and hundreds like them in Wisconsin, produce quality specialty meat products which are demanded by consumers in other States. But the owners of these facilities are unable to capitalize on their specialties and meet that market demand. By limiting these plants to markets within their home-State borders, Federal law effectively prevents them from expanding their markets, increasing the number of people they employ, and generating additional economic activity in rural areas.

These small plants pose no competitive threat to larger processors who are federally inspected. In most cases, State-inspected plants are small family owned businesses, employing between 1 and 20 people, producing specialty products to fill a small market niche. These plant owners and operators pay special attention to the quality of their products and because of this they cannot grow very large. Wisconsin's small-scale meat processors take great pride in their products which reflect the ethnic diversity in my State. In fact, it is my understanding that Wisconsin specialty meat products win nearly 25 percent of the awards at the American Association of Meat Processors' nationwide product show.

Furthermore, these small State-inspected plants play a critical role in sustaining rural communities and helping to ensure diversity of size in the livestock industry. Most of these plants buy livestock locally which helps maintain the viability of nearby small family livestock operations. By buying locally they know exactly where their inputs bar coming from and how they are produced, which allows them to control the quality of their products. These local buying practices help counteract trends toward concentration in the livestock and poultry production and processing industries providing small livestock and dairy producers with marketing alternatives in any industry dominated by a few large meat packers.

The owners of these small businesses in Wisconsin correctly point out that they face even more meat shipment restrictions than their competitors from foreign countries. Under our trade agreements, meat products from foreign countries are allowed into the United States and across State borders as long as the country has an inspection program that is ''equivalent'' to U.S. programs. Meanwhile, even if State inspection programs are ''equal to'' Federal inspection programs, meats inspected under State programs are still precluded from interstate shipment Mr. President, it simply isn't fair and it is time to eliminate this inequity.

The bill we are introducing today makes a simple but important change to Federal law to allow State-inspected meats to be sold across State lines after the State inspection program is favorably reviewed and certified by the Secretary of Agriculture as at least ''equal to'' Federal meat inspection programs. If State programs are not equal to the Federal inspection program, they will not be certified by USDA and State-inspected meats will not cross State lines. The Secretary is also required by this bill to certify that the State inspection program is on schedule in implementing USDA's new Hazard Analysis and Critical Control Points [HAACP] regulations. The bill also requires the Secretary to annually recertify the State program. To provide further safeguards, Federal meat inspectors may also randomly inspect State plants to ensure that they continue to meet Federal standards. The Secretary will have the authority to reinstate the interstate shipment ban on plants that fail to meet Federal standards. This bill is responsible to consumers while providing equity to small State-inspected plants.

Mr. President, I think the best arguments in favor of this legislation are made by those small business owners who are directly affected by the interstate shipment prohibition imposed on their meat products. I want to share with my colleagues some comments made by owners of some State-inspected processing businesses in Wisconsin.:

Louis Muench, owner of Louie's Finer Meats, Inc. In Cumberland, WI writes:

> We are the operators of a small meat processing and sausage making operation in a small town in northern Wisconsin . . . Our plant is 30 miles from the Minnesota border and we cannot even provide sausage for a pancake supper in Minnesota, let alone any wholesaling to supermarkets and convenience stores. We have received over 100 State and National awards for our sausage products. We cannot even market these products on a regional basis, let alone a national basis. This past May [1996], we were honored to receive two international gold medals for our sausage in Frankfurt, Germany. We are not allowed to market these products anywhere but Wisconsin. These kinds of restrictions make it difficult to maintain a profitable business.

Dan Kubly, one of the owners of LazyBones Ham Store, in Brookfield, WI writes:

> We work very closely with our state inspectors and consider them an ally in our overall business. We constantly consult with them on equipment conditions, labeling and handling procedures in our plant. It makes no sense that we are permitted to ship our products anywhere as long as the retail customer buys the product at our stores, but are not allowed to ship the same product across state lines through a distributor . . . Our volume is increasing rapidly and we are interested in contracting with a multi-state distributor, however we are unable to do this because we do not have USDA inspection. We feel our business will suffer significantly and job creation will end if we are not permitted to expand due to this unnecessary prohibition.

James Weber, owner of Gunderson Food Service, in Modovi, WI writes:

> We are operating a small meat plant in northwest Wisconsin and employ 9 people. We slaughter and and custom process for the local farm community, smoke ham and bacon, manufacture sausage and sell retail and wholesale. We are under Wisconsin meat inspection and are required to be equal to or better than Federal inspection. In the last 4 years we have taken 18 Wisconsin, national and international awards for our ham, jerky, beef sticks and sausage; but because I am in Wisconsin I am discriminated against by the Federal government. We are 30 miles from the Minnesota border but cannot sell our product there. If my products are of high enough quality to be sent 250 miles to Milwaukee, Wisconsin, then why is there a problem with me selling it 25 miles away in Waubaska, Minnesota?

Bill Ruef, owner of Ruef's Meat Market in New Glarus, WI who processes a Swiss ready-to-eat snack called ''Landjaeger'' writes:

> This [Landjaeger] is our most popular item, and I get asked on a regular basis by business owners from other states—we are about 25 miles from the Illinois border—if we can ship our Landjaegers to them for resale in their establishments. It really hurts me and my business when I have to tell them ''no'' because we aren't federally inspected. This kind of unfair prohibition will only continue to drive small businesses to fold and allow large conglomerates to monopolize the industry.

Mr. President, these business owners say it best. The current prohibition on interstate shipment of State-inspected meats is obsolete and patently unfair to small meat processors. It is time to correct this inequity and I urge my colleagues to support this important legislation.

Mr. BROWNBACK. Mr. President, today I join with the distinguished Senators from Utah, Wisconsin, and Wyoming in introducing a bill which addresses an injustice that has developed out of current law.

Under current law, meat and poultry products that are processed in plants which are inspected by State departments of agriculture are not allowed to be shipped over State lines. This restriction is an unfair restraint on competition which is especially discriminatory toward small processing facilities.

State inspection programs are required to maintain standards are ''at least equal to'' federal inspection standards. The U.S. Department of Agriculture periodically recertifies that State programs continue to meet that standard. meeting an ''equal to'' standard is the same requirement that foreign meat processors must meet in order to sell their product within U.S. borders. Not allowing State inspected facilities the freedom to sell their product throughout the country after having met the same standard that allows their foreign competitors to market their product unimpeded is, quite simply, unfair.

This arbitrary restriction has been troublesome to me ever since I was Secretary of Agriculture for Kansas. I've seen firsthand that this restriction impedes competition. In fact, I would like to insert in the RECORD a letter that I received from a professional in

the State of Kansas who operates a State inspected plant. My constituent presents a credible case for why her business is limited because of the restriction on interstate shipment.

Proprietors of State-inspected plants are not the only advocates of changing the law. USDA's packer concentration panel recommended an immediate repeal of this prohibition as a way to slow packer concentration. The National Association of State Department of Agriculture, which represents the Secretaries and Commissioners of Agriculture which have responsibility for overseeing State programs, strongly endorses the repeal of interstate shipment restrictions. Based on public comment solicited in the Federal Register and public hearings that were held throughout the country, the U.S. Department of Agriculture recently announced its support of lifting the ban on interstate shipment.

Mr. President, I would like to address the issue of food safety in relation to my proposal. Food safety is paramount. This measure would not in any way undermine the consumer's access to a reliable and safe product. However, this bill is not about food safety. Rather, this bill addresses an issue of commerce and trade.

In other words, food safety is an issue of enforcing the inspection standards that are in place, whether under State or Federal oversight. If State-inspected meat is safe to be distributed in Kansas, it is safe to be shipped to Missouri, or Oklahoma, or wherever else an entrepreneur finds a customer. Conversely, if the food is not safe to be shipped over State lines, it shouldn't be distributed with the State either.

And, as both State and federally inspected plants implement the Hazard Analysis and Critical Control Point system, we can be even more assured that plants throughout the country are conforming to a uniformly high set of standards. Now, more than ever, a focus on who does the inspecting has no relevance in determining where the product can be consumed safely.

I would like to highlight the paper that the U.S. Department of Agriculture recently released in support of allowing the interstate shipment of State-inspected meat and poultry products. In this paper, the administration states its concept for legislative action and establishes certain recommendations for what that legislation should include. I believe that there is much common ground between the Secretary's guidelines and the bill that my colleagues and I are introducing today.

I look forward to working with the USDA, as well as my colleagues here in the Senate, in order to pass and implement this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

HOME ON THE RANGE & CO.,
Scott City, KS, September 11, 1997.

Congressman SAM BROWNBACK,
Washington, DC.

DEAR CONGRESSMAN BROWNBACK: On September 6 of last week I was asked to attend a meeting called by Secretary of Agriculture Dan Glickman concerning the interstate shipment of State inspected meat and poultry products. I was a Kansas representative of small processors that are affected by this issue.

This is not a food safety issue. Our plants meet or exceed the provisions provided by the USDA. In many cases we are even more careful of our products standards because we live in the communities where we work. If our customers do not like the quality of products we produce they tell their friends and so on. We want to produce the safest and highest quality of products.

It is an unfair competition issue. With the passage of the NAFTA and other trade agreements, foreign meat and poultry products have free access to United States interstate commerce. These foreign inspection systems must meet requirements similar to those that the states must meet in assuring that their systems meet the requirements found in the federal acts. Why should beef inspected in Mexico have free access to interstate commerce when beef I process can not be sold in Colorado?

Expanding the market for state inspected plants will create jobs and the economy in all our communities. These plants provide ''value added'' and specialty products to the market that the larger plants do not want to produce.

Another issue that does not make sense is the fact that the Buffalo Jerky I produce by the exact process as the Beef Jerky I produce is able to be sold across the United States because the USDA does not regulate them as species which require mandatory federal inspection.

Please give your support to Bill number S. 1862 that is being introduced concerning this matter. It is very important this be passed now. Time is running out for the small processors. In Kansas alone, 6–7 plants are closing a year because we are not able to access the trade we need to stay in business.

Kansas Secretary of Agriculture, Allie Devine is in favor of this bill. She would be happy to answer any questions you may have on this issue.

Thank you very much for your time.

Sincerely,

LORI ROBBINS, *Owner*.

By Mr. STEVENS (for himself, Mr. BYRD, Mr. BURNS, Mrs. MURRAY, Mr. AKAKA, Mr. ALLARD, Mr. BOND, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. CAMPBELL, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FORD, Mr. FRIST, Mr. GRAHAM, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. KEMPTHORNE, Mr. LEAHY, Mr. LOTT, Mr. MACK, Mr. MCCONNELL, Mr. MOYNIHAN, Mr. REID, Mr. ROBERTS, Mr. SANTORUM, Mr. SARBANES, Mr. SPECTER, Mr. THOMPSON, and Mr. WARNER):

S. 1292. A resolution disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45; to the Committee on Appropriations, pursuant to the order of section 1025 of Public Law 93–344 for seven days of session.

DISAPPROVAL LEGISLATION

Mr. STEVENS. Mr. President, I have sought the floor now to introduce a disapproval bill to reverse the President's use of the line-item veto in the fiscal year 1998 military construction appropriations bill. I believe at least 37 of my colleagues will join as cosponsors of this bill.

The Line-Item Veto Act, public law 104–130, provides very specific fast-track procedures for consideration of a disapproval bill. I want to discuss those in detail later in these comments.

Congress received the President's special message listing the 38 cancellations in the military construction bill on Monday, October 6. The bill we introduce today is within the 5 calendar days of session timeframe provided for fast-track process.

Let me take a minute on the merits of this bill, Mr. President. In June, the President reached a budget agreement with the bipartisan leadership of the Congress. That agreement provided an increase of $2.6 billion for national defense over the amount that the President had requested in the budget for fiscal year 1998. The President's action on the military construction bill, in my judgment, reneges on the budget agreement he reached with the Congress. We were given our spending caps under the agreement and the Appropriations Committee presented the Senate with 13 appropriations bills consistent with the spirit, terms and limits of the revised budget.

We upheld our end of the agreement with the President. The President has not. This afternoon the Appropriations Committee met to evaluate the President's use of the line-item veto authority.

I called this hearing after consultation with Senator BYRD because of the manner in which the President had used this new prerogative on this military construction bill. I asked the committee to consider whether that tool was used as intended by Congress, and that intention was that the line-item veto would be used to eliminate wasteful or unnecessary spending. The committee heard testimony from the Air Force, Navy and Army regarding the merits of the 38 military construction projects. Today's hearings afforded our committee the chance to review the status of these projects in the military's future budget plans and whether or not they could be executed in 1998. Our military witnesses testified that in fact these projects were mission-essential and that they could be commenced in 1998. These military witnesses stated that the military services were not consulted in deciding which projects should be vetoed on this bill. These witnesses also informed us that 33 of the 38 projects in the President's message on the line-item veto are in the Department's future year defense plan. Let me repeat that. Thirty-three of the 38 projects the President indicated he

wished to line-item veto were in a plan he had approved himself.

They told us that the President's January budget constraints had prohibited them from including many of these projects in this year's budget. If the military services at the beginning of the year had had the extra $2.6 billion that the President agreed to in July, it is my judgment that all of the projects listed in the disapproval bill could and probably would have been included in the President's fiscal year 1998 budget request, if he listened to the military departments.

It's my belief that we will be successful in what we are starting today, which is an effort to overturn these line-item vetoes because the projects that the President has attempted to eliminate are meritorious, are sought by the Department, are within the budget agreement, and they are not wasteful or excessive spending.

These projects reflect a combination of quality of life, safety, readiness and infrastructure enhancement initiatives, Mr. President. A substantial number of them would significantly improve the day-to-day working conditions for men and women in uniform. Our soldiers, sailors, airmen and marines are the ones that are being shortchanged by the President's veto, not officials in the Pentagon or in the White House.

I will urge my colleagues to support us in this important endeavor. We must stand together to require that the President live up to the bargain he made with the Congress this summer. The Line-Item Veto Act provides a process to resolve the issue quickly, so I want to take the time of the Senate to outline that process so that we all know this is a new process for all of us.

Under this act, the President sent to Congress one special message for each law in which the President exercises his cancellation authority under the Line-Item Veto Act. That special message must contain a numbered list of each item the President seeks to cancel. The Line-Item Veto Act includes a fast track—a process for the speedy consideration of one disapproval bill for each message. Our action today only pertains to the military construction bill.

In order to overturn one or more of the cancellations in a special message, the Congress must send a bill to the President disapproving the cancellations. That bill may be vetoed by the President using his constitutional veto authority. As with any other bill, the President's veto then may be overturned only by an affirmative vote of two-thirds of the Members of each House. In order to qualify for this expedited process, the provisions of the Line-Item Veto Act require that a disapproval bill must be introduced within five calendar days of session after the Congress receives a special message from the President. With respect to the Senate, a calendar day of session is a day in which both Houses of Congress are in session. This fast-track procedure applies only in the House for 30 calendar days of session. There is no time limit on the Senate's consideration of the bill, other than the time for introduction of the bill and the discharge from the committee.

A disapproval bill in the House must contain a list of all the items canceled in the special message. A disapproval bill in the Senate may contain any or all of the items canceled. I might say, Mr. President, that the bill I will introduce with my cosponsors will not include all of the measures, because some Senators have indicated they do not want to move forward with their items. The format for the disapproval bill is spelled out in the Line-Item Veto Act, and the fast track process is available only if that exact format is followed.

The addition of anything other than the numbers from the list of the items canceled in the special message, whether on the floor or in conference, results in the loss of the fast track process in both the House and the Senate. In other words, no amendments to this bill, other than dealing with the specific items by number as listed in the President's message, are in order. Once introduced, the disapproval bill is referred to the committees with jurisdiction over the items that have been canceled, and it must be reported within 7 calendar days of session. After 7 calendar days of session, it is in order in either the House or the Senate to have the committees discharged. Special rules then apply in the House and the Senate with respect to debate and amendments on a disapproval bill.

In the Senate, there are no more than 10 hours of debate with one extension of time for up to 5 additional hours. That is possible at the request of the leadership. Debate on any amendment is limited to one hour with up to a limit of 10 hours, at which time all amendments then pending are voted on.

Special rules are also provided in the act for the conference committee. The conferees are directed to accept any item in a disapproval bill that was included in both the House and the Senate and are limited to accepting or rejecting any item in disagreement. In other words, there can be nothing added in conference that is not in one bill or the other.

Debate in the Senate on a conference report is limited to four hours. This will be an expedited process, Mr. President. We intend to start it as soon as we return. Let me say again that there is a learning curve for us on the line-item veto process, and I am also constrained to say to the Senate what I just said at the conclusion of the hearing on the subject of the President's special message before the Appropriations Committee.

It is obvious to me that the use of the line-item veto by the White House in this instance was very excessive. It is also obvious to me that the information process in getting the details to the President concerning the items in the bill that he used the line-item veto on were very, very badly handled. We are now awaiting the President's action on the Defense Appropriations bill. As chairman, I have been notified that the Department of Defense wishes to discuss that bill with our staff and with Members, and there was an indication that we might be asked to ''negotiate'' to see what items would be subject to a veto under the Line-Item Veto Act and what items the President would yield to that Congress desires to not have vetoed.

I have notified the Department of Defense and the White House that we are not prepared—Senator BYRD and I have agreed—to negotiate with regard to any of those items. We will—and our door is open—explain to the White House or the Department why we put in any of the items, or why we left them out, but we will not negotiate. Our constitutional duty is to pass legislation. As a matter of fact, the Congress is given the specific authority for the legislative process. The President may recommend to the Congress, but he cannot dictate to the Congress, and he is not going to dictate to the Congress during the watch of this Senator. I think I am joined in that regard by the Senator from West Virginia. We do not intend to negotiate with regard to items that have already been passed by the Congress. We do discuss it before we pass a bill with the administration and we listen to them at times about threats of vetoes. But we are not going to listen to those threats after a bill is passed.

I urge the Senate to understand this process that we are going through now because it is obvious that the process will be followed again and again. I announced at the conclusion of the hearings on this message on the Military Construction bill that if the same process is followed on the Department of Defense bill, an arrogant abuse of power, I intend to introduce a bill to repeal the Line-Item Veto Act. I was a supporter of the Line-Item Veto Act; as a matter of fact, I was chairman of the conference on the Senate side of that act. But I believed it should be used for a stated purpose, only to eliminate wasteful or unnecessary spending. We make mistakes at times and we make compromises at times, which perhaps could lead to what a President could class as being wasteful or unnecessary spending. But a wholesale condemnation of an act passed by Congress by use of the line-item veto pen, to me, is arrogance. From my point of view, I will persist in trying to repeal that statute and take it away from this administration—it will only be extended to the executive branch for a short period of time anyway—if it is abused again.

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. 1292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves of cancellations 97–4, 97–5, 97–6, 97–7, 98–8, 97–9, 97–10, 97–11, 97–12, 97–13, 97–14, 97–15, 97–16, 97–17, 97–18, 97–19, 97–20, 97–21, 97–22, 97–23, 97–24, 97–25, 97–26, 97–27, 97–28, 97–29, 97–30, 97–32, 97–33, 97–34, 97–35, 97–36, 97–37, 97–38, 97–39, and 97–40, as transmitted by the President in a special message on October 6, 1997, regarding Public Law 105–45.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am pleased and I am proud to join with the distinguished chairman of the Appropriations Committee, my friend, a friend in every sense of the word, TED STEVENS, in offering legislation to put back on the President's desk those projects which were line-item vetoed, at least those projects that Senators want to put back before the President for his consideration, and if he wants to veto that bill, he can do so, and then Congress can override or sustain his veto.

Mr. President, I think that one of the most significant things that has happened in the history of this country was the passage of the Line-Item Veto Act. To me, it was one of the most shocking abdications of duty that Members of the Congress have committed. I am not here today to say ''I told you so,'' but I am here today to say that this pernicious act should be repealed.

I hope that the Supreme Court of the United States will strike it down, but there has to be a case brought. I attempted that with other colleagues in both Houses, and the Supreme Court, as everybody knows, said we didn't have standing, even though the act itself anticipated that such a case would be brought by Members of Congress.

I am not here today to argue that. But I am here today to just take a few minutes to point out for the record why the Line Item Veto Act is an unconstitutional act. No matter what the Supreme Court ultimately says, I will always think it is an unconstitutional act. The distinguished chairman has already stated the law and what the instructions were in that law as to what actions Congress may take and when, and all of that. So I will not attempt to go into that. He has already indicated what was brought out in the hearings this afternoon. One thing was that the administration's right hand doesn't know what the left hand is doing.

I was called by Mr. Raines on Monday as to the one item that I had that was line-item vetoed. I was told that certain criteria governed the actions of the President in using the line-item veto pen. I was told that the one item that is to be located in West Virginia was, in the face of the governing criteria, to be line-item vetoed. I stated to Mr. Raines, ''That is an incorrect statement of the case. This item is in the Defense Department's 5-year plan, and the design has already been started. It is under way. So your criteria don't fit this project.'' And he indicated that he would have to take another look, therefore, and asked me to send down the papers from which I was reading, which I did, and he indicated that he would get back to me, which he did not. And I don't fault him for not getting back to me. He has other things to do, I am sure.

But what I am saying is that this action on the part of the administration was an abuse even of a bad law; an abuse even of a bad law.

In the very first section of the very first article of the Constitution these words are to be found. It is one sentence. Section 1:

All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives.

That is very plain. It says that only the Congress has the constitutional authority to make laws. ''All legislative powers'' —not ''some powers''; not a ''few powers''; but ''All legislative powers herein granted shall be vested in a Congress of the United States.'' It doesn't say the President may share in that. The President doesn't have any lawmaking power. He is limited to the veto power insofar as making the laws are concerned—the veto power as set forth in the Constitution of the United States.

So he has no lawmaking power. The Constitution states the limits of his veto authority.

It states in section 7 of article I that, and I read:

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it.

I will not read the rest of the language dealing with the veto.

But Congress in the passing of the Line-Item Veto Act went far afield from the Constitution of the United States. Congress in the Line Item Veto Act said, in essence, that when the President signs an appropriation bill into law, he has 5 days thereafter during which time he can cancel out certain portions of that bill which has already become law.

So that is what he did in this instance. He signed into law a bill, and then, unilaterally, he came along 5 days later and changed that law. He amended it. He struck out certain items. If that bill were before the Senate and if Senator STEVENS or Senator GRASSLEY or Senator BENNETT or any other Senator wished to move to strike an item in the bill, which, in this case, was to be at Camp Dawson in Preston County, WV—if any one of those Senators moved to strike that item, they could do it. But before they could succeed in striking that item, they would have to have a majority of the Senate to support them by a vote.

The vote could be by voice. It could be by division. It could be by rollcall. But they would have to have a majority of a quorum in the Senate in order to be successful in striking that item. They would not yet have fully accomplished their aim, however. A majority of the Members in a quorum of the other body would likewise have to support the striking of that item. If all 100 Senators were present, they would have to have 51 votes. If all 435 Members of the House were present, they would have to have at least 218 votes in order to successfully strike that item. A majority of each House would have to support the conference report. But in any event, in the first instance, a majority of each body would have to support the amendment in order to strike the item from the bill.

Striking an item from a bill is amending a bill. After the President has signed a bill into law, then under this Line-Item Veto Act, a President—Democrat or Republican, it doesn't make any difference—may after the first 10 minutes, after the first 5 minutes, after the first 2 days, 3 days, or 4 days, even on the fifth day, he may go back and singlehandedly, unilaterally cancel out an item in the law; in other words, strike it out; change the law. He could, if he wished to, line-item out 90 percent of the law, which in that form, as a bill, would probably not have passed either body. But one man, or woman, if it should be, as the President of the United States may unilaterally amend a bill. That is amending a bill.

The Senator from Iowa if he offers a motion to strike my item from the bill is moving to amend the bill. He is pursuing the legislative process. That is the lawmaking process. He is amending a bill. As I have already said, he can't do it alone. His vote only counts for 1 out of 100. He has to have a majority.

But not so with the President. The President may amend unilaterally, after he signs the bill into law. According to the Constitution, if he approve the bill, he shall sign it. Well, he must have approved it, or he wouldn't have signed the bill. He approved it. He signed the bill into law. Up to 5 days later, he may go back and change that law unilaterally. And that is what he did in this instance. He changed the law unilaterally. He struck out Camp Dawson.

Did Senators really intend to give one man in the White House that kind of power, that kind of legislative power? Can they really believe that the Framers who wrote this Constitution would have ever intended that that be done? It is mind-boggling—mind-boggling. It is mind-boggling to me to think that a majority of these two Houses would give any President—any President, Republican or Democrat—that kind of power. And with that kind of power the President, be he Republican or Democrat, holds the sword of Damocles over the head of every Senator and every House Member.

Am I going to vote against a certain treaty, or some nomination? The President may say, ''Look, you have an item in the bill. You have done a great job. You have done a great job for the State of West Virginia. I am really proud of you. The people down in your State love you. You did this, you did that. And I want you to have this item. But can we bargain a little here? Can we negotiate a little bit? Can you help me on what I want that is in the bill? Can you help me on this nomination?'' Or whatever. ''Maybe we can reach an amicable agreement here where you will get your item, and I will get mine.''

Now, I do not want to say that I am not willing to listen to the administration. We do that all the time when the subcommittees bring these bills to the floor. The subcommittees on appropriations work for weeks in hearings. They listen to witnesses. They talk with their staffs. They look over the correspondence. They study the needs of the various agencies and departments. And then they get together and they mark up the bill in the subcommittee. Then it goes to the full committee. Then it comes to the Senate. During all of this time, the administration is telling us what they want and what they don't want. We understand that. We know all about that. We know what they want and what they don't want. But it may be the collective judgment of the subcommittee to do otherwise. So the subcommittee brings this bill to the full committee, and it is then brought to the Senate. And we act on it, and it goes to conference. Then what happens?

Well, I have been treated to just a little bit of it lately. This is no surprise to me. We pass an amendment like this—a bill like this—and give it to any President. He will hold over your head a hammer. So, as we go to conference, the administration people come into the conference, or they come into our offices, or wherever they meet with the leadership, and they say, ''Look, this item the President will veto. If that item is in there, the President is going to veto it. This item we want. This item the President will veto unless you modify it.''

I knew that would be the situation in which we were going to find ourselves once this Line-Item Veto Act was passed.

So, as far as I am concerned, it impinges upon a Senator's or a House Member's freedom of speech. They have to be a little bit more careful about what they say about any administration.

It impinges on a Senator's freedom to act in accordance with the wishes of the constituents who send him here. And to that extent he is that much less a free man, less able to exercise his own independence. The distinguished Senator from Alaska has said we do not intend to negotiate. We intend to send this down to the White House if the majority of each body will vote for it.

Let me say here what I said in the committee today. If the President wants to line-item veto a West Virginia item, I am not going to negotiate with the administration.

Negotiating is over as far as I am concerned. When the subcommittee works its will, has its hearings, marks up its legislation, brings it to the full committee, the full committee acts, amends, modifies, changes, or whatever, and when the House does the same, when the collective wisdom and judgment of the subcommittee and the full committee and both Houses has been reached, if the President wants to veto it, go to it. Why should we sit down and negotiate in order to keep him from wielding his line-item veto pen? Let him use his veto pen only as instructed in the original Constitution. Let him use it. And then Congress can work its will. It can either sustain his veto or override it, but there should be no negotiating.

That is what every administration will want us to do. They want us to get in a position where we will continue to negotiate and they will continue to ratchet us down, they will continue to get what they want, but they want you to negotiate for whatever your constituents need. Whatever your constituents need, how you feel about your constituents, that is negotiable. Then they throw out that threat: ''Well, the President will veto that.'' The President will line item that out. Well, so what! ''Lay on, Macduff; And damn'd be him that first cries 'Hold, enough.' ''

We like to know what the administration is thinking. It is worthwhile to have their judgment. It helps to guide us in our deliberations. But once both bodies have acted and get into conference, then for the administration to come up here and say, ''Well, this is vetoable, if you don't change that. We don't like it,'' I am not for negotiating now. Let the President use his line-item veto pen. I hope that Senators and House Members who voted for the line-item veto will get their bellies full. I hope they get a bellyful of it and they probably will, because this is just a start. There are several other appropriations bills coming along.

Think of the time that this costs. Senator STEVENS held a hearing today, had a good attendance, a lot of Senators were there. They weren't elsewhere doing other things which were important likewise. It took a lot of their time. It took the time of the generals and admirals who were up from the Defense Department, and that is going to be repeated over and over and over again. Look at the time it is taking now. We have already taken time. The subcommittee took time. The full committee took time. And there are Members on those subcommittees and full committee who have great expertise in legislative areas under the jurisdiction of those subcommittees. And then all that goes for naught because a President, Republican or Democrat, wants this or wants that or does not want to go along with a Member whose constituents feel there are needs to be met and acts accordingly.

The administration has been given a hammer to use over the heads of Senators and could threaten anything that a Senator wants as a way to get the President's way on unrelated matters. It greatly enhances the President's bargaining position in the legislative process. Go home tonight, all Senators, and before you close your eyes in slumber, think of what we have done. We have given one man, who puts his britches on just as I put mine on—one leg at a time—we have said you may amend a bill unilaterally. You do not have to worry about a majority in the other body or a majority here. You may amend a bill all by yourself. You may strike an item out. That is amending a bill. You are the super lawmaker.

Not by this Constitution he isn't. I cannot understand how, or whatever got into the Members' minds when they voted to give any President the line-item veto. But it is done. It is done. I hope they will think now and that somebody will bring a case and the Supreme Court will strike down this infernal, pernicious, illegitimate gimmick.

But in the meantime, I will follow the Senator from Alaska. If he gets ready to introduce legislation to repeal the Line Item Veto Act, I am ready. I am ready to join him. Just go home and read once again, Senators who are listening, section 1 of article I. ''All legislative powers herein granted''—and if those legislative powers are not herein granted, they do not exist. ''All legislative powers herein granted shall be vested in a Congress of the United States . . .''

And then go over to section 7 of article I and read the language: ''Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve,'' meaning the bill, the resolution, ''he shall sign it, but if not he shall return it.'' It does not say he may amend it unilaterally. ''If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it.''

Now, that is the Constitution. And we have no right as Members by legislation to give any President the right unilaterally to amend a bill. We do not have that power. I do not think Congress has the power. I do not think it can give away its constitutional power to make all laws.

There is only one other thing I would say, and then I am going to sit down. I have said already there is a strong probability that the Senate will have to consider items that it has already considered in the committee process over and over again, amounting to a tremendous waste of precious time. Senator INOUYE cited a number of vital

systems that have been added by the Congress to the defense bill over the years such as greatly increasing the purchase of stealth fighters, the Osprey helicopter, C–130 aircraft, C–17's and other systems which at the time were opposed by the administration and probably would have been subject to the line-item veto and killed. Where would we then have been during Desert Storm?

This is a strong case that the administration does not have a corner on wisdom, and that if it uses the line-item veto to simply protect its budget as delivered, we will lose the great benefit of that wisdom and shortchange the historic contributions that have been made over the years.

I thank all Senators for indulging me. I have fought this battle over and over and over again. And I am willing to fight it over and over and over again. I do not believe that I took an oath to support and defend the Constitution, then only to turn around and vote, in violation of that Constitution, to give any President the unilateral right, power or prerogative to, in essence, amend a law by striking an item.

I hope more than anything else, before God sees fit to call me home, that the line-item veto will be struck down either by the Supreme Court or by the Congress itself. That is my prayer.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1293. A bill to improve the performance outcomes of the child support enforcement program in order to increase the financial stability and well-being of children and families; to the Committee on Finance.

THE CHILD SUPPORT PERFORMANCE IMPROVEMENT ACT OF 1997

Mr. ROCKEFELLER. Mr. President, I am pleased to join my colleague and friend, Senator SNOWE, in introducing the Child Support Performance Improvement Act of 1997. I have long been impressed with Senator SNOWE's commitment to the health, safety, and well-being of children, and I believe that this legislation will go far to improve the financial security of thousands of American children.

As a country, our most fundamental measure of success is how well we treat our children. We have a responsibility as Members of Congress and as a community to do our utmost to make sure that American children live happy, healthy, and stable lives. At the same time, we must acknowledge that much of the responsibility in ensuring children's happiness and security falls squarely at the feet of their parents. Sadly, many parents neglect their emotional and financial responsibilities, maintaining that because they are no longer living in the same house as their children, they no longer have to support them.

It is estimated that each year, $15 to $25 billion in child support go uncollected. One study reported that four out of five parents have attempted to shirk their court-ordered child support responsibilities at one time or another. In many of these cases, families, already fragile from the absence of one parent, are forced to turn to welfare as the only reliable source of monetary support. In 1975, Congress created the Child Support Enforcement Program to help stop this disturbing pattern. The goal of that program was and still remains to reduce public welfare expenditures by forcing absent parents to provide child support as a regular and reliable source of income for their children. As part of this goal, the Federal Government provides incentive payments to encourage State child support agencies to enforce child support collections as efficiently and effectively as possible. Unfortunately, in the past several years, these incentives have become disincentives; handsomely rewarding even the most poorly performing States with the most dismal collection rates.

Last year, the welfare reform bill took a positive step by commissioning a task force composed of child support experts from the Department of Health and Human Services and State child support agencies to come up with a new set of incentives that would put State agencies back on the road to efficient collections. The Child Support Performance Improvement Act of 1997 incorporates the consensus findings of this working group. For the first time, the new incentive structure takes into account, not just a State's cost effectiveness in collecting child support, but that State's overall success is establishing paternity and child support orders as well as collecting current and back child support.

The bill also requires the Secretary of HHS to create and implement a sixth incentive: a medical support incentive. As we are all aware, health care is an essential part of any financial package provided for a child. For the first time, this bill requires the implementation of a medical incentive which will require States to seek medical and health coverage as part of the overall child support order. All children deserve comprehensive health coverage, and there is no reason it should be a public expenditure when a child's parent is perfectly able to pay for it.

The Child Support Performance Improvement Act of 1997 also takes an important step in requiring States to pay families back first. The bill ensures that States will not be allowed to count toward incentive payments the collection of arrearages that are not first returned to former welfare families who need such payments to remain financially independent. While the overall incentive structure rewards the States for good performance, the families first provision keeps the States from receiving a double bonus—allowing them to keep arrearages to reimburse themselves and then getting an incentive payment for it.

Finally, the bill adds tough but reasonable data requirements to make sure child support incentive payments are based on complete and reliable data from the States. States that do not have accurate data on their child support collections and on other aspects of child support enforcement should not be qualified to receive incentives. This provision will encourage States to make their collection systems even more efficient and, in turn, this will mean millions of additional dollars being directed to the children who need it.

The Child Support Performance Improvement Act of 1997 is the first vital step in assuring that the States have the most efficient and effective ways possible of collecting child support from parents who have the responsibility to care for their children. Increasing child support collections will not only save Federal and State Governments and taxpayers billions of dollars each year in public expenditures, it will accomplish the most important goal of all: improving the financial stability and general well-being of thousands of American children.

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. 1293

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 ''Child Support Performance Improvement Act of 1997''.

SEC. 2. INCENTIVE PAYMENTS TO STATES.

(a) IN GENERAL.—Part D of title IV of the Social Security Act (42 U.S.C. 651–669) is amended by inserting after section 458 the following:

''SEC. 458A. INCENTIVE PAYMENTS TO STATES.

''(a) IN GENERAL.—In addition to any other payment under this part, the Secretary shall, subject to subsection (f), make an incentive payment to each State for each fiscal year in an amount determined under subsection (b).

''(b) AMOUNT OF INCENTIVE PAYMENT.—

''(1) IN GENERAL.—The incentive payment for a State for a fiscal year is equal to the sum of the applicable percentages (determined in accordance with paragraph (3)) of the maximum incentive amount for the State for the fiscal year, with respect to each of the following measures of State performance for the fiscal year:

''(A) The paternity establishment performance level.

''(B) The support order performance level.

''(C) The current payment performance level.

''(D) The arrearage payment performance level.

''(E) The cost-effectiveness performance level.

''(F) Subject to section 2(d)(2)(C) of the Child Support Performance Improvement Act of 1997, the medical support performance level.

''(2) MAXIMUM INCENTIVE AMOUNT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the maximum incentive amount for a State for a fiscal year is—

''(i) subject to subsection (e)(2), with respect to the performance measures described

in subparagraphs (A), (B), and (C) of paragraph (1), 0.49 percent of the State collections base for the fiscal year;

''(ii) subject to subsection (e)(2), with respect to the performance measures described in subparagraphs (D) and (E) of paragraph (1), 0.37 percent of the State collections base for the fiscal year; and

''(iii) with respect to the performance measure described in subparagraph (F), such percentage of the State collections base for the fiscal year as the Secretary by regulation may determine in accordance with subsection (e)(2).

''(B) STATE COLLECTIONS BASE.—For purposes of subparagraph (A), the State collections base for a fiscal year is equal to the sum of—

''(i) 2 times the sum of—

''(I) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved is required to be assigned to the State pursuant to part A or E of this title or title XIX; and

''(II) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved was so assigned but, at the time of collection, is not required to be so assigned; and

''(ii) the total amount of support collected during the fiscal year under the State plan approved under this part in all other cases.

''(3) DETERMINATION OF APPLICABLE PERCENTAGES BASED ON PERFORMANCE LEVELS.—

''(A) PATERNITY ESTABLISHMENT.—

''(i) DETERMINATION OF PATERNITY ESTABLISHMENT PERFORMANCE LEVEL.—The paternity establishment performance level for a State for a fiscal year is, at the option of the State, the IV–D paternity establishment percentage determined under section 452(g)(2)(A) or the statewide paternity establishment percentage determined under section 452(g)(2)(B).

''(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's paternity establishment performance level is as follows:

"If the paternity establishment performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
0%	50%	0.

Notwithstanding the preceding sentence, if the paternity establishment performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 10 percentage points the paternity establishment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's paternity establishment performance level is 50 percent.

''(B) ESTABLISHMENT OF CHILD SUPPORT ORDERS.—

''(i) DETERMINATION OF SUPPORT ORDER PERFORMANCE LEVEL.—The support order performance level for a State for a fiscal year is the percentage of the total number of cases under the State plan approved under this part in which there is a support order during the fiscal year.

''(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's support order performance level is as follows:

"If the support order performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
0%	50%	0.

Notwithstanding the preceding sentence, if the support order performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 5 percentage points the support order performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's support order performance level is 50 percent.

''(C) COLLECTIONS ON CURRENT CHILD SUPPORT DUE.—

''(i) DETERMINATION OF CURRENT PAYMENT PERFORMANCE LEVEL.—The current payment performance level for a State for a fiscal year is equal to the total amount of current support collected during the fiscal year under the State plan approved under this part divided by the total amount of current support owed during the fiscal year in all cases under the State plan, expressed as a percentage.

''(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's current payment performance level is as follows:

"If the current payment performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
49%	50%	59
48%	49%	58
47%	48%	57
46%	47%	56
45%	46%	55
44%	45%	54
43%	44%	53
42%	43%	52
41%	42%	51
40%	41%	50
0%	40%	0.

Notwithstanding the preceding sentence, if the current payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the current payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's current payment performance level is 50 percent.

''(D) COLLECTIONS ON CHILD SUPPORT ARREARAGES.—

''(i) DETERMINATION OF ARREARAGE PAYMENT PERFORMANCE LEVEL.—The arrearage payment performance level for a State for a fiscal year is equal to the total number of cases under the State plan approved under this part in which payments of past-due child support were received during the fiscal year and part or all of the payments were distributed to the family to whom the past-due child support was owed (or, if all past-due child support owed to the family was, at the time of receipt, subject to an assignment to the State, part or all of the payments were retained by the State) divided by the total number of cases under the State plan in which there is past-due child support, expressed as a percentage.

''(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's arrearage payment performance level is as follows:

"If the arrearage payment performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
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59%	60%	69
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51%	52%	61
50%	51%	60
49%	50%	59
48%	49%	58
47%	48%	57
46%	47%	56
45%	46%	55
44%	45%	54
43%	44%	53
42%	43%	52
41%	42%	51
40%	41%	50
0%	40%	0.

Notwithstanding the preceding sentence, if the arrearage payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the arrearage payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's arrearage payment performance level is 50 percent.

''(E) COST-EFFECTIVENESS.—

''(i) DETERMINATION OF COST-EFFECTIVENESS PERFORMANCE LEVEL.—The cost-effectiveness performance level for a State for a fiscal year is equal to the total amount collected during the fiscal year under the State plan approved under this part divided by the total amount expended during the fiscal year under the State plan, expressed as a ratio.

''(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's cost-effectiveness performance level is as follows:

"If the cost-effectiveness performance level is:		The applicable percentage is:
At least:	But less than:	
5.00		100
4.50	4.99	90
4.00	4.50	80
3.50	4.00	70
3.00	3.50	60
2.50	3.00	50
2.00	2.50	40
0.00	2.00	0.

''(F) MEDICAL SUPPORT.—Subject to section 2(d)(2)(C) of the Child Support Performance Improvement Act of 1997, the medical support performance level for a State for a fiscal year, and the applicable percentage for a State with respect to such level, shall be determined in accordance with regulations implementing the recommendations required to be included in the report submitted under section 2(d)(2)(B) of such Act.

''(c) TREATMENT OF INTERSTATE COLLECTIONS.—In computing incentive payments under this section, support which is collected by a State at the request of another State shall be treated as having been collected in full by both States, and any amounts expended by a State in carrying out a special project assisted under section 455(e) shall be excluded.

''(d) ADMINISTRATIVE PROVISIONS.—The amounts of the incentive payments to be made to the States under this section for a fiscal year shall be estimated by the Secretary at or before the beginning of the fiscal year on the basis of the best information available, as obtained in accordance with section 452(a)(12). The Secretary shall make the payments for the fiscal year, on a quarterly basis (with each quarterly payment being made not later than the beginning of the quarter involved), in the amounts so estimated, reduced, or increased to the extent of any overpayments or underpayments which the Secretary determines were made under this section to the States involved for prior periods and with respect to which adjustment has not already been made under this subsection. Upon the making of any estimate by the Secretary under the preceding sentence, any appropriations available for payments under this section are deemed obligated.

''(e) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary governing the calculation of incentive payments under this section, including directions for excluding from the calculations certain closed cases and cases over which the States do not have jurisdiction, and regulations excluding from the calculations of the current payment performance level and the arrearage payment performance level any case in which the State used State funds to make such payments for the primary purpose of increasing the State's performance levels in such areas.

''(2) REGULATIONS IMPLEMENTING THE MEDICAL SUPPORT PERFORMANCE LEVEL.—Subject to section 2(d)(2)(C) of the Child Support Performance Improvement Act of 1997, the Secretary shall prescribe regulations implementing the recommendations required to be included in the report submitted under section 2(d)(2)(B) of such Act. To the extent necessary to ensure that the implementation of such recommendations does not result in total Federal expenditures under this section in excess of the amount of such expenditures in the absence of such implementation, such regulations may increase or decrease the percentages specified in clauses (i) and (ii) of subsection (b)(2)(A).

''(f) REINVESTMENT.—

''(1) IN GENERAL.—Until such time as the State qualifies for the maximum incentive amount possible, as determined under subsection (b)(2), payments under this section and section 458 shall supplement, not supplant, State child support expenditures under the State program under this part to the extent that such expenditures were funded by the State in fiscal year 1996.

''(2) PENALTY.—Failure to satisfy the requirement of paragraph (1) shall result in a proportionate reduction, determined by the Secretary, of future payments to the State under this section and section 458.''.

(b) PAYMENTS DURING TRANSITION PERIOD.—Notwithstanding section 458A of the Social Security Act (42 U.S.C. 658A), as added by subsection (a), the amount of an incentive payment for a State under such section shall not be—

(1) in the case of fiscal year 2000, less than 80 percent or greater than 120 percent of the incentive payment for the State determined under section 458 of the Social Security Act (42 U.S.C. 658) for fiscal year 1999 (as such section was in effect for such fiscal year);

(2) in the case of fiscal year 2001, less than 60 percent or greater than 140 percent of the incentive payment for the State (as so determined);

(3) in the case of fiscal year 2002, less than 40 percent or greater than 160 percent of the incentive payment for the State (as so determined); and

(4) in the case of fiscal year 2003, less than 20 percent or greater than 180 percent of the incentive payment for the State (as so determined).

(c) REGULATIONS.—Within 9 months after the date of enactment of this section, the Secretary of Health and Human Services shall prescribe regulations governing the implementation of section 458A of the Social Security Act, when such section takes effect, and the implementation of subsection (b) of this section.

(d) STUDIES.—

(1) GENERAL REVIEW OF NEW INCENTIVE PAYMENT SYSTEM.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall conduct a study of the implementation of the incentive payment system established by section 458A of the Social Security Act, in order to identify the problems and successes of the system.

(B) REPORTS TO CONGRESS.—

(i) REPORT ON VARIATIONS IN STATE PERFORMANCE ATTRIBUTABLE TO DEMOGRAPHIC VARIABLES.—Not later than October 1, 2000, the Secretary shall submit to Congress a report that identifies any demographic or economic variables that account for differences in the performance levels achieved by the States with respect to the performance measures used in the system, and contains the recommendations of the Secretary for such adjustments to the system as may be necessary to ensure that the relative performance of States is measured from a baseline that takes account of any such variables.

(ii) INTERIM REPORT.—Not later than March 1, 2001, the Secretary shall submit to Congress an interim report that contains the findings of the study required by subparagraph (A).

(iii) FINAL REPORT.—Not later than October 1, 2003, the Secretary shall submit to Congress a final report that contains the final findings of the study required by subparagraph (A). The report shall include any recommendations for changes in the system that the Secretary determines would improve the operation of the child support enforcement program.

(2) DEVELOPMENT OF MEDICAL SUPPORT INCENTIVE.—

(A) IN GENERAL.—The Secretary, in consultation with State directors of programs operated under part D of title IV of the Social Security Act and representatives of children potentially eligible for medical support, such as child advocacy organizations, shall develop a new medical support performance measure based on the effectiveness of States in establishing and enforcing medical support obligations, and shall make recommendations for the incorporation of the measure, in a revenue neutral manner, into the incentive payment system established by section 458A of the Social Security Act.

(B) REPORT.—Not later than October 1, 1998, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report that describes the performance measure and contains the recommendations required under subparagraph (A).

(C) CONGRESSIONAL DISAPPROVAL REQUIRED.—

(i) IN GENERAL.—The Secretary shall, by regulation, implement the recommendations required to be included in the report submitted under subparagraph (B) unless a joint resolution is enacted, in accordance with subparagraph (D), disapproving such recommendations before the end of the 1-year period that begins on the date on which the Secretary submits such report.

(ii) EXCLUSION OF CERTAIN DAYS.—For purposes of clause (i) and subparagraph (D), the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded from the computation of the period.

(D) CONGRESSIONAL CONSIDERATION.—

(i) TERMS OF THE RESOLUTION.—For purposes of subparagraph (C)(i), the term ''joint resolution'' means only a joint resolution that is introduced within the 1-year period described in such subparagraph and—

(I) that does not have a preamble;

(II) the matter after the resolving clause of which is as follows: ''That Congress disapproves the recommendations of the Secretary of Health and Human Services regarding the implementation of a medical support performance measure submitted on ____'', the blank space being filled in with the appropriate date; and

(III) the title of which is as follows: ''Joint resolution disapproving the recommendations of the Secretary of Health and Human Services regarding the implementation of a medical support performance measure.''.

(ii) REFERRAL.—A resolution described in clause (i) that is introduced—

(I) in the House of Representatives, shall be referred to the Committee on Ways and Means; and

(II) in the Senate, shall be referred to the Committee on Finance.

(iii) DISCHARGE.—If a committee to which a resolution described in clause (i) is referred has not reported such resolution by the end of the 20-day period beginning on the date on which the Secretary submits the report required under subparagraph (B), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(iv) CONSIDERATION.—On or after the third day after the date on which the committee to which a resolution described in clause (i) has reported, or has been discharged from further consideration of such resolution, such resolution shall be considered in the same manner as a resolution is considered under subsections (d), (e), and (f) of section 2908 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 658 note) is amended—

(A) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and

(B) in subsection (c) (as so redesignated)—

(i) by striking paragraph (1) and inserting the following:

''(1) CONFORMING AMENDMENTS TO PRESENT SYSTEM.—The amendments made by subsection (a) of this section shall become effective with respect to a State as of the date the amendments made by section 103(a) (without regard to section 116(a)(2)) first apply to the State.''; and

(ii) in paragraph (2), by striking ''(c)'' and inserting ''(b)''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(f) ELIMINATION OF PREDECESSOR INCENTIVE PAYMENT SYSTEM.—

(1) REPEAL.—Section 458 of the Social Security Act (42 U.S.C. 658) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 458A of the Social Security Act (42 U.S.C. 658a) is redesignated as section 458.

(B) Paragraphs (1) and (2) of section 458(f) (as so redesignated) are each amended by striking ''and section 458''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2003.

(g) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on October 1, 1999.

SEC. 3. DATA INTEGRITY.

(a) DUTY OF THE SECRETARY TO ENSURE RELIABLE DATA.—Section 452(a) of the Social Security Act (42 U.S.C. 652(a)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(12) ensure that data required for the operation of State programs is complete and reliable by providing Federal guidance, technical assistance, and monitoring.''.

(b) DENYING INCENTIVE PAYMENTS WHEN FEDERAL AUDITS FIND THAT CLAIMS ARE BASED ON INCOMPLETE OR UNRELIABLE DATA.—Section 409(a)(8)(A) of the Social Security Act (42 U.S.C. 609(a)(8)(A)) is amended by striking the period and inserting the following: '', and, in addition to the reductions specified in subparagraph (B), no State shall be eligible for incentive payments pursuant to section 458 or 458A for any fiscal year in which its claim is based on data found to be incomplete or unreliable pursuant to an audit or audits conducted under section 452(a)(4)(C).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

By Mr. JEFFORDS:

S. 1294. A bill to amend the Higher Education Act of 1965 to allow the consolidation of student loans the Federal Family Loan Program and the Direct Loan Program; to the Committee on Labor and Human Resources.

THE EMERGENCY STUDENT LOAN CONSOLIDATION ACT OF 1997

Mr. JEFFORDS. Mr. President, I rise to introduce the Emergency Student Loan Consolidation Act of 1997. This bill will provide emergency relief to the nearly 70,000 students nationwide whose efforts to consolidate their student loans have been thwarted by the collapse of the Department of Education's Direct Loan Consolidation Program. In addition this bill makes conforming changes in the Higher Education Act to ensure that students who receive the Hope Tax Credit are able to receive all of the financial aid to which they are entitled. The Emergency Student Loan Consolidation Act of 1997 is the companion bill to H.R. 2535 which was favorably reported by the House Committee on Education and the Workforce on September 24, 1997, by a bipartisan vote of 43–0.

The rapidly rising cost of attending college is producing students with overwhelming student loan debt loads. The College Board reports that tuition at 4-year private institutions has risen by 89 percent over the past 15 years while median family income has risen by only 5 percent. Students are responding by borrowing at record levels—in fact, student borrowing under Title IV since 1990 exceeds student borrowing in the 1960's, 1970's, and 1980's combined. Between 1993 and 1995, graduate and professional student borrowing increased by over 74 percent.

In order to ease the burden of repaying these debts, Congress created the student loan consolidation program. This program allows students to consolidate their student loans into a single loan that has a variety of repayment options. Current law allows students to consolidate all of their Direct Student Loans and their Federal Family Education Loan Program [FFELP] loans into a Direct Lending Consolidation loan administered by the Department of Education. A student may consolidate his or her FFELP loans into a FFELP Consolidation Loan but may not consolidate his or her Direct Loans into the FFELP Program. As a result, borrowers who wish to consolidate both Direct Student Loans and FFELP loans into a single loan must go to the Department of Education.

Last August, the Department of Education announced that it had accumulated a backlog of 85,000 applications for consolidated loans and would cease accepting new applications until this backlog was eliminated. This decision places more than 70,000 students in limbo with no place to turn for help. This bill will provide temporary authority to allow them to consolidate all of their loans, both FFELP and Direct through the FFELP program.

In addition, this legislation makes technical corrections to the need analysis provisions of the Higher Education Act of 1965 to conform with changes made to the Tax Code earlier this year which provide students and parents with higher education tax credits. The bill addresses an oversight in the tax legislation which will result in some students receiving reduced student aid under Title IV of the Higher Education Act simply because they qualify for and receive the new tax credits. By adopting this change to the need analysis formula now, the Department can begin the process of revising the student aid application forms well in advance of the 1999 academic year.

Mr. President, I ask unanimous consent that a Washington Post article detailing the problems with the loan consolidation program be included in the RECORD.

I urge my colleagues to support this legisation.

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

EDUCATION DEPARTMENT SUSPENDS PROGRAM FOR RESTRUCTURING STUDENT LOANS

(By Rene Sanchez)

The Education Department, long maligned by congressional Republicans who say its management is a mess, has just give its critics new reason to howl.

The department announced last week that it will not accept any more applications from recent college graduates trying to consolidate or refinance their tuition loans until the contractor it hired for the job clears up an enormous backlog of those requests.

There are more than 70,000 college students nationwide whose loan payments may soon be in limbo because of the lengthy processing delays, and the waiting list has been growing longer each month. The department said that it had no choice but to suspend the popular program indefinitely in order to begin fixing the problem.

''It's a terrible embarrassment,'' said David Longanecker, the assistant secretary for postsecondary education. ''We were falling farther and farther behind, but by doing this we are confident that we'll get on top of the problem soon.''

The department faced a similar predicament last year when more than 900,000 student aid applications handled by private contractors it hired were delayed because of serious management problems. The incidents are raising new questions about the department's ability to manage its direct lending program, which allows students to get tuition loans straight from the federal government and offers them a range of repayment options.

Direct lending, one of President Clinton's most important education initiatives, has been under fire from Republicans and many private lenders—who no longer have a monopoly on the nations' massive student loan industry—ever since it was created five years ago. There have been several campaigns in Congress to abolish or severely limit the program, but it is still largely intact, serving more than 1,200 universities. Many college officials say they have been quite pleased with the program so far.

But to some Republican leaders, the latest trouble is proof that the department is not up to the task of handling the complexities of managing college loans at a time when a record number of students—at last count, more than 7 million—depend on them.

''From the very start of the program, I doubted the department's ability to become one of the largest banks in this country,'' Rep. William F. Goodline (R-Pa), chairman of the House Committee on Education and the Workforce, said last week. He called the department's inability to consolidate student loans quickly and efficiently ''irresponsible.''

With tuition costs at most campuses continuing to exceed inflation, and college loan debt soaring, more and more students are taking advantage of new opportunities to restructure their loans over longer periods of time or in ways that are based on what they earn after graduation.

Education department officials said that often in the last year they have received nearly 150,000 applications a month from students to consolidate loans, a rate that is nearly twice what they said they had expected when the program began.

But they adamantly reject criticism that direct lending is in shambles.

''I can understand the frustration, but I think we have to keep it in perspective,'' Longanecker. ''One reason we have this problem is because of the great popularity of the program.''

Longanecker said that the department is disappointed with the work of the contractor that it hired last year for the job. Electronic Data Systems, which was founded by billionaire Ross Perot. Longanecker said there were start-up problems in processing student requests, and that ever since the volume of applications has overwhelmed the system.

Some officials said that it had been taking more than seven months in same cases—an unpaid student loan falls into default after six months—to process applications. Because recent steps to improve performance had only put a small dent in the backlog of applications, Longanecker said the department decided instead to stop taking them for a while.

''It was like we were trying to fix a 747 while it was still in their air,'' he said.

The department has no estimates yet as to when the loan-consolidation program will be re-opened. But Longanecker said that he expects it certainly will be before December, which is a peak time for applications from students because that is when the most recent class of college graduates are supposed to start repaying their tuition loans.

That is hardly satisfying some critics, however. And some lawmakers say they are also losing confidence in how the department chooses its contractors, suggesting that the process does not seem as rigorous as it should be.

Education Department leaders scoff at much of the criticism coming from Republicans about direct lending, saying that many of them have never wanted the program to succeed anyway. But alarm over the latest management problem extends well beyond Capitol Hill.

''Up to now, they've done a pretty good job on this,'' said Terry Hartle, a vice president for the American Council on Education, a Washington group that represents more than 1,500 universities. ''But what we have here is a huge embarrassment in one of the president's signature education programs.''

Mrs. HUTCHISON. Mr. President, Americans should not have to choose between love and money. In a country that values families, the Federal Tax Code shouldn't punish people for being married. The number of unmarried-couple households increased 80 percent from 1980 to 1990, according to census figures. The percentage of people who never marry has doubled, from 5 percent in the 1950's to 10 percent today.

Today, I am pleased to introduce legislation with Senators FAIRCLOTH and MACK that will abolish the Federal income tax marriage penalty. Under this legislation, families will have the choice of filing as single or married, depending on which method works best for them.

There is something wrong with a law that imposes higher taxes on married people with two incomes than on single people. The hallmark of a fair tax system is even-handedness, and the current law flunks this test. From 1913 through 1969, the Federal income tax treated married couples either better or as well as if single. Since then, progressive tax rates have meant that married couples with two incomes have to pay more in Federal taxes than they would as individuals. The Congressional Budget Office reports that in 1996, more than 21 million married couples paid the marriage penalty. The average couple now pays $1,400 in additional income tax simply because they're married. One thousand four hundred dollars could mean six or seven car payments, a family vacation, or a computer for the family.

For example, a single person earning $24,000 a year is taxed at the rate of 15 percent. But, by taxing them on their combined income, the IRS collects 28 percent in tax from a working couple in which each spouse earns $24,000. It is wrong for two people living together to pay less taxes than if they were married.

Because American families increasingly have had two breadwinners, instead of one, more Americans are impacted by the marriage penalty. In 1969, 52 percent of American families had only one bread winner. Today that figure is 28 percent.

Mr. President, under current law, the only way to avoid the marriage penalty is not to marry or to leave your spouse if already married. This is wrong. We need a Tax Code to encourage marriage, not penalize it. This legislation is supported by Americans for Tax Reform and the National Taxpayers Union. We are introducing this bill with 34 co-sponsors, including every Member of the Republican leadership. I am very pleased to be working with Senators FAIRCLOTH and MACK and I hope Members from both sides of the aisle will join us in rectifying this unfair tax treatment of married couples.

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. NICKLES, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 9, a bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

S. 22

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 61

At the request of Mr. LOTT, the names of the Senator from Alabama [Mr. SESSIONS], the Senator from Vermont [Mr. LEAHY], the Senator from Connecticut [Mr. DODD], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 219

At the request of Mr. DASCHLE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

S. 230

At the request of Mr. THURMOND, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 295

At the request of Mr. JEFFORDS, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 295, a bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

S. 343

At the request of Mr. THOMAS, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 343, a bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Mongolia.

S. 428

At the request of Mr. KOHL, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 428, a bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns.

S. 437

At the request of Mr. DOMENICI, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 437, a bill to improve Indian reservation roads and related transportation services, and for other purposes.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 623

At the request of Mr. INOUYE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 813

At the request of Mr. THURMOND, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 813, a bill to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

S. 845

At the request of Mr. LUGAR, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 845, a bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

S. 852

At the request of Mr. SESSIONS, his name 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. 1024

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 1024, a bill to make chapter 12 of title 11 of the United States Code permanent, and for other purposes.

S. 1084

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 1084, a bill to establish a research and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act, and for other purposes.

S. 1096

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Missouri [Mr. BOND], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1113

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1113, a bill to extend certain temporary judgeships in the Federal judiciary.

S. 1115

At the request of Mr. SESSIONS, his name was added as a cosponsor of S. 1115, a bill to amend title 49, United States Code, to improve one-call notification process, and for other purposes.

S. 1124

At the request of Mr. KERRY, the names of the Senator from Kansas [Mr. BROWNBACK] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 1124, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1153

At the request of Mr. BAUCUS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

S. 1194

At the request of Mr. KYL, the names of the Senator from Missouri [Mr. ASHCROFT], the Senator from Texas [Mrs. HUTCHISON], the Senator from Kansas [Mr. ROBERTS], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

S. 1196

At the request of Mr. MCCAIN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1196, a bill 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.

S. 1204

At the request of Mr. COVERDELL, the name of the Senator from Oregon [Mr. SMITH] 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 sufficiently final to ripen certain Federal claims arising under the Constitution.

S. 1213

At the request of Mr. HOLLINGS, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1213, a bill to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes.

S. 1233

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor

of S. 1233, a bill to terminate the taxes imposed by the Internal Revenue Code of 1986 other than Social Security and railroad retirement-related taxes.

SENATE RESOLUTION 116

At the request of Mr. LEVIN, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as ''America Recycles Day.''

SENATE RESOLUTION 133—RELATIVE TO A CHILD SAFETY DEVICE

Mrs. BOXER (for herself, Mr. KOHL, Mr. CHAFEE, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. BIDEN, Mr. KERRY, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. HARKIN, Mr. DURBIN, Mr. TORRICELLI, Mr. REED, Mr. INOUYE, Mr. AKAKA, Mr. LEVIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. WELLSTONE, and Mr. ROBB) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 133

Whereas eight leading American gun manufacturers have now agreed to include child safety devices on their handguns;

Whereas each year, nearly 40,000 Americans are killed by firearms;

Whereas more than 500 children are killed accidentally each year by gunshots;

Whereas many of these deaths and injuries are caused by handguns manufactured in the United States;

Whereas a simple child safety device could have prevented at least some of these deaths and injuries;

Whereas there are still a number of American gun makers, including some of the nation's largest, who have not committed to including a child safety device on their guns: Now, therefore, be it

Resolved, That it is the sense of the Senate that every American handgun manufacturer should voluntarily begin equipping all new handguns with child safety devices.

SENATE RESOLUTION 134—RELATIVE TO THE WESTERN HEMISPHERE

Mr. GRAHAM (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 134

Whereas the worldwide democratic revolution has spread throughout the Western Hemisphere to include democratically elected governments in all countries but Cuba;

Whereas market economic principles have been adopted by most countries in the Western Hemisphere, resulting in remarkable economic growth and substantial increases in international trade and investment;

Whereas the end of the Cold War has opened up opportunities to address country-specific, regional, and Hemisphere-wide concerns relating to economic development, political reform, security problems, and other social and environmental issues in the Americas;

Whereas there are numerous foreign policy and security concerns in the Americas, including the defense of democracy and free markets, illicit narcotics trafficking, terrorism, organized criminal activities, immigration flows, arms control and nonproliferation, environment degradation, and other regional and Hemisphere-wide issues that can best be addressed by collaborative, multilateral means;

Whereas the President of the United States announced on August 1, 1997, a revision of the unilateral policy prohibiting the sale or transfer of advanced weapons systems to countries of South America, Central America, and the Caribbean, and the restoration of United States military sales policy based on a case-by-case basis comparable to other regions of the world;

Whereas the defense ministers of the Hemisphere meet on a regular basis, as evidenced by the Defense Ministerial of the Americas held in 1995 and 1996, to address problems of mutual security and to deepen the security dialogue in the Western Hemisphere; and

Whereas it is in the national security interest of the United States to promote security and stability with our Hemispheric neighbors by engaging with them as equal partners to address security-related matters of mutual concern: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should give high priority to working with United States partners in the Americas to address shared foreign policy and security problems in the Western Hemisphere;

(2) the United States should encourage efforts to increase the transparency of defense planning, military acquisitions, military exercises, and military deployments as well as other mutual-confidence and security-building measures in the Hemisphere in order to strengthen the environment of trust, confidence, and mutual restraint;

(3) the United States should immediately begin discussions with United States partners in the Hemisphere on steps that could lead to a voluntary multilateral restraint regime on the acquisition of advanced weapons systems in the Hemisphere;

(4) the United States, in consultation with other countries in the Americas, should explore areas for enhancing cooperation and collaboration, including the strengthening of existing inter-American organizations and arrangements, in order to address shared problems relating to subregional and Hemisphere-wide foreign policy and security-related issues;

(5) the United States should—

(A) encourage countries in the Hemisphere to implement the Santiago Declaration on Confidence and Security-Building Measures (CSBM) resolution adopted by the Organization of American States (OAS) on November 10, 1995; and

(B) take steps to bring about the implementation of the resolution on Conventional Arms Transparency and Confidence Building in the Americas relating to conventional arms acquisitions adopted by the OAS on June 5, 1997;

(6) the United States should increase the number of civilian and military personnel in foreign policy and defense-related training, education, and exchange programs from and to eligible countries in the Western Hemisphere and encourage similar programs between countries in the region;

(7) the United States should conduct an in-depth study of the roles, requirements, missions, and priorities of the United States Armed Forces in the Western Hemisphere in the post-Cold War environment, including recommendations for additional steps that should be taken to improve Hemispheric security and areas of possible cooperation with the armed forces of other countries in the region;

(8) the study should be completed within 12 months of the date of adoption of this resolution, and the appropriate committees of Congress should be notified of the findings of the study upon its completion; and

(9) the President should submit a report to Congress every 90 days on progress towards achieving the policy goals stated in this resolution.

Mr. GRAHAM. Mr. President, today I am submitting a resolution, together with my friend and colleague Senator LUGAR, which expresses the sense of the Senate that the United States should give high priority to working with our partners in the Americas to address shared foreign policy and security problems in the Western Hemisphere.

Over the past several years we have witnessed unprecedented progress in our hemisphere. This sweeping wave of democratization and free market economics now provides us with a unique opportunity to consolidate these gains and to create a new security regime in the Americas. This new regime must be based upon the premise that we will work with our neighbors as equal partners to address security-related matters of mutual concern.

On August 1, 1997, the President revised the unilateral policy prohibiting the sale or transfer of advanced weapons systems to countries of South America, Central America, and the Caribbean, and restored the policy based on a case-by-case analysis comparable to that used in other regions of the world. This alone is not a security policy. It is an action that must be wrapped in a broader security policy for the region. This resolution urges the President to work towards such a broader policy and provides some direction for that policy.

We must recognize the great progress that the democratically elected civilian governments of the region have made. For this they deserve to be treated as we treat our other democratic friends and allies. At the same time, we must work with them to find ways to enhance security through defense cooperation, transparency, and confidence and security building measures. We urge the President to emphasize these themes in his meetings with our hemisphere partners.

Mr. President, I urge all of our colleagues to join Senator LUGAR and myself in supporting this resolution. It will provide the President with the support of the Congress as he pursues these objectives, and demonstrate to our partners that we remain committed to building a secure environment so that all nations of the hemisphere can prosper in peace.

SENATE RESOLUTION 135—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 135

Whereas, federal, state, and local law enforcement officials have requested that the

Committee on Rules and Administration provide them with copies of records held by the committee related to the 1996 United States Senate election in Louisiana;

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 can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records 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 the Committee on Rules and Administration, either through formal action or by joint action of the Chairman and Ranking Member, is authorized to provide to federal, state, and local law enforcement officials copies of records held by the committee related to the 1996 United States Senate election in Louisiana.

SENATE RESOLUTION 136—DESIGNATING OCTOBER 17, 1997, AS NATIONAL MAMMOGRAPHY DAY

Mr. BIDEN (for himself, Mr. MACK, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mrs. BOXER, Mr. BRYAN, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. D'AMATO, Mr. DASCHLE, Mr. DEWINE, Mr. DORGAN, Mr. DURBIN, Mr. FAIRCLOTH, Mr. FRIST, Mr. FORD, Mr. GLENN, Mr. GORTON, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SMITH of Oregon, Mr. SPECTER, Mr. THOMAS, Mr. THURMOND, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 136

Whereas according to the American Cancer Society, in 1997, 180,200 women will be diagnosed with breast cancer and 43,900 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination (BSE), saving as many as 30 percent more lives;

Whereas the Medicare program will cover mammograms on an annual basis for women over 39 years of age, beginning in January, 1998; and

Whereas 47 States have passed legislation requiring health insurance companies to cover mammograms in accordance with recognized screening guidelines: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 17, 1997, as ''National Mammography Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

AMENDMENTS SUBMITTED

THE ENHANCED INTERMODAL TRANSPORTATION SAFETY ACT OF 1997

BURNS AMENDMENT NO. 1320

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. BURNS submitted an amendment intended to be proposed by him to the bill (S. 1267) to amend title 49, United States Code, to provide for enhanced intermodal transportation safety, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. EXEMPTION FROM CERTAIN REGULATIONS FOR UTILITY SERVICE COMMERCIAL MOTOR VEHICLE DRIVERS.

(a) IN GENERAL.—Section 31502 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(e) EXCEPTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, regulations promulgated under this section or section 31136 regarding—

''(A) maximum driving and on-duty times applicable to operators of commercial motor vehicles;

''(B) physical testing, reporting, or recordkeeping; and

''(C) the installation of automatic recording devices associated with establishing the maximum driving and on-duty times referred to in subparagraph (A),

shall not apply to any driver of a utility service vehicle.

''(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

''(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).''.

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(A) COMMERCIAL DRIVER'S LICENSE.—The term ''commercial driver's license'' has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term ''driver of a utility service vehicle'' has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a) of this section.

(C) REGULATION.—The term ''regulation'' has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term ''utility service vehicle'' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

THE TRANSPORTATION SAFETY IMPROVEMENT ACT OF 1997

BURNS AMENDMENT NO. 1321

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. BURNS submitted an amendment intended to be proposed by him to the bill (S. 1234) to improve transportation safety, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. WAIVERS FOR CERTAIN FARM VEHICLES.

(a) DEFINITIONS.—In this section:

(1) CUSTOM HARVESTING FARM MACHINERY.—The term ''custom harvesting farm machinery'' includes vehicles used for custom harvesting that—

(A) are classified under subpart F of part 383, of title 49, Code of Federal Regulations, as being included in Group A, B, or C (as those terms are used in section 383.91 of that part); and

(B) are used on a seasonal basis to provide transportation of—

(i) agricultural commodities from field to storage or processing; and

(ii) harvesting machinery and equipment from farm to farm.

(2) COMMERCIAL DRIVER'S LICENSE.—The term ''commercial driver's license'' has the meaning given that term in section 31301(3) of title 49, United States Code.

(b) WAIVERS.—In addition to the authority granted to States to waive the application of chapter 313 of title 49, United States Code, with respect to farm vehicles described in 53 Fed. Reg. 37313 through 37316 and farm-related service industries described in 57 Fed. Reg. 13650 through 13654, each State that issues commercial drivers' licenses in accordance with chapter 313 of title 49, United States Code, may waive the application of any requirement for obtaining a commercial driver's license for operators of custom harvesting farm machinery or employees of farm-related service industries (or both) that would otherwise apply.

THE LARRY COBY POST OFFICE DESIGNATION ACT OF 1997

THOMPSON AMENDMENT NO. 1322

Mr. STEVENS (for Mr. THOMPSON) proposed an amendment to the bill (S. 985) to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the ''Larry Coby Post Office''; as follows:

On page 2, strike lines 14 through 16.

THE ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1997

McCAIN AMENDMENT NO. 1323

Mr. STEVENS (for Mr. MCCAIN) proposed an amendment to the bill (S. 399) 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; as follows:

Beginning on page 14, strike line 17 and all that follows through page 15, line 3, and insert the following:

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.

On page 15, strike lines 13 through 16 and insert the following:

''(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.

On page 17, line 1, strike ''**sec. 7**.'' and insert ''**sec. 8.**''.

On page 17, line 2, strike ''Section 12'' and insert ''Section 13''.

On page 17, strike lines 11 through 13 and insert the following:

''(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 10—

On page 17, line 21, strike ''**sec. 8.**'' and insert ''**sec. 9.**''.

On page 18, line 4, strike ''12'' and insert ''13(a)''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Monday, October 20, 1997 at 10:00 a.m. in room 485 of the Russell Senate Office Building to conduct a Hearing on H.R. 79, Hoopa Valley Reservation South Boundary Adjustment Act; and S. 156, Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Tuesday, October 21, 1997 at 10:00 a.m. in room 485 of the Russell Senate Office Building to conduct a Hearing on H.R. 700, the Agua Caliente Equalization Act; and H.R. 976, the Mississippi Sioux Judgment Fund Distribution Act.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, for the information of the Senate and the public I am announcing that the Committee on Energy and Natural Resources, will hold an oversight hearing to receive testimony on the issue of peaceful nuclear cooperation with China.

The hearing will be held on Thursday, October 23, 1997, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

Those interested in testifying or submitting material for the hearing record should write to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510 attn: David Garman or Shawn Taylor at (202) 224–8115.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 23, 1997 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 633 to amend the Petroglyph National Monument Establishment Act of 1990 to adjust the boundary of the monument.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, October 29, 1997 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 638 to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the monument, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Natural Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources,

United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 9, 1997 at 9:30 a.m. on the tobacco agreement public health analysis.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 9, 1997, at 2:00 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Thursday, October 9, at 10:00 a.m. for a hearing on campaign financing issues.

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

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an executive business meeting during the session of the Senate on Thursday, October 9, 1997, at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion be authorized to meet during the session of the Senate on Thursday, October 9, 1997, at 9:30 am to hold a hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 9, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this oversight hearing is to receive testimony on the feasibility of using bonding techniques to finance large-scale capital projects in the National Park System.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Public Health and Safety be authorized to meet for a Hearing on NIH Clinical Research during the session of the Senate on Thursday, October 9, 1997, at 9:30 a.m.

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

SUBCOMMITTEE ON SECURITIES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, October 9, 1997, to conduct an oversight hearing on the financial accounting standards board and its proposed derivatives accounting standard.

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

ADDITIONAL STATEMENTS

PROTECTING THIS NATION'S AIR

• Mr. ABRAHAM. Mr. President, late last month, the Subcommittee on Manufacturing and Competitiveness held a hearing to examine the impact of EPA's new air quality standards on American manufacturing, especially small manufacturers.

On July 18 of this year, the Environmental Protection Agency announced new air quality standards that call for more severe restrictions on ground-level ozone and microscopic dust particles called particulate matter. These new standards are the most far-reaching—and potentially the most costly—regulatory mandates implemented in U.S. history.

Despite the administration's having promulgated these regulations, I believe a number of questions remain unanswered. To begin with, are these standards necessary? It seems clear that the scientific community is not of one mind on the EPA's new standards. Indeed, from the reading I have done it seems clear that a substantial amount of scientific evidence exists to the effect that the new rules will have negligible positive impact whatsoever on the public health. Not even the EPA's own Science Advisory Committee could conclude that public health would be substantially improved by adopting new standards more stringent than those already in effect. Moreover, Kay Jones, President Jimmy Carter's top air quality adviser, says there are serious flaws in the studies cited by the EPA to justify these new regulatory mandates.

Nevertheless, the EPA wants Americans to incur substantial costs in implementing their new standards. By the EPA's own estimate, implementing the new standards will cost Americans almost $50 billion. And that estimate is very low if we are to believe some of the estimates made by other organizations. The highly regarded Reason Foundation, as an example, has determined that the costs of the new clean air rules should be conservatively pegged at $122 billion. If this figure is correct, then the economic cost of EPA's new regulations will wipe out the entire economic benefit of the tax relief that we just enacted for America. In my judgment, this would not bode well for our Nation's financial health, or for the economic well-being of our working families.

We must also keep in mind that there are alternative means by which we can save lives. Taking the EPA's own estimates, the new standards will save the equivalent of 1,100 lives, at a cost of $2,400,000 per life year saved. Meanwhile, universal influenza vaccination would save 7,100,000 equivalent lives at a cost of only $140 per life year saved. And mammography for women over 50, an issue which many Members of this Senate have been personally involved with, would save 1,500,000 equivalent lives at a cost of $810 per life year saved. This is according to an article in the journal ''Risk Analysis'' by a group of researchers led by Dr. Tengs. These discrepancies in lives saved and programs' bang for the buck if you will, should not be ignored.

Furthermore, if the Reason Foundation cost estimate is correct, 70,000 Michiganites could lose their jobs under these new regulations. Many of those jobs—well-paying, blue-collar jobs—would be in my State's crucial manufacturing sector. That is one reason the president of Flint's United Auto Workers Local 599, Arthur McGee, testified in opposition to the new standards. UAW Local 599 notes that workers at the Buick complex in that city already are fighting for their jobs.

In a full page advertisement taken out in the Wall Street Journal, Local 599 proclaims that by working carefully, quickly, and efficiently, these workers have earned for themselves and their families a ''healthy way of life for their families and their community.'' Good pay, good health care benefits, and safe neighborhoods, all of which promote healthy children, would be lost if the new EPA standards forced plant closings in Flint. After evaluating the new standards and their potential impact, UAW Local 599 has concluded, ''Poverty is more dangerous to our children than the current low levels of air pollution.''

However, perhaps most surprising, some of the latest studies actually show that many more jobs would be lost in the service than in the manufacturing sector. Dry cleaning establishments, hair salons, and other small businesses will not be able to absorb the increased costs imposed by these regulations. According to Decision Focus, leading environmental policy consultants, compliance with the new ozone and particulate levels will cost 200,000 jobs nationwide, with the bulk of the loss occurring in small service and retail businesses. This kind of job loss would cause a particular problem for this Nation's larger urban areas.

I worry when I hear Harry Alford, president of the National Black Chamber of Commerce, say that ''EPA's new rules will create such an air of economic uncertainty that they might well be the last straw for inner-city investments.'' In my view, Mr. Alford's warning should lead us to proceed very cautiously. It seems to me that the burden of proof is on the EPA to demonstrate conclusively that the costs to be borne, in particular by our job creating enterprises, can be borne without significant damage to those businesses and to our workers. It also seems to me that this burden, in the case of these regulations, is considerable.

The effects of the clean air standards, however, will not be limited to America's cities. There are a number of reports that the new regulations may bar farmers from plowing during the dry summer months for fear of stirring up dust, that is, particulate matter. The EPA has signaled farmers that they need not worry about complying with the rules, but it is the States, not EPA, that will have the burden of controlling emissions and targeting their sources. And this begs a separate question: Who will bear the costs if the EPA, in order to quell likely opposition, keeps telling various groups that they needn't worry about complying with the new rules?

Many within the agriculture community fear that much of these likely costs—increased energy and fuel expenses—will be borne by them. As one witness, a member of the Kansas Farm Bureau, testified, many U.S. commodity prices are tied to world markets, so farmers will not be able to pass these costs on to consumers and could be forced to concede some crop production to foreign competitors.

Meanwhile, the manufacturing sector fears that small businessowners will lack the resources to pay the cost of expensive pollution reduction equipment and will be unwilling or unable to comply with still more regulations. Most experts acknowledge that heavy industries will likely face significant additional regulatory controls to reduce NO_x and other particulates. Small business owners, however, maintain they will shoulder a similarly heavy load because they typically lack the technical expertise and the financial and human resources to consistently engage with State officials to shape the outcome of emissions control plans. During the hearing, two different small businessowners testified that the new standards could result in a dramatic reduction in business expansion—or stop it altogether—in many U.S. cities. These owners admitted that they were unlikely to go out of business as a result of the NAAQS, but they noted that their increased costs could be reflected in reduced hiring and the reduction, or elimination, of some employee benefits.

We are all concerned with making our country a more healthy place for our children and grandchildren to live. The key is striking a responsible balance. Not only should our children have clean air, clean water, and safe food in their future, they must also have good jobs, high wages, and good benefits, and a robust economy waiting for them when they grow up, enter the work force, and start their own families.

The new air quality standards have been the subject of intense scrutiny and often acrimonious debate over the course of this year. In the face of such uncertainty, I believe it is incumbent upon the administration to consider again its plans for enacting these regulations. The current implementation process seeks to give the Nation ample time to adjust to the new standards. I applaud the President for this approach: It is a step in the right direction. However, I believe EPA's implementation plan will last only as long as the first lawsuit and result in the immediate enforcement of the new standards.

If, as the President says, these new standards are not intended to harm this Nation's economy then I urge the President to support the legislation offered in both the House and the Senate to codify a 5-year delay of the regulations. This postponement will allow for continued research into the cause and effects of pollution and allow the 1990 amendments to the Clean Air Act to continue to clean the air and make the effects of any future new standards less drastic. I hope that other Members will join in urging the administration to consider this approach.

These are my concerns. I am worried about my children's health and want to make sure we are doing everything we can to protect it. But I am also concerned whether the new rules represent the best means by which we can protect that health.●

WORLD FOOD DAY AND RUSSELL ULREY

● Mr. LEVIN. Mr. President, I rise today to celebrate World Food Day. World Food Day takes place on October 16 and in the words of Catherine Bertini, executive Director of the U.N. World Food Program, is an opportunity to ''not only rededicate ourselves to the battle against hunger and poverty but also acknowledge that millions of people have been saved from the scourge of famine because of the commitment of the United States and other members of the international community.'' I would also like to honor the many humanitarian relief workers who often risk their lives to deliver assistance.

Natural disasters and civil unrest can produce countless refugees with no way of feeding themselves. Humanitarian relief workers often brave grave dangers in these situations to deliver food to the hungry. One of the many heroes who risk their lives to feed the needy is, Russell Ulrey, of Detroit, MI. In 1993, Mr. Ulrey served as emergency logistics coordinator in southern Sudan for the World Food Program, the largest international food aid organization in the world. During his time in Sudan, Russell Ulrey led a barge trip up the Nile to feed hungry Sudanese. This dangerous trip led Ulrey through the heart of that nation's bloody civil war. Ulrey's mission came under fire several times but succeeded in delivering eight barges carrying 2,600 tons of food. Ulrey's trip up the Nile was the first of 25 that WFP made, delivering 65,000 tons of food.

Mr. President, I am pleased to highlight the exploits of Russell Ulrey and the thousands of other relief workers that risk their lives daily to feed the world's needy. I know my Senate colleagues join me in honoring their efforts and World Food Day.●

U.S. RELATIONS WITH TAIWAN

● Mr. MURKOWSKI. Mr. President, as Congress prepares to leave for the Columbus Day recess, I notice that there are other celebrations going on around Washington, including ''National Day'' celebrations in Chinatown. These celebrations brought to mind several issues that I wanted to share with my colleagues regarding United States relations with Taiwan.

As Washington prepares for the State visit of President Jiang Zemin of the People's Republic of China, some press reports have speculated that the issue of Taiwan might be on the summit agenda. First, let me say that I welcome the visit of President Jiang. High-level dialogue with the Chinese should be regular and routine, and this summit presents an opportunity to discuss many issues of mutual concern to our two countries. But let me add that improving relations with the PRC need not, and indeed, should not, come at the expense of our relationship with Taiwan.

Therefore, I sent a letter, signed by 10 of my colleagues including Majority Leader TRENT LOTT, Minority Leader TOM DASCHLE, chairman of the Foreign Relations Committee JESSE HELMS; and East Asia and the Pacific Subcommittee Chairman CRAIG THOMAS, to President Clinton urging him to oppose any efforts at the summit by the PRC leadership to diminish American support for Taiwan.

Mr. President, I ask that a copy of that letter be printed in the RECORD.

Mr. President, I wish President Clinton and his administration success at the upcoming summit, and I urge him to respect the views of me and my colleagues, which I think represents the views of many Americans, that our support for Taiwan's democracy and freedom cannot be sacrificed.

I also want to use this opportunity to express my gratitude to Secretary of State Madeleine Albright for her efforts to consult more closely with Members of Congress with regard to issues related to Taiwan. I refer specifically to consultations regarding the recent selection of Richard Clarence Bush III as Chairman of the American Institute in Taiwan [AIT].

Some of my colleagues, Senate Foreign Relations Committee Chairman JESSE HELMS, in particular, will remember that the consultation process did not work when the prior AIT Chairman, Mr. James Wood, was selected.

Mr. James Wood resigned from his position on January 1997 among various charges and countercharges with regard to foreign contributions during the election campaign. I leave the legitimacy of those charges to the investigators, but I simply wanted to note that congressional concerns regarding Mr. Wood were ignored by our State Department.

In response to this incident, I considered offering an amendment to the State Department authorization legislation that would have required establishing a post within the State Department that would be directly responsible for Taiwan Affairs. As part of negotiations over that amendment, I had the opportunity to discuss with the Secretary my dissatisfaction with the consultation process on matters relating to Taiwan.

The Secretary promised that she would rectify this situation and would in the future consult with Congress prior to naming future officers of AIT. She followed up on this oral promise with a letter dated July 30, 1997, that states that if the Foreign Relations Committee ''expresses reservations about a prospective trustee, we will undertake to discuss and resolve the matter fully with the Committee before proceeding.''

Mr. President, I ask that a copy of the July 30 letter be printed in the RECORD.

The Secretary held to her word and consulted with me and others prior to the selection of Richard Bush. I must admit, Mr. President, that this was an easy case. Mr. Bush is a talented individual who is well qualified to take this sensitive position. I had the opportunity to negotiate with Mr. Bush when he was advising Congressman LEE HAMILTON on Taiwan-related issues, and I found him well-spoken and honest. I look forward to the opportunity to continue to work with him in his new role.

I hope that Mr. Bush will use his new position to further strengthen and enhance United States relations with the people and the Government of Taiwan. Taiwan is our eighth largest trading partner, and I am confident that trade will increase further when Taiwan joins the World Trade Organization. In addition, I encourage the administration to send high-level officials to Taiwan to further strengthen our relationship and to work out the occasional disputes that cloud our relationship.

The letters follow:

U.S. SENATE
Washington, DC, September 23, 1997.

Hon. WILLIAM J. CLINTON,
The President, The White House.

DEAR MR. PRESIDENT: As you prepare for your summit with the President of the People's Republic of China, we thought it appropriate to share with you our thoughts regarding U.S. relations with the people and the government of Taiwan. We believe Taiwan has made extraordinary progress in recent years as the Republic of China has moved to establish a vibrant democracy with free elections, free press, strong trade unions and improved trading practices.

We believe the American people are united in their support for freedom and democracy on Taiwan. Time and again, Congress has made clear our commitment to Taiwan, beginning with the 1979 Taiwan Relations Act, and through many resolutions and bills since then.

With your important meetings in Washington with the leadership of the People's Republic of China scheduled for late October, there has been much discussion about how the U.S. government would respond to possible demands by the PRC Government regarding U.S. relations with the people and the government of Taiwan.

Mr. President, we urge you to oppose any efforts at the summit by the PRC leadership to diminish American support for Taiwan. We urge you to reject any plans for a ''Fourth Communique'' on issues related to Taiwan; to not weaken our defensive arms sales commitment to Taiwan; and, to not make any commitment to limit future visits by the elected representatives of the Republic of China.

We in Congress are prepared to reiterate the commitment of the American people to freedom and democracy for the people and government of Taiwan. We look forward to working with you and your Administration team on these issues in the weeks ahead.

Sincerely,

Frank H. Murkowcki; Trent Lott; Jay Rockefeller; Tom Daschle; Craig Thomas; Sam Brownback; ——— ——— Jesse Helms; Robert G. Torricelli; Charles Robb; Larry E. Craig.

THE SECRETARY OF STATE,
Washington, July 30, 1997.

Hon. FRANK MURKOWSKI,
U.S. Senate.

DEAR SENATOR MURKOWSKI: I refer to our conversation of June 17, in which you underscored the concern of the Foreign Relations Committee about the role of the Senate in monitoring our Taiwan policy and the Committee's specific desire that the Department consult with the Committee before appointing to the Board of Trustees of the American Institute in Taiwan (AIT) a Chairman/Managing Director for AIT.

As you know, under the bylaws of the American Institute in Taiwan, the Secretary of State appoints and removed trustees of the Institute. The Department continues to hold the view, expressed by Secretary Vance in his letter to then-Chairman Church at the time of AIT's establishment in 1979, that because the Institute is not an agency or instrumentality of the Government, and because its trustees are not officers of the United States, it would not be appropriate for the Senate to advise and consent to the appointment of trustees or officers. However, let me assure you, as did Secretary Vance, that the names of prospective trustees will be forwarded to the Foreign Relations Committee. If the Committee expresses reservations about a prospective trustee, we will undertake to discuss and resolve the matter fully with the Committee before proceeding.

This arrangement will enable the Institute to retain its character as a private corporation and assist the Senate in fulfilling its responsibilities for monitoring the implementation of the Taiwan Relations Act and the operation of the Institute.

Sincerely,

MADELEINE K. ALBRIGHT.●

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. SARBANES. Mr. President, October has been designated National Domestic Violence Awareness Month, and I rise today to speak briefly about our need to continue our struggle against this national problem.

Mr. President, over the past several years, the Congress, the Clinton administration, our State and local governments, and our community-based organizations have taken enormous steps toward eradicating the scourge of domestic violence—a scourge that for too long had been ignored as a family problem outside the scope of government responsbility. Congress' passage of the Violence Against Women Act [VAWA] as part of the 1994 crime bill, and the wide variety of enforcement and prevention grants available under that legislation, has ensured that our Federal, State, and local authorities have at their disposal the resources and legal authority needed to educate our citizens about domestic violence, and to prosecute those who have chosen to engage in such reprehensible conduct. The administration's development of informational initiatives, such as a toll-free nationwide domestic violence hotline and a Violence Against Women information homepage, have buttressed Congress' efforts, and provided law enforcement officials with a direct link to those who need assistance.

My State of Maryland has been at the forefront of these national efforts to combat domestic violence. With the assistance of over $400,000 in grant funds made available under the 1994 crime bill, Maryland has formulated its Stop Violence Against Women plan, under which the State identifies cases of domestic abuse, safeguards victims, and coordinates and funds local community responses to incidents of domestic violence. To implement this plan, the Governor's office has established a statewide Family Violence Council, headed by Maryland's attorney general and Lieutenant Governor, which will continue to keep this issue in the public eye and to formulate additional initiatives in this area.

The Federal authorities in Maryland have been no less vigilant in their efforts to combat domestic violence. Maryland's U.S. attorney's office has developed a specific training program for prosecutors on VAWA, has drafted a VAWA manual now available to local law enforcement and community groups, and is in the process of prosecuting only the second interstate stalking case brought under that law.

In short, Federal, State, and local authorities in Maryland, as elsewhere, have embarked on a cooperative effort designed to educate our citizens about the plague of domestic violence, and to bring to justice those who violate our increasingly strict laws in this area.

At the same time, Mr. President, we still have a long way to go before domestic violence is evicted from our homes and communities. Last year alone, almost 4 million women were physically abused by their husbands or boyfriends. Women continue to be the victims of domestic abuse more frequently than they are victims of burglary, muggings, and all other physical

crimes combined. The damage done by such abuse extends directly to the most vulnerable in our society—our children, who are subject to abuse in 75 percent of the cases in which their mothers are subject to abuse.

Mr. President, I have long supported efforts to stamp out domestic violence in our communities. I once again urge my colleagues to continue on the path on which we embarked in 1994, and to ensure continued full funding for VAWA in future years. I also urge my colleagues on the Appropriations Committee to preserve the $10 million provided for community police to combat domestic violence in this year's Commerce, State, Justice Appropriations bill. This money, expressly authorized under the 1994 crime law, is essential if we are to address the domestic violence problem at its local, root level.

While October is National Domestic Violence Awareness Month, no month should go by without our attention to this issue. Domestic violence is directly contrary to the community and family values we hold most dear, and its eradication should continue to be one of our most pressing national priorities.

IN RECOGNITION OF THE 41ST ANNIVERSARY OF THE HUNGARIAN REVOLUTION

● Mr. ABRAHAM. Mr. President, today I rise in honor of the 41st anniversary of the Hungarian Revolution. On October 19, the Hungarian-American community will commemorate that fall day in 1956 when Hungarians attempted to throw off the shackles of oppression and gain freedom.

In an era of Soviet domination, the brave citizens of Hungary rose against the Communist regime. Although the revolution was unsuccessful, it set a precedent that the Hungarian people wanted freedom. It was not until some 30 years later, with the reforms of the late 1980's, that Hungary greatly increased freedom. The most dramatic example occurred in May 1989 when the border between Austria and Hungary was opened. Thousands streamed across and spontaneous celebrations broke out on both sides of the border as Hungarians displayed their freedom to the world.

A few years ago on a fall day in November, the entire world watched the most imposing symbol of the cold war tumble down. The Berlin Wall had been torn asunder. Had those individuals so many years ago not stood against the tanks that rumbled through the streets of Budapest, the momentous occasion in Berlin might not have occurred. Their bravery proved that freedom cannot be suppressed.

I am proud of the Hungarian-American community's continual efforts to foster relationships of goodwill. These efforts will go far in enhancing and promoting the community's image and understanding throughout the United States and beyond. We can all be proud of these efforts.●

PAT BARR'S CRUSADE

● Mr. LEAHY. Mr. President, October is Breast Cancer Awareness Month. I would like bring to the attention of the Senate a breast cancer survivor in Vermont who has poured herself into reaching out to others who are dealing with this devastating disease, and who has made finding a cure her lifetime crusade.

Pat Barr of Bennington, VT, is a true example of one person being able to make a difference.

It was a visit in early 1992 from Pat and several other Vermont women—grassroots organizers and survivors of breast cancer—that led to my long involvement in working with others to address the urgent need for more intensive research on breast cancer, which has taken the lives of more than 1 million women over the past 35 years.

Soon after that visit I was joined by several Members of Congress in starting a congressional campaign to help eradicate breast cancer. We began by introducing a resolution urging the Secretary of Health and Human Services to declare breast cancer a public health emergency. The resolution raised public awareness about breast cancer and sent a strong message that we needed to accelerate the investigation into the causes, treatments, and prevention of this illness.

Pat Barr's support, energy, and determination to make a difference has immeasurably helped me in efforts to elevate breast cancer research as a Federal priority, including in the annual Department of Defense budget, where we have been able to allocate $737.5 million for breast cancer research over the past 6 years.

She also worked closely with Congressman SANDERS and with me in envisioning and crafting a new tool in the struggle to find a cure for all cancers: the National Program for Cancer Registries. Cancer registries serve as a foundation for a national, comprehensive prevention strategy. They monitor trends in the incidence of breast cancers and other cancers and in mortality rates, as well as offering a source for population-based epidemiologic research at NIH and other research institutions.

For a decade, Pat has tirelessly volunteered her time and energy to this effort. Pat is the founder of the Breast Cancer Network of Vermont. She has been a board member of the National Breast Cancer Coalition since its inception in 1991. She has served as a consumer advocate on panels at the National Cancer Institute, the Centers for Disease Control, and the Army Breast Cancer Research Program.

Earlier this year, Vermonters honored Pat by dedicating the annual Vermont Race for the Cure in her honor.

A recent editorial in the Bennington Banner said it best: ''Pat Barr is a hero worth honoring.''

I ask that the text of the editorial be printed in the RECORD.

The editorial follows:

PAT BARR IS A HERO WORTH HONORING

You can make a difference. One local woman has shown the way. Pat Barr of Shaftsbury has taken her experience with the disease of breast cancer and turned it into a crusade for better research with impacts from Bennington to Washington, D.C.

And because of that personal achievement, the Annual Susan G. Komen Breast Cancer Foundation Vermont Race for the Cure was dedicated this year to Barr. The Sunday race is designed to raise funds for breast cancer research, with 75 percent of the money staying in Vermont.

Barr's own experience with breast cancer began in 1987, when she was diagnosed. It has reoccurred since then, but despite that Barr has not turned from her decade of tireless work.

Barr founded the Breast Cancer Network, a Vermont advocacy and service organization based in Bennington and also serving New York and Massachusetts. The network helps area women get tests, information and services.

She joined Vermont's U.S. Sen. Patrick Leahy and U.S. Rep. Bernard Sanders in developing the National Cancer Registry. She worked with Leahy in his fight to secure an additional $300 million toward breast cancer research in 1992.

Her efforts eventually took her to Washington with 2.6 million signatures to convince President Clinton to approve a national action plan to fight breast cancer.

Barr, a mother, attorney and businesswoman, has also been active in the Vermont Civil Liberties Union and the Vermont Bar Association and was a member of the State Board of Education.

Barr has kept her faith—she is a member of the Congregation Beth El in Bennington and was instrumental in its resurgence.

She is a role model and a credit to this community.

Barr is a local hero who cannot be honored enough for her work for Vermont women.●

THE TENNESSEE VALLEY AUTHORITY MODERNIZATION ACT

● Mr. FRIST. Mr. President, when the Tennessee Valley Authority formed in 1933, the region suffered under the weight of economic despair and the unforgiving forces of nature. The great Depression and rural isolation served to keep much of the valley's population in poverty and without some of the basic tools to sustain even a marginal existence. The mighty Tennessee River and its tributaries, which have sustained life and commerce along their banks since prehistory, wreaked havoc on life and property as the unpredictable and uncontrollable floods rushed from the slopes of the southern Appalachians and Cumberland Plateau. Flooding and poor farming practices were of nearly epidemic proportions as loss of topsoil and low crop yields reached catastrophic levels. Access to electricity was both expensive and limited to only a few metropolitan areas, thus serving to even further widen the gap between the Tennessee Valley and the rest of the country as the already hamstrung national economy passed the region by.

President Roosevelt designed the Tennessee Valley Authority as a unique Federal agency whose mission was defined by providing a range of essential services to the entire region

rather than fulfilling a single, specific function nationwide. TVA undertook many duties that other Federal agencies were actively pursuing in other parts of the country, just as it does today, but TVA also undertook services which addressed the economic and natural problems unique to the Tennessee River watershed. TVA's charter was very broad and designed to give the agency leeway to address the region's interrelated needs of flood control, improved farming methods and conservation, rural electrification, and economic development as a single coordinating and executing body.

TVA undertook ambitious conservation, economic development, flood control, and electrification projects. The Tennessee River was tamed and became more readily navigable; topsoil loss and declining agricultural productivity had been stopped or even reversed; isolated families received electricity in their homes and workplaces; and the economy was expanding. By the 1950's the Nation's economy was strong and growing, and the economic gap between the Tennessee Valley region and the Nation as a whole was narrowing. By the 1980's, that gap no longer existed.

In a region that boasted a strong independent tradition and a general skepticism about the benefits of the Federal Government, the TVA had become viewed as more than just a benevolent hand providing economic opportunity and security to the depressed region, it became an integral part of the region's identity. In the minds of Tennesseans, TVA was credited with bringing the region out of poverty, depression, and existence at the mercy of nature.

Since its inception, TVA's mission has evolved, and the organization today is very different than in 1933. In 1959 the TVA Act was amended to fully separate the U.S. Treasury from the rapidly expanding TVA power program, which had seen an initial round of growth associated with the national security activities in Oak Ridge during the Second World War, but had continued to expand its size and revenues for regional industrial and residential consumption. TVA power would no longer rely on the support of taxpayers nationwide, but was thereafter dependent on the ratepayers and lenders to provide all operation expenses. TVA's power program far eclipsed the other original missions of conservation, flood control, and navigation from which had been separated. Today, TVA is one of the largest electric utilities in the world, with a revenue stream in excess of $5 billion per year.

That's an impressive growth, but it didn't come without associated problems—some of them very serious. In the 1960's and 1970's, TVA began an ambitious nuclear powerplant construction program, borrowing heavily from public and private sources. Like other utilities that invested in nuclear power, TVA overextended itself badly as the costs of construction and fueling the plants rose dramatically and the regulatory bar moved ever higher. TVA continued to go further into debt, and today its liability now exceeds a truly staggering $27 billion.

TVA's benevolent role in the life of the region has also come into question. Decisions and behavior that many Tennesseans are now viewing as simply an extension of a grossly overgrown Federal bureaucracy in general, and a betrayal of the original benevolent mission envisioned for TVA in the formative act, served to end an era of trust between ratepayers and TVA. More worrisome, though, is that the errors in strategy and judgment have put the health, liability, and even the existence of TVA in jeopardy.

At its root, I believe, is the fact that TVA was allowed to fundamentally change its mission and to begin operating as a self-financing electric utility without the necessary structural changes. While TVA power grew rapidly as consequence, it still maintained the management and corporate structure of its original Depression-era mission of conservation, flood control, navigation, and economic development.

Yesterday, I introduced legislation to address those problems, and to make changes in the decisionmaking body of TVA that will more closely reflect its needs and the demands of the ratepayers and taxpayers. These are changes which, in truth, should have been incorporated into the TVA Act the day TVA became a self-financing corporation in 1959.

Under my TVA Modernization Act, the board of directors will grow from three full-time members to nine part-time members, and each member must have corporate management or a strong strategic decisionmaking background. My bill also shortens the members' terms from the current 9 years to staggered 5-year terms.

The expanded board would establish long-range goals and policies for TVA, as well as approve the annual budget and conduct public hearings on policies that have a major effect on ratepayers in the valley. The board will also determine electricity rates and ensure that independent audits of the corporation's management are conducted.

But unlike the current board, the expanded board will not be involved in the day-to-day management of TVA. Instead, it will appoint an independent chief executive officer to manage the corporation—much like businesses of its size throughout the country have done for decades.

While the President will retain the sole authority to appoint new board members, my bill will ensure that candidates have the business background necessary to take this $6 billion corporation into the 21st century and a new era of deregulation. By requiring that no more than five members come from a single party affiliation, it will also help ensure that the board never becomes politicized. Together with an independent CEO, we can help avoid the type of decisions and missteps that have saddled TVA with more than $27 billion in debt over the years.

Once enacted, the bill would take effect on May 18, 1999—exactly 66 years after the original TVA Act took effect. Current board members whose terms don't expire until after 1999 may remain on the board as part-time members, along with the President's seven new appointees. Part-time board members will receive an annual stipend and per diem pay for their services, the total of which will not exceed $35,000 per year. And instead of having a Presidentially designated chairman of the board, members will elect their chairman.

TVA has experienced enormous growth over the years, from a Depression-era conservation and public works program to a multibillion-dollar electric utility. It's time we give TVA and ratepayers in the valley a management structure that's more responsive and stable and that can help this important agency face the upcoming dramatic changes in the electric utilities industry as effectively and efficiently as possible.●

EXPLANATION OF VOTES ON THE AGRICULTURE APPROPRIATIONS BILL

● Mr. ABRAHAM. Mr. President, I rise today to explain my final vote on the fiscal year 1998 appropriations bill. The last amendment to this legislation was a second attempt by Senator HARKIN to fully fund FDA efforts to prevent underage smoking. Specifically, the amendment sought to fully fund a program which was established to punish establishments that sell tobacco to individuals under 18 years of age.

I support efforts to curb underage smoking. Unfortunately, I was forced to vote against Senator HARKIN's first attempt to fund this program because the amendment's offset would have imposed a new, $34 million tax. The majority of Senators shared my concerns and the amendment failed by a 52 to 48 margin. In recognition of that shortfall, the amendment which Senator Harkin reintroduced identified a new, noncontroversial offset from a minor USDA program. In light of this new funding source, I was pleased to vote in support of the Harkin amendment. The motion to table the Harkin amendment subsequently failed by a 28 to 70 margin and the amendment was agreed to.

It is my hope, Mr. President, that the conferees can move quickly to resolve the differences between the House and Senate bills and allow us to vote on the conference report in the coming weeks.●

SOJOURNER TRUTH

● Mr. LEVIN. Mr. President, I rise today to honor Sojourner Truth, a leader in the abolitionist movement and a ground breaking speaker on behalf of equality for women. The 200th

anniversary of Sojourner Truth's birth is being celebrated this year throughout the United States.

Sojourner Truth was born Isabella Baumfree in 1797 in Ulster County, NY and served as a slave under several different masters. She bore four children who survived infancy, and all except one daughter were sold into slavery. Baumfree became a freed slave in 1828 when New York State outlawed slavery. She remained in New York and instituted successful legal proceedings to secure the return of her son, Peter, who had been illegally sold to a slave-owner from Alabama.

In 1843, Baumfree, in response to a perceived command from God, changed her name to Sojourner Truth and dedicated her life to traveling and lecturing. She began her migration west in 1850, where she shared the stage with other abolitionist leaders such as Frederick Douglass. In October 1856, Truth came to Battle Creek, MI, with Quaker leader Henry Willis to speak at a Friends of Human Progress meeting. She eventually bought a house and settled in the area. Her antislavery, women's rights, and temperance arguments brought Battle Creek both regional and national recognition. Sojourner Truth died at her home in Battle Creek, November 26, 1883, having lived quite an extraordinary life.

Sojourner Truth was a powerful voice in the women's suffrage movement, playing a pivotal role in ensuring the right of all women to vote. She was a political activist who personally conversed with President Abraham Lincoln on behalf of freed, unemployed slaves, and campaigned for Ulysses S. Grant in the Presidential election in 1868. Sojourner was a woman of great passion and determination who was spiritually motivated to preach and teach in ways that have had a profound and lasting imprint on American history.

In 1851, Sojourner delivered her famous ''Ain't I a Woman?'' speech at the Women's Convention in Akron, OH. She spoke from her heart about the most troubling issues of her time. Her words on that day in Ohio are a testament to Sojourner Truth's convictions and are a part of the great legacy she left for us all.

Mr. President, I ask that the text of the Sojourner Truth ''Ain't I a Woman'' speech be printed in the RECORD.

The speech is as follows:

AIN'T I A WOMAN

(By Sojourner Truth)

Well, children, where there is so much racket there must be something out of kilter. I think that 'twixt the negroes of the South and the women at the North, all talking about rights, the white men will be in a fix pretty soon. But what's all this here talking about?

That man over there says women need to be helped into carriages, and lifted over ditches and to have the best place everywhere. Nobody ever helps me into carriages, or over mud puddles, or gets me any best place!

And Ain't I a Woman?

Look at me! Look at my arm! I have ploughed, and planted, and gathered into barns, and no man could head me!

And Ain't I a Woman?

I could work as much and eat as much as a man—when I could get it—and bear the lash as well!

And Ain't I a Woman?

I have borne five children and seen most all sold off to slavery, and when I cried out with a mother's grief, none but Jesus heard me.

And Ain't I a Woman?

Then they talk about this thing in the head; what's this they call it? (member of the audience whispers ''intellect'') That's it, honey.

What's that got to do with women's right or negroes' rights? If my cup won't hold but a pint, and your holds a quart, wouldn't you be mean not to let me have my little half measure full?

Then that little man in black there, he says women can't have as much rights as men, cause Christ wasn't a women?

Where did your Christ come from? Where did your Christ come from? From God and a woman! Man had nothing to do with Him.

If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back, and get it right side up again! And now they is asking to do it, the men better let them.

Obliged to you for hearing me, and now old Sojourner ain't got nothing more to say.●

CHILD SUPPORT INCENTIVE BILL

● Ms. SNOWE. Mr. President, I am extremely pleased to join my colleague, Senator ROCKEFELLER, in introducing the Child Support Performance Improvement Act of 1997. This bill establishes a new formula for State child support incentive payments, in order to reward those States which truly excel at collecting child support. Over the years, Senator ROCKEFELLER has shown an extraordinary commitment to children and families across America, and his leadership on this bill represents more of the same.

Mr. President, States need to crack down on deadbeat parents who renege on their financial responsibilities to their children. While noncustodial parents owed $47 billion in child support in 1995, States collected only $14 billion. Collections increased to approximately $16 billion in 1996, and are likely to further increase as the result of tough new child support reforms which I authored and which were contained in the Welfare Reform Act.

States performance in collecting child support varies tremendously. For example, Maine has worked very hard to successfully improve its child support collections. While Maine has collected over $580 million since 1975, half of that amount—$286 million—was collected within the past 5 years. Last year alone, Maine collected almost $72 million, representing a 10-percent increase over the previous year. This considerable improvement is due to comprehensive State reforms pioneered under Governor John McKernan in 1993, and Federal child support reforms contained in the Welfare Act. But not all States share this heightened commitment to collecting support. That is why my child support provisions in the Welfare Reform Act required the Secretary of HHS, in consultation with the States, to develop a new formula for State incentive payments that is based on performance, in order to further improve State collections, and to report back to Congress on the subject. The bill that Senator ROCKEFELLER and I introduce today is based on that report.

Under current law, the Federal Government provides States with an extra incentive payment in order to increase child support collections. The current formula for incentive payments is based on the cost-effectiveness of a State's child support collection program—the collection-to-cost ratio—meaning that States are rewarded for bringing in more dollars for each dollar they invest in the program. Incentive payments start at 6 percent of collections, and rise as high as 10 percent for the most cost-effective States. In fiscal year 1995, Federal incentive payments to States were $400 million, nearly 33 percent of the gross Federal share of child support collections.

Mr. President, the current system does not make sense in that every State, no matter how dismal its record in collecting child support, receives a minimum incentive payment. This perpetuates mediocrity and does not serve children. Instead, States should be rewarded on the basis of performance outcomes that will help children, such as establishing paternity and support orders quickly, obtaining medical support, and collecting support on a regular basis so families can rely on it.

The Child Support Performance Improvement Act establishes a formula which takes into account performance-based measures and standards in five areas: establishing of paternity; establishing child support orders; collecting currently-owed support; cost-effectiveness; and collection of past-due support. The first three measures receive the most weight in the formula because they translate most directly into support that helps keep families financially self-sufficient. Giving them more weight will help concentrate State efforts where they matter most.

Under our bill, States would only qualify for incentive payments if they meet threshold performance requirements in these five areas. States that perform below the threshold level can qualify for minimum incentive payments only if they significantly improve their performance compared to performance in a prior year. The bill also requires the Secretary of HHS to establish standards for collecting medical support to be implemented later, to ensure that children of divorced parents have health insurance. Finally, the bill requires States, for the first time, to reinvest their incentive payments back into the child support system, so they can further improve collections and better serve children.

Mr. President, this bill will significantly help families to obtain the child support owed to them so they can remain financially self-sufficient. I urge my colleagues to support this important legislation.●

SENATOR WILLIAM B. SPONG, JR.

● Mr. HOLLINGS. Mr. President, Bill Spong and I go back a long way. We were the only Democrats elected to the Senate in 1966. Back then, new Senators were expected to be seen and not heard. Bill and I were dutiful—we took the last two seats on the back row of the Democratic side of the Senate floor and swapped afternoons and evenings presiding as Speaker Pro Tempore. In those days they gave Golden Gavels to members who presided over the Senate for more than 100 hours; Bill and I each received one.

Bill Spong was one of the quietest and most thoughtful men ever to serve in the Senate. He brought his considerable experience in law and banking to bear on every issue before the Senate and carefully analyzed each piece of legislation on which he voted. He set an example of what a Senator in a deliberative democracy should be.

The Senate was a different place then. Republicans and Democrats worked closely together in a collegial atmosphere. Though they differed on many issues, a majority of Senators from both parties came together to produce legislation for the good of the Nation. Now the Members of the two parties meet only to ambush one another. In today's climate of partisan warfare, it is hard to find anyone who can match Bill Spong's civility.

Senator Spong made many friends for Virginia in his 6 years of service. He was an outstanding and committed representative of the people of his state. His election loss in 1972 deprived Virginia and the United States of an able and promising Senator. Undoubtedly, Senator Spong would have won reelection and served for many more years had the public confusion and division caused by Vietnam and his seat on the Foreign Relations Committee not placed him in an untenable position.

After leaving the Senate, he served with great distinction as a noted mediator and as Dean of the School of Law at William and Mary. In these capacities, he continued to serve his community.

Bill Spong's death yesterday shocked and saddened us all. It deprives us of a much-needed model of dedication, service, and leadership. Let us all hope that his great qualities will find their incarnation in future servants of the public good.●

NATIONAL LITERACY MONTH

● Mr. ABRAHAM. Mr. President, I rise to comment on an issue which concerns my home State of Michigan and the entire country. It seems as though every year another study is published which concludes American children are behind other nations of the world in subjects such as math and science. Often, when concern is expressed with such findings a more basic issue is overlooked: literacy.

From the youngest schoolchild to the most senior adult, I believe everyone should be able to read and write. Besides serving as the foundation of education, reading provides new opportunities and expands horizons. Through reading, an individual can visit exotic lands, travel in time, participate in fantastic adventures, and learn of events happening in both their hometown and around the globe. Reading allows a person to soar, with only their imagination to limit them. As the father of three young children, one of my favorite activities is reading a story to my children, or as the older ones now do, read the story to me. Helping a child learn to read is one of the most pleasurable activities I know.

Ensuring America's children are literate is one of the most important goals this Nation should have. Rather than involving the heavy hand of the Federal Government, I believe local governments are in the best position to accomplish this goal. But, I also think the Federal Government has a role in helping to eradicate illiteracy from among the Nation's youth. For this reason, Congress has allocated $260 million to the Department of Education to disburse to the states for carrying out a child literacy initiative beginning in October 1998.

I strongly believe every child in America should be literate. However, we cannot and must not concern ourselves solely with the young. It is a sad fact that many adults across the country do not possess the ability to read and write. While some individuals have rudimentary skills, many cannot read well enough to fill out a job application. Without these needed skills, advancement in the workplace is almost impossible. Fortunately, Congress is taking strong steps toward remedying this problem. Presently, Federal adult literacy programs have been funded at over $350 million. Given to States in the form of grants, these funds help provide community-based agencies with the money necessary to reduce and hopefully eliminate illiteracy.

In recognition of the efforts to educate both children and adults, I join in honoring those individuals who dedicate themselves to this noble pursuit. I am pleased to have this opportunity to express my appreciation for their hard work, and encourage my colleagues to demonstrate their support of National Literacy Month.●

PETER KARMANOS, JR.

● Mr. LEVIN. Mr. President, I rise today to recognize the achievements of Mr. Peter Karmanos, Jr., Peter who is being honored on November 4, 1997, by the Detroit B'nai B'rith Foundation with the 1997 Great American Traditions Award.

B'nai B'rith is awarding its highest honor, the Great American Traditions Award, to Peter Karmanos for ''. . . his concern for the sick, for his understanding of the abused, and for the quiet, unassuming way he provides for others.''

Peter Karmanos is a name with which many people around the Nation are familiar. Some know him because he is the chairman, CEO, and cofounder of Compuware Corp., which is one of the largest independent software vendors in the world. Peter helped to make a small startup company into Michigan's fifth largest exporter, a company with more than 7,000 employees worldwide. Peter has striven to make Compuware a healthy and friendly place to work, providing a company-subsidized cafeteria, day-care center, and wellness center, as well as racquetball and basketball courts at its world headquarters in Farmington Hills, MI.

Others know of Peter Karmanos because he co-owns the Carolina Hurricanes of the National Hockey League and the Plymouth Whalers of the Ontario Hockey League. Peter's passion for hockey has led him to sponsor youth hockey teams, which have given countless young people the opportunity to play the sport Peter loves so much.

Peter Karmanos has earned a reputation as an outstanding leader in his industry and in the world of sports. But he is perhaps most remarkable for the extraordinary support he has given to efforts to make his community a healthier and safer place. In 1995, Peter made the single largest contribution in Michigan history to fight cancer, donating $15 million to establish the Barbara Ann Karmanos Cancer Institute, in honor of his first wife. The institute integrated the efforts of the major cancer-fighting organizations in Detroit—the Michigan Cancer Foundation, the Meyer L. Prentis Comprehensive Cancer Center, the Detroit Medical Center, and Wayne State University. Peter and his wife, Debra, have involved Compuware in the nationwide cancer research fundraiser ''A Race for the Cure.'' Debra and Peter also cochaired the first ever major fundraiser for HAVEN, a shelter for abused women.

Mr. President, Peter Karmanos truly exemplifies the spirit of the B'nai B'rith Great American Traditions Award. His corporate citizenship and dedication to improving the lives of others are truly an inspiration. I hope my colleagues will join with me in offering congratulations and best wishes to Peter Karmanos on this important occasion.●

WELFARE TO WORK

● Mr. ABRAHAM. Mr. President, I rise today to congratulate Ottawa County, MI, for moving all, by which I mean a full 100 percent, of its welfare recipients to work. As in so many other things, Ottawa County should be an inspiration to us all as we seek fundamental welfare reform that will end

dependence on government by putting people in real jobs with real futures.

When we debated welfare reform in this Chamber, there were those who said that returning greater welfare policy control to our States and localities would produce only hardship and failure. The naysayers claimed that healthy people on welfare could not or would not take jobs—or that jobs could not be found for them. The naysayers claimed that America's local communities lacked the resources and the compassion to meet the challenge of helping welfare recipients end their dependence on government and work their way into decent jobs and an independent life.

The naysayers claimed it would be cruel to impose work requirements and limit benefits because this would simply hurt the self-esteem of recipients and take food out of the mouths of their children. Compassion, they claimed, dictated the status quo.

Well, Mr. President, Ottawa County has proved the naysayers wrong. The good people of Holland and surrounding communities in Ottawa County have shown what real compassion can do. Real compassion—compassion aimed at helping people rebuild productive, independent lives—works. It has worked in Ottawa County and it can work throughout our country if we will give our States and local communities the freedom they need to put their compassion in action.

Welfare numbers fluctuate and new applications are filed all the time, but Ottawa County last month reached the point where none of its residents was receiving a welfare check without earning some income. How did Ottawa County accomplish this? By expecting more of people. By instituting work requirements. By doing everything necessary to make work available for welfare recipients. And by tapping into the vast reservoir of skill and good will available in our faith-based charities.

Ottawa County is in a particularly good position from which to deal with welfare issues. Its Dutch and German communities are, in the words of one USA Today reporter ''infused with conservative values and a strong work ethic.'' They have produced a thriving economy with a low unemployment rate. They also have opened their arms to recent immigrants, including a significant number of Asians and Hispanics, and have set about, in a determined manner, to give welfare recipients a chance to work. The rare combination of hard work and generosity we in Michigan have come to expect of the people of Ottawa County once again has produced great results.

County officials have contracted to expand subsidized day care for working and job-seeking mothers. The county also hired a firm to provide 24-hour shuttle buses to take welfare recipients to work. And they hired Kan Du Industries, a local picture-frame manufacturer that also runs vocational programs for the disabled, to provide training and help in job placement skills. The county has engaged in a truly comprehensive effort to help people become self-supporting.

The State of Michigan also deserves credit for this accomplishment. Through its Project Zero, Michigan has spent more than $5 million in Ottawa County to provide transportation, mentoring, and day-care services to help welfare recipients get and keep jobs. But this is not just a handout. Those who refuse to comply with work requirements have their welfare checks cut by 25 percent, and face the prospect of losing aid altogether if they do not find work in 3 months.

Mr. President, this policy has worked. It has gotten people off welfare and into jobs. It has changed lives. Particularly effective has been Ottawa County's decision to look to local churches for help. For example, a cover story in USA Today reports on Maria Gonzalez. Miss Gonzalez went through a painful divorce, two out-of-wedlock births, a breakdown, and homelessness, all before she reached the age of 27. Then, according to the newspaper, she ''found salvation . . . Through an increasingly common government ally: the church.''

Miss Gonzalez receives assistance from the State. State programs helped her find work and continue to give aid in the form of day care and transportation to and from work. But, as a struggling, working mother of four, she has emotional needs as well. That is why Ottawa County paired her with Jan Tuls, a mentor from Calvary Christian Reformed Church. Miss Gonzalez continues to attend her own Pentecostal Church—no one has tried to change her faith. But the guidance she has received from Jan Tuls makes her believe that Miss Tuls is ''more of a mom to me than my own.''

Or take the case of Sylvia Ornelas. Mrs. Ornelas moved herself and her four children to Holland 6 months ago, in the midst of severe marital difficulties. As a front page story in the Washington Post tells the story, Mrs. Ornelas went to the local welfare office. But instead of simply a check, Holland gave her a community of friends and mentors.

Neighbors took her children shopping for school clothes. Executives for a local manufacturer helped her find work. Bob and Mary Ann Baker bought her a used car to get around. Ginny Weerstra helped her find an apartment. Parishioners at Hardewyk Reformed Christian Church took up a collection to get her phone installed, and when her husband reentered her life, Pastor Andrew Gorter provided the couple with marital counselling.

Or take Gloria Garcia. This 27-year old mother of five young children was homeless and jobless when her caseworker asked if she would like to be coupled with mentors from one of the area churches. Miss Garcia agreed, and parishioners at Hardewyk Christian Reformed Church stepped in to help.

Miss Garcia had lost her job because she had missed too many days of work in caring for her children. Ginny Weerstra, a parishioner at Hardewyk, put a call in to the temporary employment service at which Miss Garcia had worked and asked that she be given a second chance. Now that she had people behind her, willing to sit for her children when necessary, Miss Garcia was rehired, and has been working full time since September. The church also lent Miss Garcia $2,000—since paid back—for bad debts, and sent a parishioner who is an auto mechanic to help her buy a used car. Parishioners even helped Miss Garcia find an affordable home.

And these are not isolated incidents, Mr. President. Literally hundreds of residents of Ottawa County have been helped off welfare by a community committed to helping them rebuild their lives. A community that has been freed to call on its churches, to implement innovative day care, transportation, and job training and placement programs by our welfare reform legislation. A community that knows that neighbors can do far more to help people in need than a simple check from the government.

The close-knit relationships fostered in communities like Holland, Mr. President, are helping welfare recipients find their way to a better life—to stable jobs, stable homes, and the stable habits needed to keep both together. State-fostered training centers can provide job skills, but it takes a more personal relationship to spur the drive to pull one's life together in the way needed to lead a good, settled life.

It is my hope, Mr. President, that other States will follow Michigan's example in sponsoring programs like Project Zero. The result would be a more stable and prosperous America. It is my hope that we will protect and expand our welfare reforms so that Ottawa County can become an example followed by communities all over the country.

Already today, Ottawa is not the only site involved in Project Zero. Five other sites—Alpena, Menominee, and Midland Counties and Romulus and Tireman in Wayne County all have participated in Project Zero. And all have seen significant progress in getting people off of welfare and into good jobs. Since the program began in July 1996, Mr. President, target cases without income have declined by 62 percent. That is, people receiving cash assistance who are not exempt, for example for health reasons, have been targeted to obtain paying jobs, and 62 percent of them have.

This is the kind of progress we need, Mr. President, to repair the damage done to our local communities by too many years of government programs that fed the bodies but starved the souls of struggling Americans. Tough love—work requirements combined with a determined effort to make work possible—can help thousands upon thousands of Americans as they seek a better life. I hope we all will learn from

the excellent example provided by Ottawa County. The care and generosity of her people, the grounding of daily life in faith, and traditional values that are so much a part of this wonderful county should inspire us all to greater efforts.

The naysayers are being proved wrong every day. Americans can and will help one another if only the Federal Government will give back the freedom they need to do so.●

CHILD SOLDIERS

● Mr. LEAHY. Mr. President, I would like to bring to the attention of the Senate a profoundly disturbing report issued by Human Rights Watch on July 18 about the abduction of children by a heavily armed Ugandan rebel group called the Lord's Resistance Army.

While the precise number of children abducted by the Lord's Resistance Army is unknown, estimates indicate that over the past 2 years, 3 to 5 thousand children have escaped from the rebel group. It is reported that an equal number of abducted children remain in captivity and an unknown number have died.

According to Human Rights Watch, abduction is only the beginning of the extreme violence and degradation faced by these children. Often as young as 8 years old, the children are tortured, raped, and sometimes killed by members of the Lord's Resistance Army. They are forced to take part in combat, serving as front line forces in battles against the Ugandan Army and the rebel Sudan People's Liberation Army. The children also tell of being made to beat and kill fellow captives who have been apprehended in their efforts to escape. The physical and emotional trauma resulting from such experiences can cause lifelong problems to those children that do survive.

The abduction of children for military purposes not only violates the provisions of common article 3 of the Geneva conventions of 1949, international standards established by protocol II to the Geneva conventions of 1949, and the Convention of the Rights of the Child, it violates the most basic principles of human morality.

It is reported that the camps established by the Ugandan Government to contend with displaced children and their families are extremely inadequate. Crowded conditions and a lack of food and sanitation facilities have resulted in malnutrition, disease, and death among those who have sought refuge in these camps. Trauma counseling centers for children who have escaped from the rebels are sorely in need of basic supplies and qualified staff. Human Rights Watch reports that the children who are told to leave in order to make room for new arrivals often have nowhere to go and no means of support.

Mr. President, the phenomenon of the child soldier is growing not only in Uganda, but around the world. If a more concerted effort is not made to address the outrageous abuses these children face, Uganda and the rest of the international community will be contending with the consequences far in the future.●

TRIBUTE TO VERMONT EDUCATIONAL TELEVISION

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Vermont Educational Television, or Vermont ETV as it is known, on the occasion of its 30th anniversary. The station, which is a member of the Public Broadcasting Service, will begin to celebrate its long track record of success in October. A series of brief clips will be shown throughout the year to take a look back at some of the more memorable moments in its programming.

Vermont ETV understands that learning is a lifelong process. Through community support, this station is able to provide exceptional programming 24 hours a day with something for every age group. Some of my favorite shows are produced locally by Vermont ETV, presenting a unique perspective for issues and events important to people in the region. The station's impeccable selection of shows provides both an entertainment and educational value for all Vermonters.

Of noteworthy importance is their efforts to address the needs of pre-school children through the Ready To Learn and Early Education Initiative. In close cooperation with the Corporation for Public Broadcasting as well as the Department of Education, these programs are designed to assist children and prepare them for the challenges they will face in school. Vermont ETV is dedicated to providing children, from a wide array of backgrounds, with the opportunity to start off on equal ground.

Vermont ETV is one of the finest examples of a successful community partnership, with almost 78% of its budget financed through donations from the public. I believe that Vermont ETV sets the standard similar stations in other States should strive to emulate. That is why I have been an active supporter for over 20 years. I would like to extend my congratulations and best wishes to Vermont ETV, its employees as well as its supporters, for many more years of continued success.●

CHARISSE TILLMAN AND THE UNITED NATIONS WORLD FOOD PROGRAM

● Mrs. BOXER. Mr. President, on October 13, the United States and more than 150 nations will mark the observance of World Food Day. Every year since 1980, World Food Day has been a time to raise awareness of worldwide hunger, and recognize those who have dedicated their lives to help people in need.

Many of the individuals who are fighting the war against hunger do so through the World Food Program [WFP]. The WFP is the largest international food aid organization in the world. Last year, 45 million people in 84 countries benefited from the 2.2 million tons of food distributed by the WFP.

The southern part of Sudan is an example of a region where the WFP helps alleviate the suffering and illnesses caused by hunger. The situation in the Sudan is extremely desperate and countless children have died due to starvation.

One person who deserves special mention is Charisse Tillman of Culver City, CA. She is an assessment coordinator for the WFP in Sudan. When a village or a community is targeted by the WFP for assistance, Ms. Tillman is one of the first to arrive on the scene. She determines how much food is needed by the community and much it can actually produce. This is extremely important so that WFP does not in any way discourage local agricultural production.

The World Food Program is home to many dedicated people like Charisse Tillman. I hope my colleagues will join me in honoring her and all the unselfish humanitarians at the WFP.●

CELEBRATING HISPANIC HERITAGE MONTH

● Mr. DODD. Mr. President, America's greatest asset is its people, and what makes the American population unlike any other country's is our diversity. No other nation draws strength from so many different cultures, and the American population is a mosaic of the world's many nationalities. Through time, the traditions from these many nations have become part of our own society, enriching our national culture. But our Nation would not be nearly as strong without the contributions of Americans who are of Hispanic descent. In recognition of these contributions, our Nation is currently celebrating Hispanic Heritage Month.

Hispanic Heritage Month provides a wonderful opportunity for us to honor the diverse achievements and contributions of Hispanics in this country. I know that in my home State of Connecticut there have been parades and dances to mark this occasion, as well as readings of works by Hispanic authors at public libraries. All of these events give Hispanic-Americans a deeper appreciation for their roots, and make all Americans more aware of the contributions that Hispanics make to our Nation.

Perhaps the easiest way to understand and appreciate the extent to which Hispanics have become entwined in the American landscape would come from reading the newspaper. On the front page, you could read an article about our Secretary of Energy or the U.S. Ambassador to the United Nations who are both Hispanic. In the business section you could read an article on the Latino Administrator of the Small Business Administration who released

a report showing that the number of new businesses owned by Hispanic women has grown at three times the overall rate of business growth. In the arts section you could read about a recital by a Spanish guitarist playing flamenco music at a local theater. The food section could have an writeup of a new Mexican restaurant that just opened up downtown. And in the Sports section you could read about the Major League Baseball playoffs where every single team has Hispanic players that are responsible for their team's success. In fact, in the Washington Post sports pages you could read coverage of World Cup Soccer, in Spanish.

When we talk about Hispanics and how their contributions make our Nation more vibrant and diverse, it is important that we recognize the great diversity that exists within the Hispanic community itself. Hispanic-Americans come from a variety of nations, ranging from Central America to South America to Europe to the Caribbean.

What unites Hispanic-Americans is a fundamental respect for the traditions and values of their native lands combined with a strong commitment to the American dream. Life in America requires that they strike a balance between embracing their roots and assimilating into this new culture. Reaching this balance can be a struggle, but it is a struggle that will leave them enriched as individuals, while at the same time enriching our Nation.

Hispanic-Americans should take great pride in their heritage, and I am glad that Hispanic Heritage Month gives our Nation an opportunity to honor and celebrate their contributions.●

EXPLANATION OF VOTES ON THE FY98 INTERIOR APPROPRIATIONS BILL

● Mr. ABRAHAM. Mr. President, a few weeks ago the Senate finished consideration of the Fiscal Year 1998 Interior appropriations bill. I would like to speak for a moment on the amendments to this legislation.

One of the first amendments to be considered was offered by Senator BRYAN of Nevada. The Bryan amendment proposed to cut $10 million from the Forest Service's timber roads construction budget and to eliminate the Purchaser Credit Program. As I understand it, Senator BRYAN believes the monies used by the Forest Service to assist with the construction and maintenance of roads used by loggers constitutes a subsidy and he targets it accordingly. Proponents of this program, however, argue that there is no road subsidy because the Forest Service takes possession of the roads after the timber harvest and uses them to fight forest fires, manage the forestlands and provide recreational access.

The Purchaser Credit Program, meanwhile, credits timber companies for the cost to build roads when it bids out a timber sale. The logging company will then build the roads, harvest the timber and pay the Forest Service for the timber minus the cost of the road. Meanwhile, that same company is able to use the credit it received from the first sale to bid on other timber sales. The ability to use this credit toward other timber sales benefit is particularly beneficial to small logging companies with limited capital. Elimination of this program, therefore, would do little to reduce logging on federal lands, but would greatly reduce the ability of small timber companies to bid on timber sales.

Finally, I am concerned that the Bryan amendment could make it even more difficult to conduct timber sales on Forest Service lands. In the past decade, timber sales on federal lands have declined by over two-thirds. Timber harvests on private lands have necessarily increased in order to make up for the lost wood. Private timber harvests have proven insufficient to meet market demand, however, and the shortfalls are increasingly being made up with imported, Canadian lumber. If this trend continues, I fear that the resulting timber shortages will raise the price per board-foot of lumber and increase housing and furniture costs.

Nevertheless, while I opposed the 49–51 vote to table the Bryan amendment, I reserve the right to reconsider my vote on this issue in the future. At this time, I am concerned, but not convinced, that the timber program represents a subsidy to the timber industry. In order to clarify this question, I urge the chairman of the Senate Energy and Natural Resources Committee to hold hearings on this issue.

The Senate next turned to consideration of a Hutchinson amendment to authorize the President to implement the recently announced American Heritage Rivers Initiative subject to Congressional approval. The goal of this amendment was both to ensure that Congress has a say in such designation and define what constitutes a river community.

Proposed by the President, the American Heritage Rivers Initiative seeks to identify polluted rivers which are important to this nation's history and provide a new avenue for funding cleanup efforts. While I believe this amendment was well-intentioned, after careful review I became convinced that the Hutchinson amendment would actually serve to greatly increase the cost for a community to designate their river as an American Heritage site. As long as property owners are assured of their rights, the American Heritage Rivers Initiative could play a significant role in cleaning up some of this nation's most polluted rivers. In order to keep the Heritage River designation a viable option for Michigan's rivers, I voted in support of the motion to table the Hutchinson amendment which passed on a 57–42 vote.

Shortly after dispensing with the Hutchinson amendment, the Senate took up a Kyl Amendment to provide $4.8 million for law enforcement to combat gangs on Indian Tribal Lands. While these gangs have yet to present themselves in Michigan, states such as Arizona are having to confront this problem with increasing frequency. In an effort to address this problem before it becomes a national phenomenon, I supported Senator KYL's amendment. Nevertheless, it was defeated on a 34–64 vote.

The next legislation to be considered was a Bumpers amendment to impose a royalty of five percent of the net return on the profits from mining gold, silver and platinum. In addition, in order to raise funds to pay for the cleanup of abandoned mines, the amendment would also charge a reclamation fee for those mines which have patented their lands.

In his speech on the Senate floor, Senator BUMPERS indicated that the reclamation fee served as a much needed tax on the industry. Shortly after, a point of order was raised which noted that the introduction of a tax measure such as this in the Senate was unconstitutional. A vote was called to determine the merit of the point of order. Whether Senator BUMPERS legislation had merit or not, it was clear to me that the amendment did violate the Constitutional law stating all tax measures must originate in the House of Representatives. I agreed that the Point of Order was well taken and, on a 59–39 vote, the Bumpers amendment was deemed out of order.

Shortly after disposing of the Bumpers Amendment, the Senate turned to final consideration of the FY98 Interior Appropriations bill. I was pleased to support its 93–3 passage and urge the conferees to work as quickly as possible to finalize the conference report before the end of the fiscal year.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Utah [Mr. BENNETT] as a member of the Senate Delegation to the North Atlantic Assembly during the First Session of the 105th Congress, to be held in Bucharest, Romania, October 9–14, 1997.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE REPORTED ITEMS

Mr. STEVENS. Mr. President, I ask unanimous consent that on Wednesday, October 15, committees have from the hours of 11 a.m. to 3 p.m. in order to file legislative or executive reported items.

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

ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1997

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 142, S. 399.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 399) 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.

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 Environment and Public Works, 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 ''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—

(1) 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 (7), 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) INSTITUTE 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. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

(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 11 and 12, respectively.

(b) USE OF THE INSTITUTE.—The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) is amended by inserting after section 9 the following:

''SEC. 10. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

''(a) AUTHORIZATION.—A Federal agency may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural resources.

''(b) PAYMENT.—

''(1) IN GENERAL.—A Federal agency may enter into a contract and expend funds to obtain the services of the Institute.

''(2) PAYMENT INTO TRUST FUND.—A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Trust Fund.

''(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.—A 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; and

''(C) other relevant information.

''(3) CONCURRENCE.—

''(A) IN GENERAL.—In a case that involves a dispute or conflict between 2 or more agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality), an agency or instrumentality 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 of the dispute or conflict.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 12 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) ADDITIONAL AMOUNTS.—There are authorized to be appropriated to the Trust Fund to carry out this Act an additional amount of—

''(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. 8. 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 12''.

(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.

AMENDMENT NO. 1323

(Purpose: To separate funds used for environmental conflict resolution from scholarship funds)

Mr. STEVENS. Mr. President, Senator MCCAIN has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. MCCAIN, proposes an amendment numbered 1323.

Mr. STEVENS. 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:

Beginning on page 14, strike line 17 and all that follows through page 15, line 3, and insert the following:

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.

On page 15, strike lines 13 through 16 and insert the following:

''(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.

On page 17, line 1, strike ''**SEC. 7.**'' and insert ''**SEC. 8.**''.

On page 17, line 2, strike ''Section 12'' and insert ''Section 13''.

On page 17, strike lines 11 through 13 and insert the following:

''(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 10—

On page 17, line 21, strike ''**SEC. 8.**'' and insert ''**SEC. 9.**''.

On page 18, line 4, strike ''12'' and insert ''13(a)''.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1323) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee amendment, as amended, be agreed to; 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 PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

The bill (S. 399), as amended, was read the third time and passed, as follows:

S. 399

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—

(1) 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 (7), 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) INSTITUTE 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, mediation, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural resources.

''(b) PAYMENT.—

''(1) IN GENERAL.—A Federal agency may enter into 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.—A 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; and

''(C) other relevant information.

''(3) CONCURRENCE.—

''(A) IN GENERAL.—In a case that involves a dispute or conflict between 2 or more agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality), an agency or instrumentality 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 of the dispute or conflict.''.

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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 65, 281, 289, and 307. I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

NATIONAL CREDIT UNION ADMINISTRATION

Yolanda Townsend Wheat, of Missouri, to be a Member of the National Credit Union Administration Board for the term of six years expiring August 2, 2001.

DEPARTMENT OF STATE

Thomas J. Dodd, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Corinne Claiborne Boggs, of Louisiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

NATIONAL CREDIT UNION ADMINISTRATION BOARD

Dennis Dollar, of Mississippi, to be a Member of the National Credit Union Administration Board for a term expiring April 10, 2003.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to consider the following nominations on the Executive Calendar: Nos. 163, 273, and 319. I also ask unanimous consent that the Labor Committee be discharged from further consideration of the nomination of Katharine G. Abraham, to be Commissioner of Labor Statistics, and that the Senate proceed to its consideration. I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

THE JUDICIARY

Anthony W. Ishii, of California, to be United States District Judge for the Eastern District of California.

DEPARTMENT OF STATE

Susan E. Rice, of the District of Columbia, to be an Assistant Secretary of State.

Martin S. Indyk, of the District of Columbia, to be an Assistant Secretary of State.

DEPARTMENT OF LABOR

Katharine G. Abraham, of Iowa, to be Commissioner of Labor Statistics, United States Department of Labor, for a term of four years.

NOMINATION OF ANTHONY ISHII

Mrs. BOXER. Mr. President, having recommended Anthony W. Ishii to President Clinton to be U.S. District Judge for the Eastern District in California, I am gratified to see his nomination come before the full Senate today, and I urge my colleagues to vote to confirm him.

Anthony Ishii, a third generation Californian, will be the first Asian-American to serve on the Eastern District federal bench. He has had a long and distinguished legal career. Currently, he serves as a Municipal Court Judge for the Central Valley Municipal Court in Fresno, California.

For ten years prior to his service on the Municipal Court bench, he served as a Justice Court Judge for the Parlier-Selma Judicial District in Fresno County. He was initially appointed to the Justice Court position by the Fresno County Board of Supervisors, and has since stood for election three time. He won his first reelection and has been unopposed in each of the two subsequent ones.

Judge Ishii received his Juris Doctor from Boalt Hall, the law school at the University of California, Berkeley. Early in his career, he was a Deputy City Attorney in Sacramento and a Deputy Public Defender for the County of Fresno. Prior to his service on the bench, he was an attorney in private practice. He has extensive trial experience, handling over 70 jury trials before becoming a judge.

For years, Judge Ishii has been involved in numerous professional activities. He was appointed to the prestigious California Judicial Council by California Supreme Court Chief Justice Malcolm Lucas. Additionally, he served as a member of the Judicial Council Advisory Committee on the Administration of Justice in the rural counties for three years. He served

from 1991 to 1993 on the Commission on the Future of the California Courts. From 1983 to 1993, he was a member of the Fresno County Justice Court Judges Association and served a term as president of the organization.

Judge Ishii is also a leader in his community. He is a member of the Japanese American Citizens League, where he has served in numerous capacities for over nineteen years. His community service includes the Selma Public Education Foundation, the Selma Hospital Foundation, the Selma Delinquency Prevention Committee, and service on the Board of Valley Public Television. He has been a member of the California Small Business Development Board, the California Task Force on Rural Economy, and the Asian and Pacific Islander Advisory Committee.

Judge Ishii has received numerous letters illustrating his broad, bipartisan support. The Sheriff of Fresno County, Steve Magarian, who has known Judge Ishii for 15 years, says he ''has earned the deep respect from law enforcement''.

The Chief of Police, William Eldridge, of the Livingston Police Department says Judge Ishii is ''highly respected by both the citizens of the community and law enforcement.''

The President of the Merced County Sheriff's Employee Association, Brian Miller, writes Ishii ''has a strong commitment to law enforcement, and has the background and knowledge that makes him an invaluable asset to the Federal Judicial System.''

The President of the 700-member Fresno Police Officers Association, Larry Bertao, says that Judge Ishii has an ''outstanding reputation among local law enforcement . . . and will serve his community in an effective and distinguished manner as a federal court judge.''

The President of the Fresno Deputy Sheriffs Association, Victor Wisemer, says Judge Ishii is ''well-respected by his colleagues, has a strong commitment to quality law enforcement, and is equitable in the decisions he renders.''

Judge Ishii has the unanimous support of the Fresno County Board of Supervisors, an all-Republican Board. Their letter states that Ishii is ''recognized for his exemplary judicial tenure and has universal community support.''

The President of the Fresno Chamber of Commerce, Doug Davidian, says he is ''well respected by law enforcement, the judiciary and by the legal and business communities.''

I strongly believe Judge Ishii will make an outstanding addition to the federal bench. I believe his intelligence, judicial temperament, broad experience, professional and community service, and deep commitment to justice qualify him to serve on the federal bench with great distinction.

I am very proud to have had the opportunity to recommend Anthony Ishii for the Federal District Court, and I urge my colleagues to vote to approve his nomination.

Mr. LEAHY. Mr. President, I am delighted that the majority leader had decided to take up the nomination of Judge Anthony W. Ishii to be a United States District Judge for the Eastern District of California. Judge Ishii is an outstanding nominee. He is currently a municipal court judge in Fresno, California. The ABA found him to be well-qualified, its highest rating.

We first received Anthony Ishii's nomination on February 12, 1997, almost eight months ago. He had a confirmation hearing on June 25, where he was strongly supported by both California Senators. He was favorably reported by the Judiciary Committee back on July 10. There has been no explanation or justification for the delay in bringing this nomination forward from the Senate calendar. I am sure that Judge Ishii and his family are happy that their long wait is now over. I congratulate them and look forward to his service on the District Court.

Unfortunately, the Republican leadership has chosen again to skip over the nomination of Margaret Morrow. In spite of the adoption of the Wysen-Grassley amendment earlier this month, an amendment that calls upon Senators to come forward within two days of exercising a hold to identify themselves, Margaret Morrow's nomination has been the subject of an anonymous and mysterious hold over a period of two years and most recently since being reported on June 12, almost four months ago.

On September 29 Senator Hatch reiterated his continuing support for the nomination of Margaret Morrow and announced that he will vote for her. He said: ''I have found her to be qualified and I will support her. Undoubtedly, there will be some who will not, but she deserved to have her vote on the floor. I have been assured by the majority leader that she will have her vote on the floor. I intend to argue for and on her behalf.''

I have looked forward to that debate since June 12. I ask, again, why not now, why not today, why not this week? This is a nomination that has been pending for far too long and that has been stalled here on the floor twice over two years without justification. Last year this nomination was unanimously reported by the Judiciary Committee and was left to wither without action for over three months. This year, the Committee again reported her nomination favorably and it has been pending for another four months. There has been no explanation for this delay and no justification. This good woman does not deserve this shameful treatment.

Meanwhile, the people served by the District Court for the Central District of California continue to suffer the affects of this persistent vacancy—cases are not heard, criminal cases are not being tried. This is one of more than 28 vacancies that have persisted for so long that they are classified as ''judicial emergency'' vacancies by the Administrative Office of the United States Courts.

When the President spoke out in his national radio address, he asked that the delay in the consideration of judicial nominees come to an end. Unfortunately, the delay continues with respect to too many nominations, including that of Margaret Morrow.

NOMINATION OF KATHARINE G. ABRAHAM

Mr. MOYHIHAN. Mr. President, the record should reflect that there is a growing body of evidence that the Consumer Price Index, as complied by the Bureau of Labor Statistics, is not an accurate measure of the cost of living. The BLS itself so states in its brochure, ''Understanding the Consumer Price Index: Answers to Some Questions,'' which in answer to the question ''Is the CPI a cost of living index?'' says ''No, although it frequently and mistakenly is called a cost of living index.''

That the CPI is an upward-biased measure of changes in the cost of living is not in dispute. The Advisory Commission to Study the Consumer Price index appointed by the Finance Committee in 1995 concluded as follows:

* * * The Commission's best estimate of the size of the upward bias looking forward is 1.1 percentage points per year. The range of plausible values is 0.8 to 1.6 percentage points per year.

In testimony on February 11, 1997 before the Finance Committee, Commissioner Abraham herself acknowledged that the CPI ''gives you an upper bound on what is happening to the cost of living.''

I would also note that Dr. David Wilcox, who was recently nominated to be Assistant Secretary of the Treasury for Economic Policy, has reached conclusions remarkably similar to those of the Boskin Commission. While serving as Senior Economist at the Federal Reserve Board, Dr. Wilcox and Matthew Shapiro, Professor of Economics at the University of Michigan, published a study entitled ''Mismeasurement in the Consumer Price Index: An Evaluation'' in which they wrote:

* * * we [find] the overall bias in the CPI at just under 1.0 percentage point per year. We also estimate that the [range] lies between 0.6 percentage point per year and 1.5 percentage points per year.

So the issue is not whether the CPI an accurate measure of changes in the cost-of-living, but rather how large is the upward bias?

Yet despite evidence from experts both inside and outside the government, last spring we began to hear repeated the argument that questioning the accuracy of the Consumer Price Index as a measurement of the cost of living somehow constituted political interference with the BLS. I hope that in her second term, Commissioner Abraham will help to dispel this perception by working closely with price experts inside and outside the government. For as Federal Reserve Chairman Alan Greenspan said in testimony

before the Finance Committee on January 30, 1997:

* * * assuming zero for the remaining bias is the political fix. On this issue we should let evidence, not politics, drive policy.

Policies based on inaccurate statistics can have dramatic consequences for the economy. For example, overstating the increase in the cost of living reduces the growth in real wages. With an overstated cost of living measure, it appears that real hourly wages have been stagnant for the past 30 years. Yet with a one percentage point correction, it turns out that real hourly earnings have actually increased by 35 percent.

It is important that our Bureau of Labor Statistics, which is comprised of many superb professionals, even so be humble enough to recognize that it may not be the repository of all expertise on this subject. There are other views, and they need to be considered carefully by the BLS. Commissioner Abraham would do well to be mindful of this in her second term.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL MAMMOGRAPHY DAY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 136, submitted today by Senators BIDEN, MACK, ABRAHAM and others.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. 136) designating October 17, 1997, as ''National Mammography Day.''

The Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. 136) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 136

Whereas according to the American Cancer Society, in 1997, 180,200 women will be diagnosed with breast cancer and 43,900 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of earlydetection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination (BSE), saving as many as 30 percent more lives;

Whereas the medicare program will cover mammograms on an annual basis for women over 39 years of age, beginning in January, 1998; and

Whereas 47 States have passed legislation requiring health insurance companies to cover mammograms in accordance with recognized screening guidelines: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 17, 1997, as ''National Mammography Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

Mr. STEVENS. Mr. President, I might state that all of those items were cleared by the Democratic side, as well as the Republican side of the Senate.

ORDERS FOR MONDAY, OCTOBER 20, 1997

Mr. STEVENS. Mr. President, I announce that when the Senate adjourns this evening, it will reconvene under the provisions of House Concurrent Resolution 169 at 12 noon on Monday, October 20. I ask unanimous consent that immediately following the prayer, the routine requests through the morning hour be granted; and that there then be a period for the transaction of morning business until the hour of 2:30 p.m., with Senators permitted to speak for up to 5 minutes each.

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

PROGRAM

Mr. STEVENS. Mr. President, the Senate will not be in session tomorrow, Friday, October 10. The Senate will reconvene on Monday, October 20, and at 2:30, the Senate will resume consideration of the ISTEA legislation. However, no votes will occur during the session of the Senate on Monday, October 20. Votes could occur as early as the morning of Tuesday, October 21. The continuing resolution expires on October 23. Therefore, the Senate will be considering available appropriations conference reports throughout the week the Senate returns from the Columbus Day recess.

AUTHORITY FOR COMMITTEES TO FILE REPORTED LEGISLATION

Mr. STEVENS. Mr. President, I ask unanimous consent that committees have until 7 p.m. this evening to file reported legislation.

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

ADJOURNMENT UNTIL MONDAY, OCTOBER 20, 1997

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of House Concurrent Resolution 169, until 12 noon on Monday, October 20, 1997.

Thereupon, the Senate, at 6:57 p.m., adjourned until Monday, October 20, 1997, at 12 noon.

NOMINATIONS

EXECUTIVE OFFICE OF THE PRESIDENT

Executive nominations received by the Senate October 9, 1997:

ROBERT S. WARSHAW, OF NEW YORK, TO BE ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY, VICE ROSE OCHIE, RESIGNED.

DEPARTMENT OF STATE

MARY MEL FRENCH, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF OF PROTOCOL, AND TO HAVE THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE.

ROBERT T. GREY, JR., OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

DAVID B. HERMELIN, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

HARRIET C. BABBIT, OF ARIZONA, TO BE DEPUTY ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE CAROL J. LANCASTER, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

RICHARD B. HOWARD, OF CALIFORNIA

U.S. INFORMATION AGENCY

ROBERT JAMES BIGART, JR., OF NEW YORK
SUE K. BROWN, OF TEXAS
CATHY TAYLOR CHIKES, OF VIRGNIA
RENATE ZIMMERMAN COLESHILL, OF FLORIDA
JAMES R. CUNNINGHAM, OF VIRGINIA
THOMAS E. FACHETTI, OF PENNSYLVANIA
LINDA GRAY MARTINS, OF VIRGINIA
NIKITA GRIGOROVICH-BARSKY, OF MARYLAND
SUSAN M. HEWITT, OF VIRGINIA
JOHN D. LAVELLE, JR., OF VIRGINIA
JO ANN QUINTON-SAMUELS, OF FLORIDA
VINCENT P. RAIMONDI, OF NEW YORK
RAYMOND E. SIMMERSON, OF MARYLAND
ROBERT D. SMOOT, OF FLORIDA
CAROL J. URBAN, OF THE DISTRICT OF COLUMBIA
PATRICIA L. WALLER, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CAREY N. GORDON, OF FLORIDA
CECIL DUNCAN MC FARLAND, OF KENTUCKY
STEPHEN HUXLEY SMITH, OF NEW HAMPSHIRE

U.S. INFORMATION AGENCY

ERGIBE A. BOYD, OF MARYLAND
TIMOTHY JAMES DODMAN, OF NEBRASKA
SAMUEL G. DURRETT, OF VIRGINIA
STANLEY E. GIBSON, OF OHIO
PAUL LAWRENCE GOOD, OF CALIFORNIA
GAYLE CARTER HAMILTON, OF TEXAS
BETTY DIANE JENKINS, OF VIRGINIA
GERALD K. KANDEL, OF NEVADA
MARY A. MC CARTER-SHEEHAN, OF KANSAS
MARGARET C. OSOSKY, OF THE DISTRICT OF COLUMBIA
DELORIS D. SMITH, OF MARYLAND
MICHELE ISA SPRECHMAN, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

TIMOTHY H. ANDERSON, OF VIRGINIA
JOHN A. BEED, OF MARYLAND
PETER R. HUBBARD, OF CALIFORNIA

GEORGE R. JIRON, JR., OF NEW MEXICO
CYNTHIA DIANE PRUETT, OF TEXAS
GLENN ROY ROGERS, OF TEXAS
DAVID P. YOUNG, OF VIRGINIA

U.S. INFORMATION AGENCY

MIRIAM W. ADOFO, OF MARYLAND
SANDRA L. DAVIS, OF MARYLAND
BARBARA J. DEJOURNETTE, OF NORTH CAROLINA
LONNIE KELLEY, JR., OF TEXAS
DIANE M. LACROIX, OF NEW HAMPSHIRE
BARBARA L. MCCARTHY, OF VIRGINIA

DEPARTMENT OF STATE

RHONDA J. WATSON, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

JOSEPH M. CARROLL, OF THE DISTRICT OF COLUMBIA
DAVID N. KIEFNER, OF PENNSYLVANIA

DEPARTMENT OF STATE

STEPHEN C. ANDERSON, OF MISSOURI
ALINA ARIAS-MILLER, OF INDIANA
ROBERT LLOYD BATCHELDER, OF COLORADO
ROBERT STEPHEN BEECROFT, OF CALIFORNIA
DREW GARDNER BLAKENEY, OF TEXAS
RICHARD C. BOLY, OF WASHINGTON
KATHERINE ANN BRUCKER, OF CALIFORNIA
MARILYN JOAN BRUNO, OF FLORIDA
SALLY A. COCHRAN, OF FLORIDA
STEPHEN A. DODSON, OF TEXAS
CHRISTINA DOUGHERTY, OF VIRGINIA
PATRICK MICHAEL DUNN, OF FLORIDA
SAMUEL DICKSON DYKEMA, OF WISCONSIN
RUTA D. ELVIKIS, OF TEXAS
LISA B. GREGORY, OF PENNSYLVANIA
KATHLEEN M. HAMANN, OF WASHINGTON
JEFFREY J. HAWKINS, OF CALIFORNIA
LISA ANN HENDERSON HARMS, OF PENNSYLVANIA
JOHN ROBERT HIGI, OF FLORIDA
ROBYN A. HOOKER, OF FLORIDA
RAYMOND ERIC HOTZ, OF KENTUCKY
JAMES J. HUNTER, OF NEW JERSEY
MARY B. JOHNSON, OF INDIANA
WENDY MEROE JOHNSON, OF CALIFORNIA
LISA S. KIERANS, OF NEW JERSEY
DOUGLAS A. KONEFF, OF FLORIDA
EVAN A. KOPP, OF CALIFORNIA
KIMBERLY CONSTANCE KRHOUNEK, OF NEBRASKA
DANIEL J. KRITENBRINK, OF VIRGINIA
TIMOTHY P. LATTIMER, OF CALIFORNIA
SUSAN M. LAUER, OF FLORIDA
JESSICA SUE LEVINE, OF MASSACHUSETTS
ALEXIS F. LUDWIG, OF CALIFORNIA
NICHOLAS JORDAN MANRING, OF WASHINGTON
PAUL OVERTON MAYER, OF KANSAS
JAMES A. MCNAUGHT, OF FLORIDA
STEPHEN HOWARD MILLER, OF MARYLAND
MARGARET GRAN MITCHELL, OF MARYLAND
JAMES D. MULLINAX, OF WASHINGTON
NELS PETER NORDQUIST, OF MONTANA
MARK BRENDAN O'CONNOR, OF FLORIDA
STUART EVERETT PATT, OF CALIFORNIA
BETH A. PAYNE, OF VIRGINIA
JOAN A. POLASCHIK, OF VIRGINIA
ASHLEY R. PROFAIZER, OF TEXAS
JOHN ROBERT RODGERS, OF VIRGINIA
PAUL F. SCHULTZ III, OF VIRGINIA
DONALD MARK SHEEHAN, OF VIRGINIA
ROGER A. SKAVDAHL, OF TEXAS
PHILIP JOHN SKOTTE, OF NEW YORK
ANTON KURT SMITH, OF ARKANSAS
WILLARD TENNEY SMITH, OF TEXAS
SEAN B. STEIN, OF UTAH
LESSLIE C. VIGUERIE, OF VIRGINIA
PEGGY JEANNE WALKER, OF ARIZONA
BENJAMIN WEBER, OF NEW JERSEY
KENNETH M. WETZEL, OF VIRGINIA
STEPHANIE TURCO WILLIAMS, OF TEXAS
MARGRET G. WOODBURN, OF MINNESOTA
BARBARA ANN BOOTES YODER, OF FLORIDA

U.S. INFORMATION AGENCY

ELIZABETH A. CEMAL, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ROBERT LESLIE BARCO, OF VIRGINIA
JENNIFER BARLAMENT, OF VIRGINIA
ROBERT H. BATES, OF VIRGINIA
MICHAEL RICHARD BELANGER, OF MARYLAND
RALPH W. BILD, OF VIRGINIA
TIMOTHY HAYES BOUCHARD, OF VIRGINIA
NANCY E. BONE, OF VIRGINIA÷
MARY SUSAN BRACKEN, OF VIRGINIA
MARK B. BURNETT, OF CALIFORNIA
GERALD CHEYNE, OF CONNECTICUT
KAREN KYUNG WON CHOE, OF NEW YORK
LYNN M. CLEMONS, OF VIRGINIA
KENT E. CLIZBE, OF VIRGINIA
MICHAEL A. COLLIER, OF MARYLAND
TIMOTHY EDWARD CORCORAN, OF VIRGINIA
GLENN A. CORN, OF VIRGINIA
WHITNEY ANTHONY COULON, III, OF VIRGINIA
ERIN JAMES COYLE, OF VIRGINIA
ALLEN BRUCE CRAFT, OF MARYLAND
DANIEL T. CROCKER, OF NEW CAROLINA
ANNE ELIZABETH DAVIS, OF GEORGIA
SHIRLEY NELSON DEAN, OF VIRGINIA
CHRISTOPHER JAMES DEL CORSO, OF NEW YORK
LIBBURN S. DESKINS III, OF MISSOURI
JOSEPH MARCUS DETRANI, OF VIRGINIA
STEWART TRAVIS DEVINE, OF FLORIDA
PETER M. DILLON, OF MARYLAND
MARK DUANE DUDLEY, OF VIRGINIA
ELIZABETH A. DUNCAN, OF ILLINOIS
ELLEN M. DUNLAP, OF FLORIDA
IAN FALLOWFIELD DUNN, OF VIRGINIA
EDITH D. EARLY, OF VIRGINIA
CYNTHIA C. ECHEVERRIA, OF ILLINOIS
DAVID ABRAHAM EL-HINN, OF CALIFORNIA
G. MICHAEL EPPERSON, OF MARYLAND
ELIZABETH A. FERNANDEZ, OF VIRGINIA
ROMULO ANDRES GALLEGOS, OF ILLINOIS
JAMES GARRY, OF THE DISTRICT OF COLUMBIA
HEATHER GIFFORD, OF THE DISTRICT OF COLUMBIA
JAIME A. GONZALEZ, OF VIRGINIA
ALISON E. GRAVES, OF VIRGINIA
HARRIET ANN HALBERT, OF VIRGINIA
DONOVAN JOHN HALL, OF VIRGINIA
RUTH I. HAMMEL, OF OHIO
ROBERT W. HENRY, OF VIRGINIA
ELLEN MACKEY HOFFMAN, OF VIRGINIA
DERECK J. HOGAN, OF NEW JERSEY
MIMI M. HUANG,OF MICHIGAN
GREGORY H. JESSEMAN, OF VIRGINIA
ANTHONY L. JOHNSON, OF VIRGINIA
JOCELYN HERNRIED JOHNSTON, OF MARYLAND
LAUREL M. KALNOKY, OF VIRGINIA
MARGARET LYNN KANE, OF OHIO
LAURA VAUGHN KIRK, OF VIRGINIA
TAN VAN LE, OF MARYLAND
GABRIELLE T. LEGEAY, OF VIRGINIA
MARK EDWARD LEWIS, OF VIRGINIA
MARC DANIEL LIEBERMANN, OF MARYLAND
MARVIN SUTTLES MASSEY III, OF VIRGINIA
DOUGLAS JOHN MATHEWS, OF VIRGINIA
MICHAEL H. MATTEI, OF VIRGINIA
TIMOTHY JOHN MCCULLOUGH, OF VIRGINIA
CHRISTOPHER ANDREW MCELVEIN, OF VIRGINIA
VICTOR MANUEL MENDEZ, OF VIRGINIA
ANDREW BENJAMIN MITCHELL, OF TEXAS
TREVOR W. MONROE, OF VIRGINIA
STEPHEN B. MUNN, OF ALABAMA
BRIAN PATRICK MURPHY, OF VIRGINIA
PHILIP T. NEMEC, OF WASHINGTON
PAUL FRANCIS CROCKER NEVIN, OF FLORIDA
STEPHEN P. NEWHOUSE, OF CALIFORNIA
DENISE E. NIXON, OF VIRGINIA
MAI-THAO T. NGUYEN, OF TEXAS
LAWRENCE E. O'CONNELL, OF VIRGINIA
ELIZABETH ANNE O'CONNOR, OF VIRGINIA
MICHAEL T. OSWALD, OF CONNECTICUT
KATHLEEN G. OWEN, OF VIRGINIA
TODD HAROLD PAVELA, JR., OF VIRGINIA @
RICHARD T. PELLETIER, OF MARYLAND
DAVID M. RABETTE, OF VIRGINIA
DEBORAH L. REYNOLDS, OF VIRGINIA
PHILIP C. REYNOLDS, OF VIRGINIA
SARA DARROCH ROBERTSON, OF VIRGINIA
WYLMA CHRISTINA SAMARANAYKE ROBINSON, OF VIRGINIA
ELBERT GEORGE ROSS, OF VIRGINIA
FRANCES S. ROSS, OF VIRGINIA
JAMES P. SANCHEZ, OF VIRGINIA
STELIANOS GEORGE SCARLIS, OF VIRGINIA
JONATHAN ANDREW SCHOOLS, OF TEXAS
NICHOLAS E. T. SIEGEL, OF CONNECTICUT
HOWARD SOLOMON, OF KANSAS
ANNE R. SORENSEN, OF NEW YORK
SUSAN SCOPETSKI SYNDER, OF VIRGINIA
DANA EDWARD SOTHERLUND, OF VIRGINIA
MICHAEL CHRISTOPHER SPECKHARD, OF VIRGINIA
BONNIE PHILLIPS SPEROW, OF VIRGINIA
DAVID T. STADELMYER, OF VIRGINIA
WILLIAM M. SUSONG, OF VIRGINIA
MARY G. THOMPSON, OF VIRGINIA
MELANIE F. TING, OF VIRGINIA
ALEXANDER TOUNGER, OF VIRGINIA
W. JEAN WATKINS, OF FLORIDA
SONYA ANJALI ENGSTROM WATTS, OF IOWA
RICHARD MARC WEISS, OF VIRGINIA
STEVEN J. WHITAKER, OF FLORIDA
AUSTIN ROGER WIEHE, OF VIRGINIA
SHELLY MONTGOMERY WILLIAMS, OF THE DISTRICT OF COLUMBIA
ERIC MARSHALL WONG, OF CALIFORNIA
ROBERT P. WOODS, OF VIRGINIA

FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE JULY 12, 1994:

U.S. INFORMATION AGENCY

SUSAN ZIADEH, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 16, 1994:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

KENNETH ALAN DUNCAN, OF CONNECITCUT

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 28, 1993:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

RICHARD T. MILLER, OF TEXAS

EXECUTIVE OFFICE OF THE PRESIDENT

RICHARD W. FISHER, OF TEXAS, TO BE DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE CHARLENE BARSHEFSKY.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

THOMAS H. FOX, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE HENRIETTA HOLSMAN FORE.

DEPARTMENT OF THE INTERIOR

KEVIN GOVER, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE ADA. E. DEER, RESIGNED.

SMALL BUSINESS ADMINISTRATION

FRED P. HOCHBERG, OF NEW YORK, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE GINGER EHN LEW.

U.S. INFORMATION AGENCY

CARL SPEILVOGEL, OF NEW YORK, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 1999. (REAPPOINTMENT)

DEPARTMENT OF THE TREASURY

DONALD C. LUBICK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE LESLIE B. SAMUELS, RESIGNED.

DEPARTMENT OF LABOR

IDA L. CASTRO, OF NEW YORK, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE KAREN BETH NUSSBAUM, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JOY HARJO, OF NEW MEXICO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2002, VICE WILLIAM E. STRICKLAND, JR., TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 14, UNITED STATES CODE, SECTION 729:

To be rear admiral

REAR ADM. (LH) J. TIMOTHY RIKER, 0000.

To be rear admiral (lower half)

CAPT. CARLTON D. MOORE, 0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, UNITED STATES CODE, SECTION 271:

To be rear admiral

REAR ADM. (1H) JOSEPH J. MCCLELLAND, JR., 0000.
REAR ADM. (1H) JOHN L. PARKER, 0000.
REAR ADM. (1H) PAUL J. PLUTA, 0000.
REAR ADM. (1H) THAD W. ALLEN, 0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, UNITED STATES CODE, SECTION 271:

To be rear admiral (lower half)

CAPT. DAVID S. BELZ, 0000.
CAPT. JAMES S. CARMICHAEL, 0000.
CAPT. ROY J. CASTO, 0000.
CAPT. JAMES A. KINGHORN, 0000.
CAPT. ERROL M. BROWN, 0000.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5035:

To be admiral

VICE ADM. DONALD L. PILLING, 0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. CONRAD C. LAUTENBACHER, 0000.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS OF THE U.S. NAVY MILITARY ACADEMY IN THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 4333:

To be colonel

RUSSELL D. HOWARD, 0000.
ANDRE H. SAYLES, 0000.

To be lieutenant colonel

STEPHEN J. RESSLER, 0000.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 9, 1997:

NATIONAL CREDIT UNION ADMINISTRATION

YOLANDA TOWNSEND WHEAT, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE TERM OF 6 YEARS EXPIRING AUGUST 2, 2001.

DEPARTMENT OF STATE

SUSAN E. RICE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE.

THOMAS J. DODD, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

CORINNE CLAIBORNE BOGGS, OF LOUISIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

NATIONAL CREDIT UNION ADMINISTRATION BOARD

DENNIS DOLLAR, OF MISSISSIPPI, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING APRIL 10, 2003.

DEPARTMENT OF STATE

MARTIN S. INDYK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE.

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 LABOR

KATHARINE G. ABRAHAM, OF IOWA, TO BE COMMISSIONER OF LABOR STATISTICS, UNITED STATES DEPARTMENT OF LABOR, FOR A TERM OF 4 YEARS.

THE JUDICIARY

ANTHONY W. ISHII, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA.

EXTENSIONS OF REMARKS

THE WAR ON DRUGS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following article from the Atlanta Journal Constitution dated September 24, 1997. I believe this is a blatant example of how our country has lost some major battles with the war on drugs, but the war itself is not lost. To many people it's become painfully apparent in the last few years the war on drugs has been failing. America has spent millions of dollars on efforts to rid our society of the ravages of illegal drugs, only to find ourselves in a situation that's worse than when we began. We must now have the resolve and fortitude to carry the fight to the dealers and traffickers themselves.

This is exactly why I introduced H.R. 41, the Drug Importer Death Penalty Act, to assist in curbing the quantities of drugs entering the United States. The legislation would call for a mandatory life sentence if someone is found to have brought a commercial quantity of drugs into the United States. On the second offense, a sentence of death would be imposed. It is time for us to send a serious and unmistakable message to those individuals who are profiting from destroying lives and irrevocably chaining our youth to the tragedy of illegal drugs. We will not tolerate the use of illegal drugs, and furthermore we will defend our country from those who wish to enter our borders with the intent to distribute these drugs that are poison to our society.

SUITCASES PACKING HEROIN

(By Ron Martz)

The second major heroin seizure in Atlanta in less than a month is raising concerns among law enforcement officials that the city has become a target for organizations trafficking in the drug.

Nine pounds of heroin believed to have come from Pakistan were discovered hidden in the linings of two large suitcases at Hartsfield International Airport on Monday night, bringing to 22 pounds the amount of the drug found in recent raids, the Drug Enforcement Administration announced Tuesday.

Police allegedly found 13 pounds of heroin from Thailand in the Atlanta apartment of John McGrath, 53, a native of Australia, on August 28. McGrath and three others have been arrested and charged with running an international heroin trafficking ring that brought the drug into Atlanta.

Kashis Rashid Rana, 22, of Kennesaw, was arrested and charged in Monday's seizure at the airport, which DEA officials said was worth about $4 million.

The street value for a kilogram (2.2 pounds) of heroin can range from $70,000 to $200,000, DEA officials said.

The two seizures are not related, according to John Andrejko, head of the Atlanta office of the DEA, who called them ''two of the largest ever'' in the state.

''But what we're seeing in Atlanta is indicative of what we're seeing in the larger cities across the country,'' he said. ''The seizures are getting larger and the purity is going up.''

McGrath pleaded not guilty Tuesday and was released on $50,000 bond.

IN PRAISE OF SGT. KEITH NOWLIN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. HALL of Texas. Mr. Speaker, one of my constituents, Army Sgt. 1st Class Keith H. Nowlin, son of William H. and Mary E. Nowlin of Ivanhoe, TX, was recently involved in specialized military training that is deserving of our recognition.

Sergeant Nowlin was part of an elite group of soldiers from Fort Hood, TX, who traveled to the Army's National Training Center in Fort Irwin, CA, to test the world's most advanced military technology that could transform the battlefield of the 21st century. He is a member of the 4th Infantry Division's 1st Brigade, a unit charged with learning and testing new software, computers and weapon systems that could be used in refitting conventional tanks, artillery equipment, air defense weapon systems, infantry fighting vehicles, and attack helicopters.

The unit traveled to California's Mojave Desert to do battle with a highly trained opposition unit called the OPFOR, which is made up of some of the Army's best soldiers trained in former Soviet Union tactics and using Soviet-style equipment. Nowlin and his unit used their new technology in a series of mock battles to see how well they performed against the OPFOR. Nowlin was a platoon sergeant in this high-tech battle. His training included two years of classes and field testing of over 70 different pieces of high tech equipment and software packages. The information gathered from this exercise is being processed to help determine what systems work and what do not.

Mr. Speaker, I am proud that my congressional district is represented in this type of training, which is so important to our strategic defense planning. The future security of our great Nation will depend on the training and expertise of our enlisted men and women as well as advanced technologies such as those being tested in the deserts of California. I commend Sergeant Nowlin's efforts and the efforts of all those in our military who are dedicating their lives and their careers to the defense of our Nation. As we adjourn today, I ask my colleagues to join me in expressing to them our gratitude and our support, and to let Sergeant Nowlin know that we are very proud of his accomplishments of the past—and of his service today and in the future.

INTRODUCTION OF H.R. 2635—THE HUMAN RIGHTS INFORMATION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. LANTOS. Mr. Speaker, yesterday with a number of our distinguished colleagues in the House, I introduced H.R. 2635, the Human Rights Information Act. Joining me to introduce this bill were my colleagues CONSTANCE MORELLA of Maryland, JAMES MCGOVERN of Massachusetts, ELIZABETH FURSE of Oregon, JOHN LEWIS of Georgia, JAMES OBERSTAR of Minnesota, MARTIN SABO also of Minnesota, JOSE SERRANO of New York, BERNIE SANDERS of Vermont, and MARTIN MEEHAN of Massachusetts. Our legislation is a companion bill to S. 1220, which Senator CHRISTOPHER DODD of Connecticut introduced in the Senate with a number of his distinguished colleagues in that House.

Our legislation will dramatically improve the current declassification procedures of human rights documents pertaining to gross human rights violations in Guatemala and Honduras. This important bill strikes an appropriate balance between the need for speedy and comprehensive declassification and the need to protect legitimate U.S. national security interests. It will be of invaluable assistance to the work of my good friend, Dr. Leo Valladares, the Honduran Human Rights commissioner, who came to testify before the Congressional Human Rights Caucus, which I cochair with Congressman JOHN EDWARD PORTER. It also will support the work of the Guatemalan Clarification Commission, as well as the people of Guatemala and Honduras in general. Only full consideration and investigation of human rights abuses in these two countries can achieve the full accountability needed to rebuild a peaceful and reconciled civil society in those areas.

The Government of Guatemala and the rebels, the Guatemalan National Revolutionary Unity [URNG], formally ended their hostilities at the end of 1996. But peace cannot exist without truth, a principle which these parties recognized in agreeing to establish a truth commission—The Commission for the Historical Clarification of Human Rights Violations and Acts of Violence which have Caused Suffering to the Guatemalan People. Given this monumental task, the commission has only a very short period to accomplish its important work. The commission's work by law is to take only 6 months, but that time limit can be extended for another 6 months. The clock began ticking when the work of the commission formally began on July 31, 1997. Therefore swift and comprehensive declassification of all relevant United States agency documents is critical to the success for peace and democracy in Guatemala.

The same applies to Honduras. In 1979, the first disappearance took place in Honduras and dozens of others followed, along with

extrajudicial killings. This nightmare followed the implementation of the Honduran military's National Security Doctrine which embarked on a deliberate policy of eliminating people suspected of having links with insurgencies in Honduras and El Salvador or with the Sandinistas in Nicaragua. In May 1992, a law created the National Commissioner for the Protection of Human Rights and in November appointed Leo Valladares Lanza to lead this work. By December 1993, the Commissioner had published a report entitled ''The Facts Speak for Themselves'' detailing the disappearance of close to 200 persons since 1980.

Before Dr. Valladares concluded his preliminary report, he asked the U.S. Government for files and information. With a number of members of the Congressional Human Rights Caucus, I have supported the requests made by Dr. Valladares in several letters to the President and to other administration officials. Despite a Presidential Executive order, declassification of relevant documents has been very narrowly focused and extremely slow. Thus far, the State Department has responded by releasing 3,000 pages of documents, while other agencies fell dramatically short in their efforts to comply with Dr. Valladares' requests.

Mr. Speaker, The Human Rights Information Act will make a number of important changes in the law that will assure prompt and complete declassification of important human rights documents, while at the same time fully respecting and protecting our legitimate national security concerns. The legislation requires Government agencies to review human rights records within 120 days after inquiries by the Honduran Human Rights Commissioner or the Guatemalan Clarification Commission and ensure the release 30 days thereafter. The legislation also applies to requests from appropriate human rights organizations in other Latin American or Caribbean countries requesting information relating to human rights abuses in their countries. The legislation will ensure that an interagency appeals panel reviews agencies' decisions to withhold information, and it provides that two outside human rights specialists suggested by human rights NGO's and appointed by the President will be members of this appeals panel. The declassification standards in this legislation follow the same standards as the Congress has already enacted in the John F. Kennedy Assassination Records Act.

Yesterday, Mr. Speaker, at a press conference on the steps of the U.S. Capitol, I publicly announced the introduction of this legislation. Joining me on this occasion—in addition to our colleagues ELIZABETH FURSE and JAMES MCGOVERN—were a number of outstanding leaders in the struggle for human rights in Central America. They included:

Jennifer Harbury, U.S. attorney, author, and wife of disappeared Guatemalan Guerrilla commander Efraín Bámaca Velásquez; founding member of Coalition ''Missing.'' Ms. Harbury, who now lives in Texas, came to Washington yesterday especially for this event.

Sister Dianna Ortiz, OSU, an Ursuline nun subjected to horrifying torture in 1989 following her abduction. She is a human rights activist and founding member of Coalition ''Missing.''

Calixto Torres, a Guatemalan community worker who was forced to flee because of his work. He has been granted political asylum and currently works with Guatemala Partners and the Latin American Youth Center.

Meredith Larson, a human rights worker attacked by knife-wielding assailants in 1989, is a founding member of Coalition ''Missing.'' She is a resident of the beautiful city of San Francisco and came to Washington especially for this event.

Oscar Reyes, editor of Washington metro Hispanic newspaper ''El Pregonero'' who himself is a victim of torture in Honduras.

Eileen Connolly, sister of Father Carney who disappeared in Honduras in 1983, and her husband.

Mr. Speaker, I ask that the text of H.R. 2635 be placed in the RECORD at this point. I urge my colleagues to join me as a cosponsor of this important legislation.

H.R. 2635

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 ''Human Rights Information Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Agencies of the Government of the United States have information on human rights violations in Guatemala and Honduras.

(2) Members of both Houses of Congress have repeatedly asked the Administration for information on Guatemalan and Honduran human rights cases.

(3) The Guatemalan peace accords, which the Government of the United States firmly supports, has as an important and vital component the establishment of the Commission for the Historical Clarification of Human Rights Violations and Acts of Violence which have Caused Suffering to the Guatemalan People (referred to in this Act as the ''Clarification Commission''). The Clarification Commission will investigate cases of human rights violations and abuses by both parties to the civil conflict in Guatemala and will need all available information to fulfill its mandate.

(4) The National Commissioner for the Protection of Human Rights in the Republic of Honduras has been requesting United States Government documentation on human rights violations in Honduras since November 15, 1993. The Commissioner's request has been partly fulfilled, but is still pending. The request has been supported by national and international human rights nongovernmental organizations as well as members of both Houses of Congress.

(5) Victims and survivors of human rights violations, including United States citizens and their relatives, have also been requesting the information referred to in paragraphs (3) and (4). Survivors and the relatives of victims have a right to know what happened. The requests have been supported by national and international human rights nongovernmental organizations as well as members of both Houses of Congress.

(6) The United States should make the information it has on human rights abuses available to the public as part of the United States commitment to democracy in Central America.

SEC. 3. DEFINITIONS.

In this Act:

(1) HUMAN RIGHTS RECORD.—The term ''human rights record'' means a record in the possession, custody, or control of the United States Government containing information about gross human rights violations committed after 1944.

(2) AGENCY.—The term ''agency'' means any agency of the United States Government charged with the conduct of foreign policy or foreign intelligence, including the Department of State, the Agency for International Development, the Department of Defense (and all of its components), the Central Intelligence Agency, the National Reconnaissance Office, the Department of Justice (and all of its components), the National Security Council, and the Executive Office of the President.

SEC. 4. IDENTIFICATION, REVIEW, AND PUBLIC DISCLOSURE OF HUMAN RIGHTS RECORDS REGARDING GUATEMALA AND HONDURAS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provision of this Act shall govern the declassification and public disclosure of human rights records by agencies.

(b) IDENTIFICATION OF RECORDS.—Not later than 120 days after the date of enactment of this Act, each agency shall identify, review, and organize all human rights records regarding activities occurring in Guatemala and Honduras after 1944 for the purpose of declassifying and disclosing the records to the public. Except as provided in section 5, all records described in the preceding sentence shall be made available to the public not later than 30 days after a review under this section is completed.

(c) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the President shall report to Congress regarding each agency's compliance with the provisions of this Act.

SEC. 5. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

(a) IN GENERAL.—An agency may postpone public disclosure of a human rights record or particular information in a human rights record only if the agency determines that there is clear and convincing evidence that—

(1) the threat to the military defense, intelligence operations, or conduct of foreign relations of the United States raised by public disclosure of the human rights record is of such gravity that it outweighs the public interest, and such public disclosure would reveal—

(A) an intelligence agent whose identity currently requires protection;

(B) an intelligence source or method—

(i) which is being utilized, or reasonably expected to be utilized, by the United States Government;

(ii) which has not been officially disclosed; and

(iii) the disclosure of which would interfere with the conduct of intelligence activities; or

(C) any other matter currently relating to the military defense, intelligence operations, or conduct of foreign relations of the United States, the disclosure of which would demonstrably impair the national security of the United States;

(2) the public disclosure of the human rights record would reveal the name or identity of a living individual who provided confidential information to the United States and would pose a substantial risk of harm to that individual;

(3) the public disclosure of the human rights record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest; or

(4) the public disclosure of the human rights record would compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or a foreign government, and public disclosure would be so harmful that it outweighs the public interest.

(b) SPECIAL TREATMENT OF CERTAIN INFORMATION.—It shall not be grounds for postponement of disclosure of a human rights

record that an individual named in the human rights record was an intelligence asset of the United States Government, although the existence of such relationship may be withheld if the criteria set forth in subsection (a) are met. For purposes of the preceding sentence, the term an ''intelligence asset'' means a covert agent as defined in section 606(4) of the National Security Act of 1947 (50 U.S.C. 426(4)).

SEC. 6. REQUEST FOR HUMAN RIGHTS RECORDS FROM OFFICIAL ENTITIES IN OTHER LATIN AMERICAN CARIBBEAN COUNTRIES.

In the event that an agency of the United States receives a request for human rights records from an entity created by the United Nations or the Organization of American States similar to the Guatemalan Clarification Commission, or from the principal justice or human rights official of a Latin American or Caribbean country who is investigating a pattern of gross human rights violations, the agency shall conduct a review of records as described in section 4 and shall declassify and publicly disclose such records in accordance with the standards and procedures set forth in this Act.

SEC. 7. REVIEW OF DECISIONS TO WITHHOLD RECORDS.

(a) DUTIES OF THE APPEALS PANEL.—The Interagency Security Classification Appeals Panel (referred to in this Act as the ''Appeals Panel''), established under Executive Order No. 12958, shall review determinations by an agency to postpone public disclosure of any human rights record.

(b) DETERMINATIONS OF THE APPEALS PANEL.—

(1) IN GENERAL.—The Appeals Panel shall direct that all human rights records be disclosed to the public, unless the Appeals Panel determines that there is clear and convincing evidence that—

(A) the record is not a human rights record; or

(B) the human rights record or particular information in the human rights record qualifies for postponement of disclosure pursuant to section 5.

(2) TREATMENT IN CASES OF NONDISCLOSURE.—If the Appeals Panel concurs with an agency decision to postpone disclosure of a human rights record, the Appeals Panel shall determine, in consultation with the originating agency and consistent with the standards set forth in this Act, which, if any, of the alternative forms of disclosure described in paragraph (3) shall be made by the agency.

(3) ALTERNATIVE FORMS OF DISCLOSURE.—The forms of disclosure described in this paragraph are as follows:

(A) Disclosure of any reasonably segregable portion of the human rights record after deletion of the portions described in paragraph (1).

(B) Disclosure of a record that is a substitute for information which is not disclosed.

(C) Disclosure of a summary of the information contained in the human rights record.

(4) NOTIFICATION OF DETERMINATION.—

(A) IN GENERAL.—Upon completion of its review, the Appeals Panel shall notify the head of the agency in control or possession of the human rights record that was the subject of the review of its determination and shall, not later than 14 days after the determination, publish the determination in the Federal Register.

(B) NOTICE TO PRESIDENT.—The Appeals Panel shall notify the President of its determination. The notice shall contain a written unclassified justification for its determination, including an explanation of the application of the standards contained in section 5.

(5) GENERAL PROCEDURES.—The Appeals Panel shall publish in the Federal Register guidelines regarding its policy and procedures for adjudicating appeals.

(c) PRESIDENTIAL AUTHORITY OVER APPEALS PANEL DETERMINATION.—

(1) PUBLIC DISCLOSURE OR POSTPONEMENT OF DISCLOSURE.—The President shall have the sole and nondelegable authority to review any determination of the Appeals Board under this Act, and such review shall be based on the standards set forth in section 5. Not later than 30 days after the Appeals Panel's determination and notification to the agency pursuant to subsection (b)(4), the President shall provide the Appeals Panel with an unclassified written certification specifying the President's decision and stating the reasons for the decision, including in the case of a determination to postpone disclosure, the standards set forth in section 5 which are the basis for the President's determination.

(2) RECORD OF PRESIDENTIAL POSTPONEMENT.—The Appeals Panel shall, upon receipt of the President's determination, publish in the Federal Register a copy of any unclassified written certification, statement, and other materials transmitted by or on behalf of the President with regard to the postponement of disclosure of a human rights record.

SEC. 8. REPORT REGARDING OTHER HUMAN RIGHTS RECORDS.

Upon completion of the review and disclosure of the human rights records relating to Guatemala and Honduras, the Information Security Policy Advisory Council, established pursuant to Executive Order No. 12958, shall report to Congress on the desirability and feasibility of declassification of human rights records relating to other countries in Latin America and the Caribbean. The report shall be available to the public.

SEC. 9. RULES OF CONSTRUCTION.

(a) FREEDOM OF INFORMATION ACT.—Nothing in this Act shall be construed to limit any right to file a request with any executive agency or seek judicial review of a decision pursuant to section 552 of title 5, United States Code.

(b) JUDICIAL REVIEW.—Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

SEC. 10. CREATION OF POSITIONS.

For purposes of carrying out the provisions of this Act, there shall be 2 additional positions in the Appeals Panel. The positions shall be filled by the President, based on the recommendations of the American Historical Association, the Latin American Studies Association, Human Rights Watch, and Amnesty International, USA.

TRIBUTE TO AMBASSADOR JASON HU

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. HINCHEY. Mr. Speaker, over the past 15 months, many of us in the House have had the opportunity to meet and work with the Representative of the Republic of China in Washington, Ambassador Jason Hu. Ambassador Hu will be leaving Washington soon to return to Taipei, and I want to take this opportunity to thank him for his service and his friendship, and to honor him for the great diplomatic skills he brought to his job here.

Our two countries have many interests in common, most importantly our shared commitment to freedom and democratic principles. Ambassador Hu has been effective in emphasizing those common interests during his stay in Washington, and keeping us informed about Taiwan's concerns and its hopes for the future. He has demonstrated his skill in helping to define the limits and the possibilities of the relationship between our two countries, and in helping to find ways to assure that our formal and informal relations serve those common interests.

While we are sad to see Ambassador Hu leaving us, I also want to congratulate him on his new assignment as the Republic of China's foreign minister. I am confident that his work in the Ministry will continue to build friendship between our countries and to build on those shared interests. I believe Ambassador Hu understands our people and our country well. The same is true, of course, of Taiwan's President, Lee Teng-hui, who once lived in my congressional district when he attended Cornell University.

Let me add to my personal congratulations to Ambassador Hu my congratulations to all the people of Taiwan on their national day.

TRIBUTE TO TEODORO VIDAL, HIS GIFT TO AMERICAN CULTURE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Mr. Teodoro Vidal, a Puerto Rican businessman and art collector, who has donated his splendid collection of colonial artwork from Puerto Rico to the Smithsonian Institution.

''Colonial Art From Puerto Rico: Selections From the Gift of Teodoro Vidal'', part of Vidal's remarkable endowment to the Smithsonian, is now on exhibit through March 8, 1998 at the National Museum of American Art. Most of his collection will be exhibited in July when the National Museum of American History opens ''Teodoro Vidal: A Collector and His Collection.''

Mr. Vidal, believed in the need to preserve the Puerto Rican patrimony. Forty years ago he started collecting santos, figures of saints and other religious personalities carved in wood, when he saw that tourists were buying most of the pieces and taking them out of the island.

His collection—3,200 historical and cultural artifacts from Puerto Rico—includes paintings by José Campeche, recognized as the greatest Latin American painter of the 18th century, portrait miniatures, costumes, amulets, jewelry, masks, toys, photographs, and 700 ''santos''. Some of the pieces date back to the 17th century.

Vidal's treasure is one of the largest donations by an individual to the Smithsonian Institution. Today the Smithsonian will honor Teodoro Vidal for his breathtakingly valuable gift to the American people. Exhibitions of this magnitude will contribute to the understanding of Latin American peoples, their histories, and diverse cultures.

Mr. Speaker, I urge my colleagues and their staff to visit this extraordinary exhibit, and to join me in recognizing Mr. Teodoro Vidal for his magnanimous gift to the Smithsonian Institution, a gift which is a blessing for the peoples of this Nation.

NORTHEASTERN UNIVERSITY'S CENTENNIAL YEAR

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. MOAKLEY. Mr. Speaker, I rise today to introduce the following resolution recognizing the beginning of Northeastern University's centennial year.

Initially, founded in 1898 in a few rooms at the Y.M.C.A. in Boston, Northeastern University is now a national research institution enrolling more than 11,000 undergraduates, 5,000 graduate students, and 10,000 part-time students in seven colleges and nine graduate and professional schools. It offers a variety of educational programs including nursing, pharmacy, health sciences, business, computer science, engineering, liberal arts, and sciences.

Northeastern University holds a special place in the heart of Boston and in the higher education community. The university was initially created to provide educational opportunity for working families in Boston and its surrounding towns, and has remained fully committed to that mission as it has developed into a world-class research university. Today, the school boasts of its reputation for a top-notch faculty and it attracts students from across the United States and dozens of other countries.

Northeastern University developed an innovative model of cooperative education that is practical in today's workplace. Throughout their schooling, students combine their classroom instruction with on-the-job experience. Cooperative education has enabled Northeastern students to gain practical experience and job skills, thus giving them an edge over other recent college graduates.

Northeastern University has never forgotten its roots. It is deeply committed to its original purpose and it continuously reaches out to its surrounding communities by helping to prepare middle- and high-school students for college. In addition to providing health care services for children and families, and scholarships for hard-working students, the university generates innovative housing and economic development proposals to improve the quality of city life.

Northeastern University's 100 experience years of worthy of congressional and national acclaim.

CONGRATULATIONS TO MICHAEL BUSE

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. METCALF. Mr. Speaker, I rise today to congratulate Michael Buse of Stanwood, WA, who was selected as the winner of the 1997 Voice of Democracy broadcast scriptwriting contest for Washington State.

His essay ''Democracy—Above and Beyond'' compares American democracy to an eagle perched for flight as we look into the new millennium. American democracy soars above and beyond all other forms of government. He concludes that it is our duty to go above and beyond as citizens to preserve and protect our form of democracy.

I would like to congratulate Michael again for his success in this program and thank the Veterans of Foreign Wars for their support of America's youth. I ask unanimous consent that Michael's award-winning essay be included in the RECORD:

''DEMOCRACY—ABOVE AND BEYOND''

Like an eagle perched for flight, American Democracy stands ready, looking into the twenty-first century; a new millennium. As it spreads its wings and gazes over the Earth, American Democracy soars above and beyond all other forms of government.

Why? Perhaps it is because our democracy is above indifference to the wants, needs, and wishes of its citizens. Our democracy is run for, of, and by its people. American Democracy is beyond the control of a single despot or a celebrated few.

Our democracy is founded on the idea that there are extraordinary possibilities in ordinary individuals. Abe Lincoln, our sixteenth President, comes to mind as a young man who rose from the depths of poverty to become perhaps the greatest President our country has ever known. His example—and a number of others—have proven repeatedly that no matter how humbly a child is born, he or she has a chance to engage the minds and capture the imaginations of our whole country. Our democracy is above and beyond all others simply because we have a chance. Under American Democracy we may do as we please, as long as we remain responsible citizens.

The beauty of American Democracy is that we all—man or woman, rich or poor, of whatever race, creed, or religion, have value and are valued. General Joshua Lawrence Chamberlain, ''Hero of the Little Round Top'', addressing his soldiers before the Battle of Gettysburg explained the notion of American Democracy by saying, ''It's not the land, there's always more land, it's the idea that we all have value.''

Today, our American Democracy is the wealthiest, most powerful and freest nation on Earth. Our people are free to criticize their leaders and to elect new ones. We have freedom of the press, religion, and speech. We are free from unjustified arrest by police and have the right to trial by a jury of our peers. Our system of Democracy, as laid out originally in the Constitution and Bill of Rights, was not perfect, but our forefathers anticipated the future, and insured us the power of amendment, which has allowed us over time to continue to work for civil rights for all of our people. Perhaps that is why the world looks to American Democracy as a model. Of the 191 nations listed in the World Almanac, 167 have written constitutions that were either influenced by or modeled after American Democracy.

In a speech delivered to the U.S. Congress, Vaclav Havel, President of the newly formed Czech Republic, asked: ''Wasn't it the best minds of your country who wrote your famous Constitution and Bill of Human Rights? Those great documents which insure American Democracy inspire the world. They inspire us to be citizens.''

As participants in what George Washington called the ''great experiment of American Democracy'' it is our duty to go above and beyond as citizens to preserve and protect our form of Democracy.

IN MEMORY OF RAY PEELER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. HALL of Texas. Mr. Speaker, I rise today in memory of Ray Peeler, Jr., whose death on June 26 at the age of 68 marked a great loss for the city of Bonham, TX. Ray was a popular local attorney, banker, and community leader. He also was a loyal Democrat whose close friends included the late President Lyndon Baines Johnson and the late Speaker of the U.S. House of Representatives Sam Rayburn. For many years Speaker Rayburn kept his local office on the third floor of the Peeler Building on the Bonham Square.

Ray was the third generation of his family to live in Fannin County. He graduated covaledictorian from Bonham High School, received his B.A. with high honors from the University of Texas at Austin and his L.L.B. in 1951. He served as a captain in the U.S. Air Force from 1951 to 1953 during the Korean conflict.

He returned to Bonham, where he began his practice of law in 1953 and served as district and county attorney from 1960 to 1961. He was a member of the American Bar Association, State Bar of Texas, and served as vice president of the State Jr. Bar of Texas from 1959 to 1960. He was active in Democratic politics and was a delegate to the Democratic National Convention in 1960.

Ray was a prominent member of the community and devoted his professional and personal talents to a variety of civic organizations. he served as chairman of the Bonham United Fund and was active in bringing new industry to Fannin County through his service as president of Bonham Industrial Foundation for 10 years. Ray was an honorary life sponsor of the Fannin County Historical Society and was past president and member of the Bonham Chamber of Commerce, Texas Pecan Growers Association and Texas Horticulture Society. He also was a member of the Bonham Rotary Club and the Masonic Lodge. Ray served as president and chairman of the board of directors of Fannin Bank and chairman of the board of First National Bank.

Ray was selected for membership in Phi Beta Kappa, Phi gamma Delta and Phi Alpha Delta and was named to Who's Who in the South and Southwest in 1993. He was a member of the First Christian Church, Disciples of Christ, where funeral services were held.

He is survived by his wife, R'Cella Dean Peeler, son and daughter-in-law William Bryan Peeler and Amy Peeler of Bonham, daughter and son-in-law Maribel Peeler Griffon and Mark Griffon of Friendswood; stepchildren, Cressie Renfrow Todd and Larry Renfrow; sister Virginia Cothran of Forth Worth; and several grandchildren.

Mr. Speaker, as we adjourn today, it is a privilege for me to pay my last respects to a man who gave so much of himself to his profession, his community, and his country—Ray Peeler. He will be missed by all those who knew him and who loved him, and I am honored to have been his friend.

TRIBUTE TO DR. STANLEY B. PRUSINER, A ''MOZART OF SCIENCE,'' ON HIS RECEIVING THE NOBEL PRIZE IN MEDICINE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. LANTOS. Mr. Speaker, it is my privilege and pleasure to hail the accomplishments of Dr. Stanley B. Prusiner, the 1997 recipient of the Nobel Prize in Medicine. Dr. Prusiner, a professor at the University of California San Francisco, joins 30 other Nobel laureates in the UC system, including UCSF's two previous medical honorees—microbiologists J. Michael Bishop and Harold Varmus, the current head of the National Institutes of Health. Dr. Prusiner was awarded this premier distinction for his landmark discovery of prions, rogue protein particles that function as infectious agents. This remarkable innovation could eventually lead to a cure for dreaded neurological diseases such as Alzheimer's, Parkinson's, Huntington's, and amyotropic lateral sclerosis, ALS, better know as Lou Gehrig's disease. In the citation announcing Prusiner's $1 million prize, Sweden's noted Karolinska Institute lauded the social impact of his achievement.

''Stanley Prusiner's discovery provides important insights that may furnish the basis to understand the biological mechanisms underlying other types of dementia-related diseases, for example Alzhemier's disease, and establishes a foundation for drug development and new types of medical treatment strategies.''

For Dr. Prusiner and for his entire research team at UCSF, this recognition marks the zenith of a 15-year battle for a revolutionary theory that flew in the face of earlier scientific judgments about the causes of communicable brain diseases.

Prusiner's commitment to using his medical genius to helping others began long before his discovery of prions. Born in Des Moines, IA, he graduated from the University of Pennsylvania Medical School and, after long doing biochemistry research at the National Institutes of Health, moved to the Bay Area in 1972 to begin his residency in neurology at UCSF. That year, a pivotal event shaped the direction of Prusiner's expertise: He began treating a Marin County woman affected with Creutzfeldt-Jakob disease, an exceptionally rare and always fatal condition that mercilessly destroys the brain. Prusiner's patient passed away after 7 weeks in the hospital, but her sickness impelled her doctor to examine further links between Creutzfeldt-Jakob and similar neurological illnesses, and to seek the cause of these devastating diseases. ''At that time,'' said Prusiner years later, ''most people believed that the brain diseases were caused by slow viruses, but since I didn't know any virology, I figured I ought to look for some other explanation—and that's when I started hunting for proteins that might be involved.'' This research continued throughout his tenure as a Howard Hughes Investigator at UCSF from 1976 to 1981, culminating in his development of the prion theory in 1982.

Prusiner's then-radical pronouncement stated that the cause of Creutzfeldt-Jacob and related maladies was not a virus at all; rather, these illnesses emanate from prions, biologically unique proteins which contain no DNA. Rather, in place of genetic reproduction, prions convert neighboring proteins, creating more disease-causing agents. This phenomenon has a devastating effect on nerve cells in the brain, ravaging tissue and leading to a certain death.

The scientific community greeted the prion theory with disbelief and outright criticism that targeted not only Prusiner's conclusions, but his ethics as well. His financial grants quickly vanished, and he was forced to operate for years with only in-house grants from the loyal UCSF administration. These frustrations strengthened Prusiner's dedication to his work and as the years progressed, the case for the prion theory became stronger and stronger. His opponents found little evidence to discredit his conclusions, and Prusiner and his dedicated team of researchers, notably brain pathologist Stephen DeArmond and pharmacologist Stephen Cohen, published hundreds of papers substantiating the role of the prion in a variety of contagious neurological diseases.

The grants returned, with significant contributions including a $2.5 million prize from the W.M. Keck Foundation in Los Angeles and the Israeli Government's prestigious $100,000 Wolf prize. Such resources enabled Prusiner to tie the existence of prions to the recent British epidemic of bovine spongiform encepalopathy, BSE, better known as mad cow disease, and to chart the course for eventual cures to BSE and other disorders. He also won the coveted Albert Lasker Basic Medical Research Award in 1994, generally regarded as a strong indicator of a future Nobel Prize. In the words of his colleagues, neurologist and biochemist Jiri G. Safar, Prusiner ''carried on his shoulders the burden of proving this extraordinary new idea. * * * He single-handedly validated his theory. To do that, it takes a person of strong conviction and real guts.'' Mr. Speaker, we are all in debt to the courage of this outstanding man.

Dr. Prusiner's next challenge is to eradicate these diseases from the face of this planet. In the aftermath of the BSE outbreak in Great Britain, he has used his findings concerning the replicating and infectious nature of prions to lobby the Food and Drug Administration and the Department of Agriculture to protect our food supply and make sure that such a plague will never occur in this country. Prusiner's research will also continue to seek the causes of Alzheimer's, Parkinson's, Huntington's, and ALS. Once the origins of these diseases are discovered, treatments such as gene therapy and prion-blocking medications may be created to cure them or to prevent them from spreading. Prusiner expects that within the next 5 to 10 years we will see a drug to stop the progression of Creutzfeldt-Jakob, the disease that led him to this area of neurological research a quarter century ago.

Mr. Speaker, Dr. Prusiner has earned our utmost gratitude and respect. As his UCSF colleague Dr. DeArmond remarked, he is truly a ''Mozart of science.'' Prusiner's brilliance, dedication, and, most of all, his persistence are a credit to his country and to the San Francisco community where he has lived with his wife, Sandy, and his family for over 25 years. I ask all of my colleagues to join me in congratulating the 1997 recipient of the Nobel Prize in Medicine, Dr. Stanley B. Prusiner, for his most-deserved award, for his devotion to finding answers to questions that have vexed the scientific world for generations, and for his dogged commitment to standing up for his life-saving beliefs in the face of cynicism and skepticism.

SALUTING PEG LEG BATES ON HIS 90TH BIRTHDAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. HINCHEY. Mr. Speaker, I would like to ask my colleagues to join me in saluting Peg Leg Bates on his 90th birthday. Mr. Bates is a world renowned entertainer, a successful businessman, and a local legend for Kerhonkson, NY, who has been a good friend to many people and warmed the hearts of even more.

Mr. Bates performed with some of the greatest names in show business: Pearl Bailey, Ed Sullivan, Sarah Vaughn, Cab Calloway, Nat King Cole, Lena Horne, Billy Eckstein, and many others. With his indefatigable spirit, determination, and considerable charm, Mr. Bates showed the world that there were not obstacles, only opportunities, and not insurmountable barriers, but barriers to be danced over. He did this, and so much more, with class, poise, and brilliance.

So on his 90th birthday this weekend I would like to have my fellow Members of the House of Representatives join me in saluting Pet Leg Bates and wish him many years of good health and happiness to come.

TRIBUTE TO CELIA CRUZ, THE QUEEN OF LATIN MUSIC

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Celia Cruz—world renowned singer of Latin music. The Smithsonian Institution will honor her on October 16, during a special program entitled ''¡Azúcar!,' The Smithsonian Honors Celia Cruz''.

The Smithsonian will present Celia Cruz with the Lifetime Achievement Award for Excellence in Music from the National Museum of American History's Programa Latino. Celia Cruz, popularly known as the ''Queen of Latin Music'', will dontate one of her most famous costumes to the National Museum of American History.

Cruz first rose to fame in her native Cuba as one of the most exciting and creative performers of ''mambo'' of the late 40's. Since then, Cruz has achieved one success after another. In 1950, she joined the legendary orchestra La Sonora Matancera with whom she recorded 20 gold albums and toured the United States and Latin America. Her artistic alliance with Tito Puente—''the King of Latin Music''—as well as with Johnny Pacheco, Willie Colon, and the Fania All-Stars in the 1970's resulted in numerous albums and enduring fame. More recently, she has performed with David Byrne, Ray Barretto, Emilio Estefan, Willie Chirino, and Olga Tañón.

During her successful 50-year career, Celia Cruz has recorded over 70 albums, won a Grammy Award and 10 Grammy nominations. She performed in various films, including ''The Perez Family'' and ''The mambo Kings'', and has been recognized with more than 100 awards from publications and institutions around the world. Among other honors, Cruz received an honorary doctorate from Yale University, a star on Hollywood Boulevard, and recognition from the National Endowment for the Arts.

Mr. Speaker, I ask my colleagues to join me in recognizing Celia Cruz for her extraordinary talent, her vibrant contributions to the history of music, and her generous gift to the Smithsonian Institution.

THE REPUBLIC OF CHINA'S 86TH NATIONAL DAY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. ORTIZ. Mr. Speaker, for many years now, I have joined my colleagues in congratulating the leaders of the Republic of China [ROC] on their National Day.

Today I congratulate President Lee Tenghui and the people of Taiwan on the ROC's 86th National Day.

President Lee has just completed a very successful Latin American tour and Taiwan has been invited to join the System of Central American Integration. President Lee is an energetic man who is moving forward on a number of diplomatic recognitions for Taiwan.

In the months and years ahead, I hope that Taiwan will continue to enjoy its prosperity and freedom.

FDA APPROVAL OF LEADCARE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. MEEHAN. Mr. Speaker, I am very pleased to rise today to inform the House that on September 10, 1997, the Food and Drug Administration announced the approval of a new portable, easy to use, medical screening device that can quickly detect high levels of lead in blood. The Leadcare In Office Test System was developed by ESA, Inc., of Chelmsford, MA, and AndCare, Inc., of Durham, NC, in conjunction with the Centers for Disease Control and Prevention.

Located in my congressional district, ESA, Inc., is a biotechnology research company whose products and services have played a significant role in advancing the health care of Americans for over a quarter century. Since its establishment in 1970, ESA has designed and manufactured numerous high technology analytical instruments used for analyzing minute quantities of substances, often at the molecular level. The company's products are frequently utilized in biomedical research projects, clinical laboratories, and environmental quality control studies.

The recently approved Leadcare System promises to dramatically improve the rate at which children in the Untied States and abroad are screened for lead poisoning. Currently, blood samples from children tested for exposure to lead must be sent to a laboratory for clinical evaluation. This process could take several days or even weeks. With the Leadcare System, a sample of a patient's blood obtained by a finger stick can be analyzed by the system within 3 minutes, and the results are instantly displayed. Moreover, clinical studies conducted by ESA indicate that the new test is as reliable as established laboratory screening methods. Both ESA and the Department of Health and Human Services believe that the expediency of the Leadcare System will allow heath care professionals practicing in urban, underserved areas to screen more high-risk children in transient innercity communities.

The FDA's approval of the Leadcare System is also a major victory for the many countries around the world currently losing the battle against lead poisoning. Following the FDA's decision, HHS Secretary Donna Shalala, stated that ''thanks to the FDA and CDC, and to memorandums of understanding we have developed with other countries, this new technology can soon be applied to fighting lead poisoning throughout many areas of the world.'' To this end, ESA plans to introduce the Leadcare System to public health officials and primary care physicians in countries with high incidents of lead poisoning.

Mr. Speaker, the FDA's approval of the Leadcare System is truly a landmark in the fight against childhood lead poisoning.

TRIBUTE TO BOB TEDFORD

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to the late Robert A. (Bob) Tedford, one of the most influential citizens and civic leaders of Farmersville, TX, during the past quarter of a century. Bob died recently after a sudden illness, and he was such a pervasive presence in the community that his absence is difficult to accept and to measure.

Bob's influence in Farmersville began in 1963, when he moved there to establish the Bob Tedford Chevrolet Co., which, under his leadership, developed into a thriving business. His energy, enthusiasm, and ability to relate to people were keys to his success in business and also to his community leadership. Bob's imprint could be seen in almost every civic organization and leadership position in Farmersville.

Bob served as mayor, city councilman, and school board president. He was instrumental in obtaining funding to rebuild a State highway through downtown Farmersville. He was president of Farmersville Centennial and a founder of Old Time Saturday, an annual civic fundraising event that has raised an estimated $200,000 over the years for the library and other civic projects.

Bob was past president of the Rotary Club, Chamber of Commerce, and library board and was chairman of the board of First Bank of Farmersville. He was a lifetime charter member of the local Veterans of Foreign Wars, member of the Royal Order of Jesters, and member of Masonic Lodge No. 214 for 30 years—serving as past master and secretary. He was a patron of the Farmersville Order of the Eastern Star No. 940 and a member of the Hella Temple and Scottish Rites of Dallas.

Sports were a particular passion. He was an avid golfer, a great baseball fan, and an ardent supporter of high school sports. He operated the game clock at Farmersville High School football games for 30 years and attended the state basketball tournament every year except for one when he suffered a heart attack. He took special interest in the young people of Farmersville and was active in Little League and Boy Scouts.

A native of Clearwater, TX, Bob served in the U.S. Army just after the end of the Korean war and earned the rank of sergeant. Afterwards, he worked for the railroad in Gene Autry, OK, where he met and married the former Sandra Haney in 1955. He is survived by Sandra, son and daughter-in-law Robbie and Kailyn Tedford, daughter and son-in-law Beverly and David Toney, sister Mrs. Glennis Lilley, brother Nelo Tedford, and four grandchildren.

Mr. Speaker, Bob Tedford was a friend to many and a friend of mine. He was a driving force in Farmersville and an inspiration to all who had the pleasure of knowing him—and he will be truly missed. He leaves behind a community service and compassion, however, that will be remembered for years to come, and as we adjourn today, let us do so in memory of and in honor of Robert A. ''Bob'' Tedford.

NOW MORE THAN EVER, IT'S TIME FOR AN INDEPENDENT COUNSEL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. SOLOMON. Mr. Speaker, I would like to direct your attention to the following ''Tale of the Tapes'' editorial from the Albany Times Union, a newspaper circulated in my district. The editorial criticizes the Clinton administration for its feeble attempt to explain away its delay in forwarding videotapes of the White House coffees. The administration's most recent and abominable excuse for its inadvertent overlooking of the video tapes is that they entered the wrong word search on the computer.

The administration's the buck-stops-there philosophy seems to now have gone beyond the customary excuses and is reliant on more creative ones. The mishaps, stalling, and inadvertent overlooking is at an all time high in the White House. And in the midst of all this, Attorney General Janet Reno remains hesitant to appoint an independent counsel to investigate the campaign finance violations and abuses originating in the White House and risks being seen as a cohort in all of this. It has become apparent that Ms. Reno cannot carry-the-ball and shed some light on these campaign finance illegalities, I thinks it's time that she hand the ball over to an independent counsel who can.

[From the Albany Times Union, Oct. 8, 1997]

TALES OF THE TAPES

THE WHITE HOUSE STRAINS CREDULITY IN ITS LATEST ATTEMPT TO EXPLAIN WHY VIDEOS OF COFFEES WERE LATE TO SURFACE

The Clinton administration is repeating a tawdry chapter of history in its feeable attempt to explain away its delay in forwarding videotapes of President Clinton attending White House coffees where campaign contributors were guests. The White House has, however, added a new cyberspace twist to it all.

The tapes had been sought by the Senate committee looking into 1996 campaign fundraising practices by both Democrats and Republicans. Though filmed in 1995 and 1996, the videos weren't anywhere to be found until last weekend, when a 90-minute sampler was forwarded to Senate investigators and the Justice Department.

In the words of Lanny J. Davis, a special White House counsel, the tapes had been ''inadvertently'' overlooked.

Never mind that this administration has used ''inadvertent'' to explain away so many lapses that the word now ranks in the political lexicon right along with such staples as ''stonewall'' and ''plausible deniability.'' This time, however, the twist is that the computer made them do it.

How so? The White House says it ordered a search for the tapes, just as the Senate committee requested. Somehow, though, the diligent, trusted White House aides came up empty handed. Turns out they were entering the wrong word search in the computer.

Instead of searching under the word coffee, they were busy searching under the words fund raising.

Thus a new blame-it-on-technology excuse enters the political lexicon, right along with the tried and true evasion of blaming the secretary for an 18-minute erasure on a Nixon audiotape.

It's difficult to decide who looks more foolish in the wake of these revelations—Mr. Davis and has boss, or Attorney General Janet Reno, who wasn't told of the tapes until after she announced that her Justice Department had found no evidence that President Clinton had violated any laws by attending the coffees.

Now there is talk of even more tapes of political fund-raisers that have yet to be released by the White House. Little wonder that Sen. John McCain, the Arizona Republican who is co-sponsor of major campaign finance reform legislation, is shaking his head and saying, ''I've never seen anything like it.''

All the more reason for Ms. Reno to face up to her obligation to appoint a special prosecutor.

PERSONAL EXPLANATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. SCHUMER. Mr. Speaker, I was unable to be in Washington on the evening of October 8, to cast my vote on the motion to instruct conferees on the foreign operations appropriations bill. This motion to instruct is superfluous and serves only to increase unwanted pregnancies. Had I been here, I would have voted ''no'' on restricting family planning activities just as I voted ''no'' when this motion came to the floor yesterday.

RESCUE MISSIONS DESERVE OUR ATTENTION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following article from Policy Review by Rev. Stephen Burger.

On May 30, I had the opportunity to visit the Atlanta Union Mission, a private, faith-based rescue mission. The Atlanta Union Mission serves men, women, and children throughout the city and in part of a 250-member International Union of Gospel [IUGM]. During my visit, I listened to participants of the mission's program, who talked about their experiences. Many of them stressed that they had been through other programs in the past, and eventually relapsed, but that the Union Mission had been effective in dramatically changing their lives for good. The key to this effectiveness, was that the mission stressed a Higher Power, and recognized the benefits of faith in counseling and rehabilitation programs.

Collectively, the International Union of Gospel Missions represents the sixth largest charity in the United States. Last year IUGM missions provided more than 30 million meals, 22 million pieces of clothing, and 11 million beds to homesless men, women, and children.

I would encourage my colleagues to visit a rescue mission in their districts in the near future. Although most of these missions receive very little, if any, Government funding, they have proven to be the most cost effective, dollar for dollar, and, most important, they have the highest success rate in drug treatment and rehabilitation. As Rev. Stephen Burger has written, the approach that rescue missions take toward helping the homeless become productive members of our society deserves our attention.

[From the Policy Review, Oct., 1997]

ARISE, TAKE UP THY MAT AND WALK

(By Rev. Stephen Burger)

Spend a little time in virtually any city in America and you'll see them—in doorways, under bridges, poking through trash cans, begging for loose change. They are America's homeless. They no longer wear the face of the 55-year-old alcoholic man; they look more and more like young crack addicts, battered women and children, prostitutes, gamblers, and AIDS sufferers. On any given day, about 600,000 people are living either on the streets or in shelters trying to stay alive.

Americans are a compassionate people. But traditional approaches to the problem—promoted through government initiatives and many private charities—have been so ineffective at treating the fundamental causes of homelessness that we must reconsider what it means to help our neighbors in need.

Many government programs assume that homelessness is simply the absence of four walls and a roof. Usually it is not: The lack of affordable housing, though a problem, is not why most of these people have no permanent address. Most people in trouble economically have friends and families whose homes they could share temporarily if they choose to. The level of government spending on the problem likewise leaves deeper issues untouched. There are more than 60 separate federal programs that provide some form of help. The federal Department of Housing and Urban Development (HUD) now operates homeless shelters and drug rehabilitation programs in every major city in the United States. But the rates at which the able-bodied homeless graduate to independence from these programs rarely rise above single digits.

America used not settle for this level of failure. If anyone can testify to that, we can.

The International Union of Gospel Missions—whose staff members often emerge from the ranks of the formerly homeless—has been helping the destitute break the cycle of dependence since 1913. Last year, our emergency services and long-term rehabilitation programs helped 14,000 homeless men and women achieve self-sufficiency. These were not ''easy'' cases. Thousands walked into our doors addicted to alcohol, heroin, crack cocaine, and other drugs. Many have been prostitutes, or veterans who couldn't adjust to civilian life. Many have committed crimes, served time in prison, and failed other rehabilitation programs.

Our experience teaches us that America needs nothing less than a reformation in the way we think about homelessness. Many traditional and government-funded approaches fail not for lack of money but for a deficit of vision: They do not treat the whole person. They neglect the familial and moral aspects of a person's life. They refuse to challenge the homeless person's fundamental way of thinking. Says Rev. Mickey Kalman, the executive director of City Rescue Mission in Oklahoma City: ''The philosophy of government homeless programs is to respect and protect lifestyles that produce homelessness.''

Most significantly, these programs ignore the central dimension of the problem—the spiritual. After more than 35 years of trying to help homeless people with every imaginable problem, I cannot escape this fact: Men and women who walk away from their jobs, their families, and their homes do so because, fundamentally, they are turning away God and His claim on their lives. But government funded policies, by definition, must exclude this vital dynamic from the discussion. It is a prescription predestined for failure.

Not only are government approaches not working, but government regulations continue to impede or thwart the most innovative programs. Labor laws, zoning issues, licensing requirements are all getting in the way of private, religiously based efforts to deliver effective care. Authorizing block grants and returning power to the states will not by themselves make much of a difference, because it's state and local governments that throw up some of the most egregious obstacles to our faith-based shelter programs. Moreover, much of government's regulatory itch is aggravated by blindness to the moral and spiritual causes of homelessness.

What follows are some of the dynamics of change: We make sure that these elements are present in all of our 245 rescue missions in the 210 cities in which we operate nationwide. Though our missions offer various educational, job-training, relational, and other skills, these three principles establish an ethical and religious foundation without which all our other efforts would amount to nothing.

THE FAITH FACTOR

It is very difficult to overstate the importance of the spiritual aspect of this problem. Spiritual renewal is the fountainhead for personal transformation.

Enoch Walker was married and had a child he loved, a job he enjoyed, and a house in Washington, D.C. Then he began abusing alcohol and drugs, what he calls ''the great removers'' in his life, because they became

more important to him than his family and friends. Soon his wife left him, taking their child. He became so abusive that even his dog left him. He lost his job, smashed his car, and started living on the streets.

Walker went through several rehabilitation programs. He doesn't know the precise number because he doesn't even remember some of them. Yet each time, he slipped back into addiction. ''When I was functional, I would put on a nice three-piece suit and go and get the good jobs,'' he says. ''But it was like putting a three-piece suit on a fish. Nothing would happen on the inside.''

Then he checked himself into the Gospel Rescue Ministries of Washington, D.C. There, he received not only mental and physical counseling, but something else—spiritual guidance. As he says, ''They reached my heart and . . . gave me an awakening.'' He has now been clean for three years, and is a self-employed carpenter with two other men working for him.

Walker's story is important because his background is so typical of America's homeless population. Homeless advocates are quick to point out that many of the homeless suffer serious or acute mental illness. They are correct. There are no easy answers for how to help heal these people and restore balance and normality to their lives. Many of them may never leave an institutionalized or group-home setting.

The mentally ill, however, do not make up the majority of the people who walk into our centers. About 80 percent of the homeless who enter the City Mission in Cleveland, for example, show symptoms of substance abuse. At our Mel Trotter Ministries in Grand Rapids, Michigan, perhaps 90 percent struggle with addictions that have helped spawn and sustain a whole set of destructive attitudes and behaviors. There is simply no way to get at those behaviors without first helping the addict break his or her addiction for good. Most government and traditional shelter rehabilitation programs are notoriously poor in curing addictions. Many do not even try.

But those that do suffer from a crucial flaw. Although grounded in the best of intentions, federal programs by law can only administer to mental and physical maladies, not the spiritual. Any homeless programs that receive federal funds ''must provide shelter and other eligible activities in a manner free from religious influence,'' writes Michael Stover, HUD's assistant general counsel for the Rocky Mountain region, in a 1995 legal brief. ''It may not provide religiously oriented services to persons using the homeless shelter and must not hire only persons from a particular religious persuasion.'' There it is; an explicit rejection of faith as the crucial component of change. This is why the overwhelming majority of our mission directors steer clear of government funding.

We've seen countless people wander into our shelters with a mind-wrenching addiction to crack cocaine; for example, and it's obvious to us that it takes more than physical and mental counseling to break that grip. Simply telling that addict to eat his vegetables and study the multiplication tables just isn't enough. Ask any of our mission directors, many of whom have 20 to 30 years experience helping the homeless. The spectrum of addictions and difficulties from which the homeless suffer have no long-term care outside of a heartfelt commitment of faith.

''Skid Row is not a geographical location,'' says Kalman, a former drug addict. ''It's a heart condition. Unless you change a homeless individual's heart—not just his mind and body—he will remain homeless.

For this reason, all of our missions instill in homeless people the reality of a God who loves them, cares for them, and wants to help change them. In our view, based not only on our theology but on our experience, it is Jesus Christ, not any program, who transforms a man's or woman's life, who gives them the strength to summon the courage to break their destructive habits.

A MORAL INCUBATOR

Hand in hand with faith commitment is the sustained determination—both from shelter staff and the homeless themselves—to stay clean, hold down a job, or save a marriage. The homeless need and environment in which they are challenged to acknowledge and consistently renounce unhealthy behaviors; otherwise, they won't acquire the practical or emotional skills they need to succeed.

Mouthing a religious commitment is not enough; there must be actions to match. Our shelters insist not on perfection, but on repeated, good-faith efforts to change. And with god's grace, and a disciplined environment, they do. ''We not only place responsibility on our clients.'' says Rev. Carl Resener, the executive director of the Nashville Union Rescue Mission, ''we demand that, as a condition of living at the mission and participating in its programs, these men and women change their destructive habits.''

This is one reason our shelter programs span several months. It gives the homeless time not only to rid themselves of their addictions, but also to build a foundation of faith, education, and social skills necessary to succeed in life. Consider our Regeneration Program at our Miami Rescue Mission. Rev. Frank Jacobs, the executive director, oversees an eight-month recovery program for 130 men. Bible study is mandatory. The men commit to memory biblical passages—they call them ''arsenal verses''—that address behavioral problems such as drunkenness, laziness, and theft. The mission also offers a three- to four-month period of daily instruction on coping and social skills, with a heavy emphasis on relapse prevention.

Listen to Raymond Nastu, a drug addict arrested more than 80 times for offenses ranging from drug possession to brawling. He checked into the Bridgeport Rescue Mission in Connecticut. ''I should have been dead so many times I can't keep track of them,'' he says. But the mission's strict regimen and climate of tough love turned him around. ''I never had people care about me the way they do here, and that gave me the hope and courage to believe I could change.'' Today, Nastu is drug free and works as a carpenter.

Now compare that to some of the larger shelters in the country that place virtually no conditions on their residents. The results have not been pretty. Take the Mitch Snyder Shelter, in Washington, D.C. It is named after the homeless activist whose 1983 hunger strike prompted the Reagan administration to renovate a Federal building so that it could be used as a homeless shelter. As documented by a *60 Minutes* exposé, this shelter has been a haven for the selling of crack cocaine and liquor, as well as misuse of charitable funds and general corruption.

FRIENDS AND FAMILY

Our missions place a heavy emphasis on rebuilding relationships to one's family, friends, and religious community. *Positive relationships are a vital link between the homeless and lasting rehabilitation.*

''We don't always want to put our clients back with their old friends because sometimes the old friends are the problem,'' says Rev. George Verley of the Union Gospel Mission in St. Paul. ''However, the worst thing in the world is for them to be alone, so we teach them to establish relationships. It's vital that they have this support structure when they leave us.''

This is probably one of the most overlooked elements of most traditional and government-funded shelter programs. The homeless typically are treated in utter isolation; little attempt is made to reconnect them to family members. Yet when caregivers don't know a person's family background, it often becomes much more difficult to discern the most effective ways to help.

Many shelters, fearful of crossing church-state lines, do not even introduce the homeless to religious communities that could offer support. The Salvation Army shelters are a noteworthy exception here, but the majority of shelters have no process for helping a recovering addict plant roots in his or her community.

There may be no more important step for a formerly homeless person, however, than to be grounded in a community of caring, committed individuals. Listen to Enoch Walker again: ''If you do not have people surrounding you who care about you and give you unconditional love and give you the time that it takes to work yourself through it and work with you, I do not really see too many people who can make it.'' The pressures of life, the temptations of the street, the siren call of old habits—all can easily prove to be too much for the men and women struggling to get back on their feet.

THE GOVERNMENT ALBATROSS

We know that these and other principles are crucial to effectively helping the homeless help themselves. Though we don't expect the people we serve to pay us a dime—most couldn't—that doesn't mean we have no expectations of them ''There are two root causes of homelessness,'' says Rev. Mike Edwards from the Los Angeles Mission. ''Lack of relationships and lack of responsibility. Re-establishing a sense of both is key to our long-term success.''

Success for us means much more than feeding people and keeping them safe, as important as those objectives are. Our aim is to help people break their addictions, learn basic life skills, and become honest, productive members of their communities. Over the last few years, we've conducted internal studies of our programs and the results are truly encouraging: The vast majority of our missions achieve success rates of more than 50 percent, with many achieving success rates of 70 or 80 percent. That means that most of the people who graduate from one of our programs become independent; a few slip back into old habits, but most remain addiction free, employed, and connected to family and friends.

Our success is also reflected in support from our communities. Eight years ago, the cumulative budgets of the 210 U.S.-based member missions in the International Union of Gospel Missions totaled $50 million. Today, IUGM counts 245 missions as members, and their cumulative budgets add up to more than $300 million. The overwhelming majority of our programs are funded privately, through individual donors, churches, and corporate sponsors. We don't require or expect government to lend a hand—and it hasn't.

Nor do we expect government to get in the way of our efforts—but it has. There are several areas where government bureaucrats have been unsupportive or downright hostile to rescue ministries' efforts. These include labor laws, zoning issues, licensing, surplus food distribution, and disaster relief.

Most of their objections stem from their reading (misreading, actually) of the First Amendment's religion clauses, designed to ensure citizens' basic religious freedoms. To which we respond: If we want a person to be truly free, that person must first be free of drugs. This is the promise rescue ministry fulfills.

Consider the following trouble areas:

Labor. For years, rescue missions have struggled with the issue of whether homeless men and women who do work in the missions as part of rehabilitation qualify as employees under the Fair Labor Standards Act. In September 1990, the Labor Department determined that the Salvation Army had to pay the minimum wage to clients performing work as part of rehabilitation, unless the Army's location registered as a ''sheltered workshop.'' (Sheltered workshops historically have been places handicapped people went for training, not live-in facilities.)

After much political and legal wrangling, the Labor Department suspended enforcement pending further study. They policy remains in suspension, but has not been formally revoked.

Zoning. City and county boards have stopped or interfered with mission programs across the nation. The Denver Rescue Mission is located in an area known as Lower Downtown or ''LoDo.'' This was formerly Denver's Skid Row, an area where the destitute congregated. In recent years, however, the area has been redeveloped and now supports a burgeoning night life.

That welcome development has had a most unwelcome side effect: City officials have ratcheted up their efforts to curb the mission's work. For example, on cold nights, the 110-bed mission used to set up about 40 cots in the chapel to meet the increased need. City officials never raised any objection because it took people off the street. Today, city officials flatly prohibit this practice.

City officials in Daytona Beach, Florida, have not allowed the Daytona Rescue Mission to locate within the city. The mission has gone to federal court. In Albany, New York, the Capital City Rescue Mission has been trying to relocate in order to expand its services. Recently, the city rejected the mission's request to move to a previously agreed-upon property. Other missions that have encountered significant roadblocks include the Union Gospel Missions of Dallas, Spokane, and Yakima, Washington.

Licensing. The licensing of faith-based programs, beyond issues of health and safety, has become a major impediment to many missions' spiritual integrity. Licensing has brought regulations such as a ''client's bill of rights'' in Tennessee, which originally included the right not to be presented with religious teaching. (That's somewhat like organizing a football team and including the right not to be touched!)

Then there is the case of the City Mission in Schenectady, New York. It was cited by New York's Department of Social Services because it prohibited pornographic materials from its facilities. Only after three months of negotiation did the mission and state authorities reach agreement that the mission was within its rights to prohibit pornography.

''We determined that on health and safety issues, we would submit to government regulations,'' says Eivion Williams, the mission's executive director. ''But this was an issue of morality—what was right and what was wrong—and we stood firm. And in the end, we wound up getting what we asked for.''

Food Distribution. For many years, rescue missions accepted federal surplus food and distributed it to the needy without excessive oversight or regulation. In December 1993, however, the U.S. Department of Agriculture mailed a memo to missions in its Western region that stated that USDA commodities were not to be used in meals where individuals were required to attend religious services. This caused confusion among many mission directors who were uncertain how to interpret the new rules. On advice of counsel, some missions have turned down USDA commodities because they believe accepting the food would subject them to federal regulations that compromise religious teachings.

Indeed, one of the interesting contradictions of federal policy is that schools, day-care programs, and early childhood development classes operated by churches may serve surplus food—even though their programs are grounded in religious beliefs. The government seems to believe that children in religious programs need good food, but homeless in religious programs do not.

Tonight 27,000 people in America are staying in rescue missions. Each is being fed, sheltered, and assisted. Last year, rescue missions served more than 28 million meals to the poor and homeless. That's enough to provide a meal to every resident in the state of California. Yet each person is also being challenged with hope and opportunity. Our rehabilitation programs involve over 11,500 men, women, and children.

Rescue missions are poised to continue their dramatic growth and success. Drug rehabilitation programs are expanding to meet the increasing need. Computer training and educational programs are now staples at many missions, providing GED preparation, core curriculum classes, drivers education, and job training. Missions are also setting up joint ventures with local businesses to give reformed addicts on-the-job training.

Unfortunately, our optimism at the progress of our missions is tempered by the cold realities of the street. The face of homelessness in America in changing. It is getting younger and more female. Children, once a rarity at shelters, are showing up with increasing frequency—and this cannot bode well for American society.

There are other problems. As Rev. Tom Laymon, the executive director of Mel Trotter Ministries in Grand Rapids, observes. ''There is an aging population in our prisons that will eventually be given back to society. Many will have spent decades in prison. This means a whole new generation of 'older homeless' will be out on the streets and in need of our services.''

Amidst this trend, federal and state homeless and anti-poverty programs—devoid of moral, spiritual, or religious counseling—will continue to fail. The answer is not for government to get into the religion business, but at the very least, to get out of the way of religiously based groups that are making a decisive difference in people's lives.

We have identified more than 100 American cities with populations of over 40,000 that are without a rescue mission. In 10 years IUGM wants to have programs in each of these. Our hope and prayer is that missions around the country will demonstrate the power of a well-rounded program that nourishes mind and body, spirit and soul.

''HEY—I'M HUNGRY.''

Those involved with rescue missions know the difficulties and dangers of inner-city life. Many, like Mickey Kalman, spent years on the street—drifting, stealing, begging, and doing drugs—until they reached out for help. Kalman, now the executive director of City Rescue Mission in Oklahoma City, was invited to speak at the 1996 Republican National Convention, in San Diego.

Mickey Kalman's young life centered around alcohol. ''I grew up with drunks and learned to drink,'' he says. He joined a gang. When he wasn't travelling and getting into mischief, he found trouble locally. At one point he pulled a gun on his teacher, threatening to ''blow his brains out.'' By the age of 12, he was on probation.

Later Kalman got involved with drugs. ''Once I ran away with a shipment of dope, sold it, and hid out in Wyoming,'' he remembers. ''When I didn't have money for gas, I siphoned it out of construction trucks.''

One day he found himself in Stockton, California, alone and hungry. He'd been living on the streets for the better part of two years. He walked up to the door of a rescue mission and said. ''Hey—I'm hungry.'' The man at the mission offered Kalman some food and some work. He didn't usually get offers for work, but he agreed. Kalman decided to enter the rehabilitation program, where he found faith in God and the power to turn his life around.

Today, Rev. Mickey Kalman oversees a mission budget of $1.4 million, with a staff of 21. Thousands are helped by his mission every year. ''Rescue mission work isn't easy,'' he says. ''It's hard to love some of the people who come to us . . . [but] when they knock, I say, 'Come on in. My name is Mickey Kalman. How would you like to stick around and do a little work?' ''

CHRISTENING OF MADISON WHITFIELD WILSON

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. WHITFIELD. Mr. Speaker, it is with pride that I announce the christening of my granddaughter, Madison Whitfield Wilson, on Sunday, October 12 at Lakewood Presbyterian Church in Jacksonville, FL

Madison is the first child of my daughter Katie and her husband George. She was born at 5:15 p.m., Thursday, July 31, 1997, at Jacksonville Memorial Medical Center and weighed 8 pounds, 6 ounces at birth.

This wondrous event is a poignant reminder that the primary purpose of our service here as Members of the U.S. Congress is to build a better future for America, for our children, and their children.

In that spirit, I share the joy of Madison Whitfield Wilson's arrival with my colleagues and urge our renewed dedication to ensuring that America's tomorrows will be even better than her yesterdays.

HONORING THE THIRD ANNIVERSARY OF THE WOMEN'S HEALTH INITIATIVE AT BAYLOR COLLEGE OF MEDICINE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the Women's Health Initiative [WHI] at Baylor College of Medicine in Houston as they celebrate their third anniversary and build on their landmark research on women's health. A vital component of the Texas Medical Center in my district, the Women's Health Initiative is one of 40 clinical centers across the country taking part in the WHI, the largest ever women's health study in the United States.

Three years ago, the National Institutes of Health awarded Baylor College of Medicine a grant of $11.8 million to conduct the largest, longest clinical trial in Baylor's history. This study is examining the health of more than 5,400 women over a 12-year period, and focuses on diseases that are critically important to the health of women: cardiovascular diseases, breast cancer, colorectal cancer and

osteoporosis. Cardiovascular diseases are the leading killer of postmenopausal women, and breast cancer is the second killer among cancer in women. Colorectal cancer is responsible for at least 4 percent of the deaths of women aged 50 to 79 and is the third-leading killer among cancer in women. Osteoporosis is the condition resulting from a weakening of the bone after menopause. The information provided by the Women's Health Initiative will lead to breakthrough treatments for these diseases and improve the lives of women in Texas and across the Nation.

The Baylor Clinical Center has recruited 3,300 women for an observational study to gather information regarding risk factors for these diseases. The Baylor Clinical Center will also recruit an additional 2,100 women for a clinical trial to research whether diet and hormone replacement therapy help women lead healthier lives. Information gathered from this clinical study will help women to make informed decisions about which therapies to use to prevent disease and stay healthy.

I also want to highlight the efforts of Dr. Jennifer Cousins, director for the Center for Women's Health, to bring this critical WHI study to the Houston area. I believe Dr. Cousins is critical to the success of this study and she should be commended for her hard work.

I am honored to have worked closely with Dr. Cousins and Baylor College of Medicine to expand the WHI's study to ensure even more women benefit from their groundbreaking research. I look forward to continuing to work with Baylor and the Women's Health Initiative to further expand this study and provide more funding for the National Institutes of Health [NIH] and the Office of Women's Health, which funds this important program.

Mr. Speaker, I congratulate the Women's Health Initiative at Baylor College of Medicine for 3 years of excellence and innovation in medicine and wish to congratulate the 2,000 study participants who will participate in a birthday party on Thursday, October 23, 1997. I look forward to even greater successes as they work to ensure healthier lives for women in the 21st century.

HONORING RALPH LISTON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. HALL of Texas. Mr. Speaker, it is a privilege for me to rise today in memory of Ralph Moody Liston, a prominent member of the Wills Point, TX, community who died recently at the age of 73.

Ralph Liston was a successful farmer, rancher, and businessman. He owned a propane company, exterior design company, and lumber community. As a farmer, he was once named Outstanding Conservation Farmer of the Year.

Ralph also was active in his community. He was a longtime member of the school board, served as election judge, Chamber of Commerce president, chairman of Van Zandt County Building Committee and a member of the Farmers Home Administration Board. He was a member of Masonic Lodge 422 and was active in the Methodist Church, where he served in various capacities through the years.

I felt a special kinship to Ralph—in that I was always told by my mother that we were both named after the same distant relative—Mary Katherine Moody. I knew his wonderful mother and dad as Cousin Mary and Cousin Jim. It seems that part of our family came to Texas from Arkansas. Ralph carried on the great tradition of love of family and success in business and faithfulness to his church—a tradition handed down through the years. I will miss him.

Survivors include his wife of 54 years, Helen; sons, Rickey and Ralph Moody Jr.; daughters, Linda Wehr and Teena Liston; seven grandchildren and one great-grandchild.

Mr. Speaker, I would like to extend my sympathy to his family and many friends in Wills Point and Van Zandt County. As we adjourn today, I would like to take this opportunity to pay my last respects to this great citizen—Ralph Moody Liston.

TRIBUTE TO HENRY B. GONZALEZ

SPEECH OF

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. EDWARDS. Mr. Speaker, today it is with great pride yet with heartfelt sorrow that I ask members to join me in honoring our colleague, HENRY B. GONZALEZ, on 36 years of service in the U.S. House of Representatives.

At the end of this year, HENRY B. GONZALEZ will take his leave of this body. A great void will be left in our ranks when he is gone. His towering presence, financial expertise, and willingness to take a stand for causes large and small will be sorely missed.

Although the country and this Congress have changed dramatically since HENRY B. GONZALEZ assumed his congressional seat in November 1961, he has always remained true to this country, to his beloved 20th Congressional District in San Antonio and to this Congress.

Like so many of us, HENRY B. GONZALEZ dedicated his life to serving his community and his country. I was extremely blessed to follow in his footsteps first to the Texas State Senate and then to the U.S. House of Representatives.

My relationship with HENRY B. GONZALEZ began long before we served together here in the U.S. House. In a way, we served together in the Texas Senate although he had left that body two decades before I set foot there in 1983.

In the chamber of the Texas Senate hangs a painted portrait of HENRY B. GONZALEZ who served from 1956 to 1961. As a young senator, I remember looking at his portrait and the paintings of other famous Texans that hang there including Stephen F. Austin, the father of Texas; and Lyndon B. Johnson and Barbara Jordan who both served the State and the Nation with distinction.

I always considered myself fortunate to be serving in the State legislative body where HENRY B. GONZALEZ broke new ground for improved race relations in Texas. In 1957, HENRY B. GONZALEZ proudly and bravely stood on the senate floor to fight and filibuster nine bills that would have expanded the then common practice of segregation.

After 36 hours HENRY B. GONZALEZ and his allies had successfully stopped seven of the segregation bills. He was subjected to fierce personal and professional attacks, but refused to retreat or surrender. His determination to do what was right for all Texans began the process of tearing down the wall of racial separation that existed in the State.

I never had the privilege of serving with him in the Texas Senate. But when I saw the portrait, I always tried to adhere to the principles he brought to office—honesty, integrity, and loyalty. His reputation, then as now, is that of a legislator who would fight for all people no matter their race, color, creed, or religion.

It was Texas' loss and the country's gain when HENRY B. GONZALEZ resigned his senate seat to make a successful run for the U.S. House of Representatives.

On November 4, 1961, HENRY GONZALEZ took his congressional seat and immediately found his calling on the House Committee on Banking, Finance, and Urban Affairs. Although the name of the committee has changed through the years, his commitment to consumers, small business owners, and taxpayers has never wavered.

He served as Banking Committee chairman from 1989 to 1994. Under his leadership the panel conducted more than 500 hearings and moved 71 bills through the legislative process. During his tenure laws were passed that protected bank depositors, made credit available to small business owners, cracked down on financial fraud and other crimes, and made housing more accessible to Americans.

Despite the long hours and hectic schedule of a Congressman and committee chairman, HENRY and his wife of 57 years, Bertha, raised eight children. Henry and Bertha now have 21 grandchildren and 3 great-granddaughters who will continue to bring joy in the years to come.

It has been a great privilege to serve with HENRY B. GONZALEZ and to work with him on so many issues of importance to Texas and the United States. Although HENRY B. GONZALEZ is heading home, he will always be remembered for his selfless service and willingness to fight for principle.

I ask Members to join with me in honoring HENRY B. GONZALEZ for his many contributions in the past and for his success in the future. HENRY B. GONZALEZ may be leaving this House, but he will never be forgotten either here or at home.

His portrait will hang in the Texas State Senate and his memory will remain in the hearts of his many friends and colleagues here in the U.S. House of Representatives. Goodbye, Mr. Chairman.

HONORING IRENE V. SHUMAN

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to recognize an outstanding citizen of the 11th district on her 80th birthday. On October 22, 1997, Irene Shuman will celebrate her 80th birthday surrounded by many family and friends. Irene has been a member of the Glen Forest community for the past 42 years where she is known to and loved by everyone in the neighborhood.

Irene is known as the ombudsman of the Glen Forest community and is often called the mayor of Glen Forest. She knows all of the children's names, she can tell you who lives where, and she knows everyone from the surrounding neighborhoods that work with the Glen Forest Civic Association. Irene's love for people has helped Glen Forest remain a tight knit community where the people look out for one another and work together to make the neighborhood a better place to live. She has been the keeper of the oral history of Glen Forest for more than 30 years and has passed on neighborhood legends to successive generations of children.

Irene is and has been involved in every aspect of the Glen Forest community. She has been active in community affairs since the early 1960's. For 15 years, she held the community rummage sale that raised money for the neighborhood pool. People would donate items for the sale throughout the year and Irene would sort and price them for the annual event. She has also run the summer program for Glen Forest for 28 years. This duty includes the opening and closing pool picnics for which she buys and prepares 100 chickens. Irene has always done this because she believes it brings the community together. This is also why she has worked tirelessly to improve the community pool for the past 25 years.

Irene has mowed the pool lawn for the past 24 years and she is the oldest licensed pool operator in Fairfax County. Irene has maintained the pool by painting the bath houses inside and out every year as well as tarring and repairing the roof. Many in the community do not even know that she has done all of this, even though she hates to swim. Irene was also a mainstay of the Garden Club for the 20 years of its existence. Every year, no matter the weather, she sold Christmas wreaths to raise funds for the Garden Club.

Irene's many accomplishments include work outside the Glen Forest Civic Association. She has worked with all of the Mason District supervisors to the Fairfax County Board of Supervisors for the past 30 years, including myself when I held that position from 1979 to 1991. Irene often appeared before the Board of Supervisors to testify about issues affecting the community. She has held the Membership Chair for the Civic Association for the past 10 years and has worked ceaselessly to keep the Glen Forest neighborhood a nice place to raise children. Irene helped keep Glen Forest Street from becoming a through street from Route 7 to Carlyn Springs Road so parents did not have to worry about speeding traffic when their children played outside. She also rid the neighborhood of a pornographic book store by going down to the store to confront the owners and customers.

I know my colleagues will join me in saluting a woman who has made her neighborhood a beautiful and better place to live. Irene Shuman is a remarkable individual who has an energetic spirit that inspires those around her to become involved. I share the celebration of her 80th birthday and her lifetime of civic achievements.

IN RECOGNITION OF OCTOBER AS NATIONAL MEDICAL LIBRARIANS MONTH

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. OWENS. Mr. Speaker, I rise today to recognize October as National Medical Librarians Month, and to honor the more than 5,000 medical librarians working in hospitals, academic health centers and libraries across the country for their role in improving the health of all Americans by increasing access to health care information.

As a former librarian, I can appreciate the specialized skills needed in today's electronic information age to access, filter and evaluate the most up-to-date medical information for the medical community and for the general public. The ability of medical librarians to maneuver quickly through the wealth of health care information on the Internet, and to identify the most credible, relevant and appropriate sources of information for each request, underscores the increasing importance medical librarians will play in the future.

Studies show information provided by medical librarians improves patient outcomes. Physicians report a reduction in mortality, hospital admissions, surgery, and hospital acquired infections due to information obtained by medical librarians. They say information from the medical librarians allows them to make more accurate diagnoses, reduce unnecessary tests, select more appropriate drugs, and give accurate and current information and advice to their patients.

As we celebrate National Medical Librarians Month, I also honor the longstanding partnership between the medical library community and the National Library of Medicine [NLM] at the National Institutes of Health. For over a century, medical librarians have benefitted from the extraordinary work being done at NLM, the world's premiere medical library. Through access to NLM's state-of-the-art medical databases and telemedicine project sites, medical librarians are able to provide doctors and patients, often in underserved rural and urban areas, with the most current and accurate health-related information.

Mr. Speaker, as we move into the 21st century, it is clear that the advancement of telecommunications technology will continue to revolutionize the delivery of health care in America. I believe by being wired to the world, medical librarians will lead the health care industry in this revolution.

During the month of October, I ask all Members to join me in saluting this county's medical librarians for their role in keeping America better informed about health care and encouraging more active participants in the health status of this country.

HONORING BENNY MARTIN

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. HILLEARY. Mr. Speaker, I rise today to pay tribute to the man whom Country Music Magazine has called the ''World's Greatest Fiddle Player,'' Mr. Benny Martin.

Benny recently added another honor to his very long list of impressive accomplishments when his hometown of Sparta, TN, dedicated new city limit signs which designate the town as the ''Home of Benny Martin.'' When you look at everything Benny Martin has done over the course of his distinguished musical career, it's easy to see why Sparta is so eager to call him a native son.

Benny began his musical career in his childhood more than 50 years ago, and he became a member of the Grand Ole Opry in 1946. Since then, he has performed in person on at least three continents on some of the world's most prestigious stages, including Buckingham Palace in London, Carnegie Hall in New York, and of course, the Grand Ole Opry House in Nashville. Benny has also performed on many television shows, including ''The Steve Lawrence Show'' and Dick Clark's ''American Bandstand.''

But perhaps the most important impact Benny Martin has had is on the musical heritage of the great State of Tennessee. Mr. Speaker, I think my home State of Tennessee has the richest musical heritage of any State in our Union. From old-time mountain bluegrass in east Tennessee to the soulful blues of west Tennessee, from the Grand Ole Opry in Music City to Elvis Presley in Memphis, Tennessee's musical roots run deep.

Mr. Speaker, Benny Martin and his fiddle have a very prominent place in that rich history, and I'm proud to call him a Tennessean, a constituent, and like the residents of Sparta, I'm also proud to call him a native son.

SISTER JOHN MARIE SAMAHA HONORED FOR COMMUNITY SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. STARK. Mr. Speaker, I would like to take this opportunity to commend the work of Sister John Marie Samaha of the Sisters of the Holy Family of Nazareth.

Sister Samaha entered the Sisters of the Holy Family on July 2, 1943. Sister Samaha began her ministry at a day care center, and soon afterward served as religious instruction teacher at various locations in northern California. In 1960, she became supervisor of religious instruction for the Archdiocese of San Francisco. In 1967 she became supervisor of religious education for the Sister of the Holy Family. From 1970 to 1975, Sister Samaha served as the superior of Holy Family Convent in San Jose, and from 1975 to 1979 she was the vice president of the Sisters of the Holy Family Community.

Sister Samaha is currently pastoral associate at St. Joseph Parish in Mission San Jose. She has cared for the sick and visited the terminally ill. She has planned activities for seniors, and helped families deal with the death of loved ones. She has encouraged a spirit of family among parishioners, and assisted the needy with food, rent, and bill payments.

Through groups like the Tri-City Homeless Coalition, the Centerville Free Dining Room, Second Chance, SAVE, and CAUS, Sister

Samaha has helped supply food, clothing, and a range of support to needy individuals throughout our community.

On October 10, 1997, Sister Samaha will be honored by her friends and colleagues at the Ohlone College Foundation's annual luncheon. I join in recognition of her lifetime of giving to the community.

HONORING BERTHA GORDON MILLER AND THE SEVEN ACRES JEWISH GERIATRIC CENTER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor Bertha Gordon Miller of Houston, who on October 21, 1997, will be honored by the Seven Acres Jewish Geriatric Center with its 1997 Spirit of Life Award.

Mrs. Miller has spent a lifetime giving and working for charitable causes and is described by Punkin Hecht and Barbara Schneidler, cochairs of the Seven Acres award luncheon, as a role model among role models.

A native Houstonian, Mrs. Miller attended Rice University. She was married to the late Isadore Miller for more than 50 years, and they have two children, Dede Weil and Arnie Miller, and five grandchildren.

A member of Seven Acres' Board of Directors since 1953, Mrs. Miller continues to contribute her time and talents to the Jewish home, which has benefited from endless hours of dedication on her part. Although she is said to have worked for every fundraising drive in Houston, she has narrowed her activities in recent years to three organizations: Seven Acres, the Houston Symphony, and the Retina Research Foundation.

Through her good work, Bertha Gordon Miller has touched the lives of Houstonians in countless ways. But most of all, she has helped ensure a high quality of life for the residents of Seven Acres, the largest and only Jewish geriatric facility serving the Texas gulf coast.

Seven Acres provides the highest standards in adult day health care through the Wolfe Center and specialized geriatric care and services through its 290-bed residential facility. Funds raised by the awards luncheon will help provide financial aid and other benefits for the residents.

The annual Spirit of Life Award celebrates and recognizes long-term community service performed with the highest standards of integrity. The exemplary individuals so honored have demonstrated extraordinary commitment and serve as role models of dedicated service on behalf of others. The award recipients are persons whose energy and community spirit have earned them the respect and admiration of all those touched by their accomplishments.

In addition to Mrs. Miller, Edward Asner, the award-winning actor, noted activist, and humanitarian, has been named by Seven Acres as recipient of its 1997 National Spirit of Life Award and will be guest speaker at the luncheon.

Bertha Gordon Miller and Edward Asner certainly meet the high standards of the Spirit of Life Award and serve as examples for all of us of outstanding community service.

INDIAN GOVERNMENT APPEARS TO BE BEHIND BOMBINGS OF MARKET AND TRAIN IN DELHI AREA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. TOWNS. Mr. Speaker, the recent bombing of a market in New Delhi and a train outside New Delhi are terrorist acts that must be condemned by all decent people. The loss of life and the injuries to people are tragic, but I especially want to note that the explosions injured five Australians and two Japanese visitors to India. I note that the Council of Khalistan, the organization leading the Sikhs in their struggle for freedom from Indian oppression, issued an excellent press release condemning these bombings as ''a cowardly and reprehensible act against God and man.''

The Indian regime blames the bombings on a ''Sikh terrorist'' organization called Shaheed Khalsa. If they are responsible, they deserve the condemnation of the civilized world. But even the Indian press is reporting that no one has ever heard of this organization before. It just appeared on the scene very suddenly, at the moment when it is most convenient for the Indian Government. Even the Decca Herald newspaper reports that this organization is a fraud. It is likely that Shaheed Khalsa is a front for the Indian Government.

The bombings were apparently carried out using RDX explosives, a weapon known to be in common use by the Government. This is the same explosive the regime planted on American citizen Balbir Singh Dhillon, a Sikh businessman, father of two, and activist who went to Punjab to visit family and some Sikh religious sites.

India has a record of state terrorism. In November 1994, the newspaper Hitavada reported that the Indian Government paid the late governor of Punjab, Surendra Nath, $1.5 billion to create terrorism both in Punjab, Khalistan, where Sikhs are in the majority, and in the neighboring state of Kashmir, which has Muslim majority.

The terrorism creates an excuse to crack down and kill even more Sikhs. More than 250,000 Sikhs have already died at the hands of the Indian Government since 1984, according to numbers issued by the Punjab State Magistracy and by a coalition of human rights groups. It has also killed more than 200,000 Christians since 1947, over 53,000 Muslims in Kashmir since 1988, and tens of thousands of Assamese, Manipuris, and others. It has also killed thousands of Dalits, black untouchables, the aboriginal people of South Asia. Over 60,000 cash bounties have been paid to police officers for killing Sikhs like little Arvinder Singh, a 3-year-old child who was killed along with his father and uncle. The police claimed that the three were terrorists and received a $30,000 cash bounty for their murders.

On September 4, over 1,000 Indian security forces launched a raid on a Sikh church, called a Gurdwara, in Chandigarh. They illegally arrested nine Granthis, the local clergy. Three of the Granthis were severely beaten and tortured. No charges were filed against any of the Granthis. This happened on the very same day that we were voting on whether to cut aid to India and just a week before the state funeral of Mother Teresa.

Mr. Speaker, we must ask the question, who benefits from these bombings? Clearly, no one could believe that the Sikhs benefit. They will only suffer more bloodshed and repression as a result of these horrible acts. The Government of India, however, sees its country falling apart from the weight of its domination of a diverse land with many nations and 18 official languages. They are desperate to keep their empire together. These bombings provide a perfect excuse to suspend the elected government in Punjab, impose direct rule from New Delhi, and increase the repression and bloodshed.

Responsible Members of Congress and decent people everywhere must speak out against this genocidal policy. We should support all the freedom movements of South Asia by word and deed. We must go on record in support for freedom for Khalistan and all the nations of South Asia, and we must stop U.S. aid to this terrorist regime and place it under embargo until the freedom of all peoples and nations in the region is respected. Only then will India truly be able to call itself a responsible, secular democracy.

I am placing the Council of Khalistan's press release on the bombings into the RECORD.

DR. AULAKH CONDEMNS INDIAN GOVERNMENT BOMBINGS OF MARKET AND TRAIN IN DELHI AREA

WASHINGTON, D.C., October 2.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today strongly condemned the bombing of a market in New Delhi and a train outside New Delhi. ''This is a cowardly and reprehensible act against God and humanity,'' he said.

Although the Indian government blames the bombings on a ''Sikh terrorist'' group called Shaheed Khalsa, Dr. Aulakh pointed out that no one has ever heard of this organization. ''It appeared out of thin air,'' he said. ''I suspect that it is yet another terrorist organization convened, armed and controlled by Indian security and intelligence services, if it even exists at all.''

''These bombings are desperate acts of a desperate political party,'' he said. ''If you want to find out who is really responsible, investigate Congress politicians who have lost electoral support. Ask the question: Who benefits from these bombings?'' Dr. Aulakh said. The Congress Party supports the ruling 13-party coalition.

''Every time the ruling party, in particular Congress, loses control of State government in Punjab,'' Dr. Aulakh said. ''These bombings begin to occur throughout Punjab and Delhi. It then allows Delhi to suspend the government and impose direct rule in the name of maintaining law and order. At that point, police and security personnel shut down the press, the courts, rights groups and Sikh temples and the slaughter of our Sikh brothers and sisters begin anew. These bombings allow the police to continue their extortion, kidnapping and murder-for-cash bounty rackets.'' He noted that Delhi has suspended Punjab state government nine times, every time a Sikh party wins power they are never allowed to finish their term of office.

On September 4, a week before the state funeral for Mother Teresa, 1000 Indian security troops raided a Sikh church (Gurdwara) in Chandigarh and illegally arrested nine clergy (Granthis). Three were severely beaten in jail. None of the Granthis was charged with a crime. The government has murdered more than 250,000 Sikhs since 1984, according to Punjab State Court and human rights groups findings. Over 60,000 cash bounties have been paid to police for killing Sikhs.

''The bombings show that India stops at nothing to end the freedom struggle,'' Dr. Aulakh said. On Oct. 7, 1987, the Sikh Nation declared its independence from India, forming the separate country of Khalistan. The Council of Khalistan was formed at that time to serve as the government pro tempore of Khalistan. It leads the peaceful, democratic, nonviolent independence struggle.

''India's artificial empire is collapsing around them, so the regime resorts to acts of terrorism to keep it together.'' said Dr. Aulakh. ''The democratic nations of the world must rise up and condemn this cowardly act and the reign of terror it advances.''

86TH ANNIVERSARY OF THE ROC

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. ACKERMAN. Mr. Speaker, October 10 marks the 86th anniversary of the founding of the Republic of China [ROC]. In Taiwan, October 10 is known as National Day and is a day of celebration and remembrance. I think it is important that my colleagues and I take a moment to send our congratulations to the 21 million people on Taiwan for developing a strong participatory democracy.

The ROC government began 11 years ago to take the final steps toward true political maturity. They broadened the scope of local and national elections, increased licensing of private TV and radio stations, and privatized government-owned monopolies. These reforms culminated with the popular, direct election of Lee Teng-hui as Taiwan's President.

Mr. Speaker, the Republic of China's current representative to the United States, Dr. Jason C. Hu has been an integral part of the positive political developments of the past 11 years. In 1991, as a cabinet official under President Lee, Dr. Hu helped to open the political system to greater participation. As the President's spokesman during the last election, Dr. Hu helped to get out President Lee's message of political inclusion which helped garner Lee more than 54 percent of the vote in a four-way race. As representative to the United States, Dr. Hu has worked to strengthen ties between the United States and the ROC.

Later this month, Dr. Hu will be returning to the ROC to become the Minister of Foreign Affairs. In this very senior position within the President's cabinet, Dr. Hu will build on the work he has begun here in the United States. I am sure he will help guide the ROC to even better relations with the United States. I hope my colleagues will join me in congratulating the ROC on its National Day, and in wishing Dr. Hu well and thanking him for all his assistance.

TRIBUTE TO PRESIDENT LEE AND DR. HU

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. OWENS. Mr. Speaker, there is one worthy country in the world that deserves much wider recognition. It is the Republic of China in Taiwan. Even though it is the 14th largest training entity in the world and a full democracy. Taiwan is recognized by only 30 countries in the world. Recently President Lee Teng-hui of Taiwan visited several Central American countries to shore up diplomatic support for Taiwan.

To help him win more international friends and support, President Lee has announced that Taiwan's representative in Washington, Dr. Jason Hu, will be Taiwan's new foreign minister.

We were delighted to hear the good news. We know Dr. Hu will make an excellent foreign minister. During his past 15 months in Washington, Dr. Hu is known as a hard-working diplomat who conducts his country's business with charm and intelligence.

It is my hope that Taiwan's diplomatic fortunes will dramatically improve in the months and years ahead now that President Lee has chosen Jason Hu as his country's top diplomat.

IN HONOR OF PULASKI DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to remember Casimir Pulaski, a Polish patriot and a military hero. The Polonia Foundation, the Polish Legion of American Veterans, U.S.A., and many other organizations in the Cleveland area are holding a memorial ceremony in honor of Casimir Pulaski, Saturday, October 11, 1997.

Pulaski originally made his name fighting the Russian domination of Poland. When he met Benjamin Franklin in Paris in 177, he was already one of the most renowned cavalrymen in Europe. Sympathetic to the American cause, he sailed to America and was made head of the newly formed American cavalry during the Revolutionary War.

Pulaski was involved in many significant battles during the Revolution. His last took pace at Savannah, GA in October 1779 where he led a valiant charge against British artillery. He was shot and died a few days later. Pulaski was one of the more dashing European volunteers to join the Americans in the Revolution. He reportedly wore a plumed hat, flashing saber, and an elaborate uniform and spent his own money to feed and equip his troops.

He fought valiantly for the ideals of the American Revolution and made important contributions to American history. Because of his courage and bravery, Casimir Pulaski is an American hero and an significant figure in the role Polish immigrants have played in American history.

SHIRLEY SISK HONORED FOR DEDICATED SERVICES TO THE RESIDENTS OF THE 13TH DISTRICT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. STARK. Mr. Speaker, I would like to take this opportunity to honor Shirley Sisk, the executive director of the League of Volunteers. Shirley Sisk founded the League of Volunteers in 1979. She served as president until accepting the position of executive director in 1989. For three decades, Shirley has worked in numerous ways to make our community a better place.

From 1972 to 1993 Shirley served on the Newark City Council. During that time she was committed to responsible management of the city's policies, programs, and budgets. Her leadership resulted in a range of programs including the Human Relations Element of the General Plan, Music at the Grove, School/City Youth Committee, Volunteer of the Year Recognition, and Newarks of the World.

Shirley is the founder and president of the annual Newark Days Celebration. The celebration is a shining example of volunteer support which is enthusiastically anticipated by the community each year.

Shirley is also the founder and president of the Bay Area Cable Excellence Awards Program and the Society for the Preservation of Carter Railroad Resources. She is actively affiliated with the Ohlone College Foundation, the Business Leadership Council, and the Fremont Kiwanis.

In 1994 the State of California recognized her outstanding service and numerous achievements by naming her Woman of the Year.

On October 10, 1997, Shirley will be honored by her friends and colleagues at the Ohlone College Foundation's annual luncheon. I would like to join their commendation of her hard work on behalf of our community.

TAIWAN'S NATIONAL DAY AND DR. JASON HU

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on the eve of Taiwan's National Day, I wish to pay tribute to President Lee Teng-hui of the Republic of China. This first democratically elected head of state in Chinese history has recently led his country through major constitutional reforms and visited several Central American countries in his effort to shore up diplomatic support for Taiwan.

In addition, President Lee has announced that Dr. Jason Hu, Taiwan's top diplomat in Washington, will become Taiwan's new Foreign Minister.

I believe Dr. Hu is the right person to help President Lee win more international friends in the months and years ahead. Even though Taiwan is a major political and economic power in the world, it hasn't received proper international recognition.

In his new position as foreign minister, Dr. Hu will have the right platform to tell the world why Taiwan deserves a much louder voice in the international arena.

Best wishes and good luck to both President Lee and Representative Hu.

POLICE OFFICIAL STRIPS AND TORTURES WIDOW, SON IN FRONT OF EACH OTHER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. TOWNS. Mr. Speaker, another disturbing violation of human rights has occurred in Punjab, Khalistan. On August 21, according to several reports, a police subinspector in Bathinda forced a local widow and her adult son to strip naked, then tortured them in front of each other. Apparently, the widow's other son eloped a few months before that and for some reason, the police were seeking information about his elopement. In their unwarranted pursuit of this private information, they took the extreme measure of torturing two people. Unfortunately, this is not unusual in India. Torture, rape, and even murder are common, everyday occurrences in Punjab, Kalistan, in Kashmir, in Nagaland, in so many parts of India's brutal and corrupt empire.

An elected mayor was tortured in front of the people merely for being an Amritdhari Sikh. In Bombay, 33 Dalits—''Black untouchables''—the aboriginal people of South Asia were killed during a peaceful protest. In Kashmir, at least 20 reporters were beaten during a protest at the Chief Minister's office. They were protesting the police beating of a fellow reporter from Agence France Presse who had instructed his photographer to take a picture of a woman being beaten by the police. These are recent incidents, not old information. Sadly, these are just a few of many recent incidents of torture, brutality, and murder by the Government of India. This is completely unacceptable.

We must stop taxing our own people to support these brutal rulers. The time has come to impose stringent economic sanctions on this regime until basic human liberties are observed. Finally, this Congress must put itself on record in support of freedom for all the nations of South Asia. This is what our principles demand of us. We must do our duty to the people of the world.

HONORING CHARLOTTE AUSTIN JORDAN

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. McKEON. Mr. Speaker, the National Crime Prevention Council and Ameritech have honored a constituent of mine, Charlotte Austin Jordan of Winnetka, CA, with the Ameritech Award of Excellence in Crime Prevention. Ms. Jordan is 1 of 8 winners selected from 140 nominations. Her work and perseverance deserves to be recognized.

Charlotte Austin Jordan is not a stranger to adversity. In May 1988, her 13-year-old daughter was brutally murdered by gang members in a case of mistaken identity. Further, in 1996, her 24-year-old son was also murdered by gang members. The death of her first child prompted Ms. Jordan to volunteer at the California Youth Authority in impact of crime on victim's classes. This program provided a meeting place for victims of crime to confront juvenile offenders and to verbalize what effects crime had on their lives.

Next, Ms. Jordan formed Save Our Future, a community-based nonprofit organization dedicated to educating, protecting, and empowering our youth. SOF provides many programs such as parenting, substance abuse, tutoring conflict resolution, and college and career development.

As an innovator, she recognized the need for housing for paroled youth who are unable to return to their homes. She consequently developed Ja'mee's house to provide a structured environment for formerly incarcerated young men who have exhibited a willingness to change. She also became involved with Partnership for Change, a mentoring program for at-risk children ages 8 to 19 who have been paroled or are on probation.

I would like to thank the National Crime Prevention Council and Ameritech for honoring Charlotte Austin Jordan with this award and applaud her dedication to helping individuals fight crime and build communities. Ms. Jordan knows all too well the firsthand experiences, her faith in the ability to reform offenders has never been shaken. I ask my colleagues to join me in congratulating this brave woman and hard-working individuals like her who make a difference in their communities.

YOM KIPPUR HOLOCAUST OBSERVANCE AT TEMPLE BETH DAVID

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today full of joy and fulfillment as my constituents and the other members of Temple Beth David of Commack, Suffolk County, prepare to join together to observe a most special Yom Kippur service.

This Saturday, on Yom Kippur 5758, the most sacred of all days in the Jewish calendar, Rabbi Leonard Troupp of Temple Beth David and his congregants will reunite a sacred Holocaust Torah scroll from the town of Dobris, in what was then Czechoslovakia, with Petr Herrmann, a resident of that village prior to the Holocaust. Thus, the congregation will, in the words of Rabbi Troupp, ''witness the victory over evil and glimpse the possibility of God's promise for all mankind.''

Mr. Herrmann's biography is one from which great novels can be written. It is full of adventure, good and evil and is filled with the indomitable human spirit to survive and maintain justice, love and freedom.

The Herrmann family lived in Dobris from 1793 until the tragedy of the Holocaust. Uncles, cousins, friends, neighbors and even Mr. Herrmann's father, Alois, became B'nai Mitzvah as they stood before the Torah scroll that now has found a home at Temple Beth David. That Torah was a part of their lives that was viciously torn from them in 1939 as the Holocaust descended upon Europe. Mr. Herrmann, his parents, relatives and friends were taken from Dobris and sent to locations whose names evoke the most unbelievable horrors and cruelty that have yet been devised: Theresienstadt, Auschwitz, Birkenau. Sadly, many of the Dobris Jews perished at these death camps.

On this Yom Kippur, 55 years since he and the Jewish community of Dobris were deported, Petr Herrmann will show that he has done more than just survive. He and his wife, Jarmilla, will stand once more before the Dobris Torah and recite the traditional Jewish blessing that gives thanks for having been able to observe and participate in this event. He will proudly recite the family names from Dobris—Arnstein, Bloch, Bohm, Fleischmann, Frankl, Gluck, Katz, Kosiner, Lederer, Lion, Oppenheimer, Pollack and Porges—families that were proud members of the Dobris Jewish community; families who are now but memories.

Mr. Speaker, as we observe this solemn and moving occasion, it is fitting that we pay tribute to those self-effacing people who in the times of greatest adversity still reflect the compassion and courage of our society. I ask all my colleagues in the House of Representatives to join me now in commending the efforts of Pamela Gershowitz, head of the Dobris Committee at Temple Beth David; Werner Reich, who led the search that brought Mr. Herrmann to Commack, Rabbi Leonard Troupp, and other members of the Temple Beth David congregation, in recognizing the heroic tale of Petr Herrmann, and in welcoming the Herrmann family back to the Dobris Torah in Commack.

CONFERENCE REPORT ON H.R. 2158, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1997

Mr. KUCINICH. Mr. Speaker, I rise to comment on the VA–HUD appropriations bill, H.R. 2158 that has emerged from a conference committee between the House and the Senate.This legislation provides resources for a wide variety of programs, two of the most notable concern section 8 housing subsidies and the service coordinators that are supported through the Department of Housing and Urban Development [HUD].

In the State of Ohio, there are more than 50,000 apartment units in which citizens receive rent subsidies from the HUD section 8 program. My congressional district on the west side of Cleveland has a substantial concentration of section 8 projects and eligible persons, many of whom are elderly and disabled. Our Nation has made a compact with these residents to help them maintain a decent place to live. As we know, many of the section 8 contracts will be expiring in the next few years. Fortunately, this appropriations bill provides a total of $9.4 billion in fiscal year 1998 for the renewal of section 8 rental housing contracts. This is more than twice the amount that was provided last year for similar activities. This money will be available for HUD to work with apartment owners at section 8 properties to ensure that rent subsidies will continue for elderly, disabled, low income and other persons who depend on rent subsidies. Although this

amount is less than what was originally requested by the President for section 8 renewals, I am confident that HUD can meet the challenge of using this money in a cost-effective and sensitive manner.

The other good news concerns service coordinators. These staff persons work in section 8 projects to assess the daily living activities of residents and tailor a package of services that gives residents access to community services. Every day service coordinators help to save the lives of elderly and disabled persons who need help. When I learned that the money for this program had expired, and that service coordinators at the Westerly Apartments in Cleveland and other locations would soon be dismissed, I wrote to members of the Appropriations Committee asking that money be made available to keep this important program operating. I was very pleased to see that this appropriations bill states that ''at least $7,000,000 shall be used for grants for service coordinator and congregate services for the elderly and disabled.'' This money will allow HUD to renew all of the service coordinator grants that are expiring in the near future. The bill states that it is the intention of the U.S. Congress that the service coordinator program extend into the future. I commend the House and Senate conference committee for their willingness to maintain this vital assistance to elderly and disabled citizens.

During an era in which all government agencies are called upon to make hard decisions about how our tax dollars are used, this appropriations bill makes a number of wise choices. I therefore urge my colleagues to support this measure.

CONGRATULATIONS TO GAIL A. HOFFMAN FOR HELPING TO BUILD A BETTER ATLANTA

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. LEWIS of Georgia. Mr. Speaker, I am proud to announce that Gail A. Hoffman, a resident of Georgia's Fifth Congressional District, once again has been recognized for her work to improve communities in Atlanta. The National Crime Prevention Council and Ameritech have selected Ms. Hoffman to receive the Ameritech Award of Excellence in Crime Prevention. Ms. Hoffman's efforts to work with troubled communities and to bring individuals from all walks of life together makes her worthy of this acknowledgment.

Ms. Hoffman is the president and executive director of the Bridging the Gaps project. BTG is a nonprofit organization with a mission to empower ethnically diverse communities, public and private organizations, and law enforcement with the ability to improve the quality of life for Georgia's refugee and immigrant communities.

BTG was created in 1987, after Ms. Hoffman and then Detective M.C. Cox began convening meetings with the Multicultural Crime Task Force to help confront increasing gang activity in the Asian community. Through these meetings, Ms. Hoffman recognized that, because of cultural differences and communication barriers, non-English speaking people feared the police and felt unsafe because they believe that they are not protected from crime. As a result, Ms. Hoffman developed BTG and several related projects.

To help bridge the cultural divide, BTG created a computerized language bank that contains the names of bilingual officers and civilians interested in translating for public safety officers and the courts. Law enforcement training courses, including language specific classes and community education programs, have helped eliminate communication barriers and cultural stereotypes among non-English speaking people and public safety officers. BTG has published a ''Personal and Home Safety Orientation Manual for Refugees and Immigrants'' manual in 11 different languages.

BTG also has convened approximately 120 meetings between public safety officials and ethnic communities. The project provides homework assistance, peer counseling, and English as a second language assistance to Southeast Asian youth who are vulnerable to gang recruitment activities. BTG provides youth support groups in five counties to assist over 150 refugees make positive life choices.

States throughout the country are interested in creating similar programs like BTG. Thanks to Ms. Hoffman's problem solving and leadership, better communication and understanding exist among Atlanta's diverse ethnic groups.

I thank Ms. Hoffman for the hard work and dedication that allowed her to earn the Ameritech Awards of Excellence in Crime Prevention. I applaud the National Crime Prevention Council's dedication to helping individuals fight crime and build community. I appreciate Ameritech's commitment to supporting crime prevention initiatives. I ask my Colleagues to join me in congratulating Gail Hoffman and other hard-working individuals who make a difference in their communities.

THE CLOCK IS TICKING ON THE PANAMA CANAL'S TRANSFER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. CRANE. Mr. Speaker, in just over 2 years, the United States will transfer control of the Panama Canal and our adjacent bases to Panama under the terms of the 1977 Panama Canal Treaties. Already, preparations for this transition are underway. At this moment, U.S. military forces are scheduled to be drawn down in the region from the 5,600 that remain, out of the traditional 10,500 U.S. troops stationed there, to 4,400. The significance of this process, its imminent completion, and the impact it could have on the U.S. economy and the security of the region cannot be understated. For this reason, I am reintroducing a resolution today calling for the negotiation of a base rights, canal operation and security agreement with Panama that provides for a continued U.S. military presence in the region after December 31, 1999.

More than 80 years ago, the United States completed construction of the 51-mile-long interoceanic ship canal across the Isthmus of Panama, one of the great engineering marvels of its or any age. Since then, this man-made waterway has served the maritime nations of the world almost without interruption, enabling ships to travel from the Atlantic to the Pacific and vice versa much faster and cheaper than would have been otherwise possible. For more than 80 years, the U.S. military has stood watch over the canal from a series of bases located in a 10-mile-wide strip of territory adjacent to the canal. From that position, the United States has been prepared to respond effectively not only to immediate threats to the canal itself, but also to other problems that could have eroded hemispheric peace and security. By December 31, 1999, however, the United States forces on these bases must be withdrawn and control over them and the canal will be transferred to Panama. In preparation for this date, the U.S. Southern Command recently moved to its new headquarters just west of Miami.

The great importance of the Panama Canal to our country cannot be overlooked when you consider that 15 percent of U.S. seaborne trade, and 5 percent of the world's, passes through its locks. These figures become even more significant when you take into account that trade comprises nearly 30 percent of our gross domestic product [GDP], and that roughly 25 percent of U.S. economic growth in the last 4 years has come from increased exports. As a mature economy, it is clear that the United States must seek to open new markets to our products for our economy to continue to grow and create high paying jobs. For this reason, as chairman of the Ways and Means Trade Subcommittee, I have supported Chile's accession to the North American Free Trade Agreement [NAFTA], as well as the trade liberalization underway through the Summit of the Americas and the Asian-Pacific Economic Cooperation [APEC] forum, and the initiation of a trade policy toward sub-Saharan Africa. However, it only takes one look at a globe to recognize the critical importance of the Panama Canal to getting U.S. exports to their destinations overseas. Absent the canal, U.S. products would have to be transported via more expensive routes, adding to their overall cost and decreasing their competitiveness in foreign markets. On this basis, it is clear that continued growth in U.S. exports and job creation is, at least in part, dependent on the regular operation of the Panama Canal well into the 21st century.

For all of these reasons, the United States national interest compels us to seek the negotiation of an agreement with Panama that will: First, allow the United States to leave military bases in Panama past the turn of the century; second, permit U.S. military forces to operate out of those bases; and third, enable the United States to guarantee the regular operation of the canal. At present, the administration is conducting negotiations with the Panamanians to provide for a continued United States presence in Panama. However, I believe that a continued U.S. presence is meaningless without also having the ability to intervene to guarantee the canal's security and insure its regular operation.

It is clear that the conclusion of such an arrangement would also benefit Panama, as 6,000 Panamanian citizens are currently employed on U.S. bases, and $200 to $600 million in additional income for Panama is tied directly to the United States military presence in the region. Moreover, a poll of Panamanians published in March found that 72 percent of those surveyed would like the United States bases to remain open after their scheduled closure date. Similar polls have shown that

Americans support a continued U.S. presence in the region as well.

Unfortunately, time is growing very short and urgent action is needed to negotiate an agreement with Panama before the United States withdrawal is complete. I ask my colleagues to join me as cosponsors of the critical resolution that I am introducing today and to support swift action on this issue.

TRIBUTE TO TAIWAN AND DR. JASON HU

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to the Republic of China on Taiwan on the 86th anniversary of the founding of their nation. Congratulations are in order for President Lee Teng-hui and Vice President Lien Chan, who have strived diligently to maintain strong economic growth and advance democracy for their country. Aided by the tireless efforts of people like Dr. Jason Hu, they have also expanded Taiwan's official and unofficial ties abroad. As Taiwan's representative to the United States, Dr. Hu has been in our Nation's Capital since June 1996. But a farewell and congratulations is in order as he is leaving our country soon to become Taiwan's foreign minister, a post for which he has proven to be well-suited.

During his tenure in our country, Dr. Hu has helped us to understand the complex issues affecting our two nations. His knowledge and tact have served his country well. His hard work and positive attitude have helped to bridge the gaps between our two peoples, helping us avoid the pitfalls that misunderstandings can bring.

As a dedicated and intelligent diplomat, Dr. Hu promises to be an excellent foreign minister. I wish him luck in his new position.

RECOGNITION OF MARY L. TOBIAS FOR HER LEADERSHIP AND COMMITMENT TO THE CITIZENS OF THE STATE OF OREGON

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Ms. FURSE. Mr. Speaker, I rise today to commend Mary L. Tobias, of Washington County, OR, who has contributed immensely to the democratic process and, through her leadership of the Tualatin Valley Economic Development Corp., epitomizes the spirit of public-private partnership.

Under Mary's leadership, TVEDC has developed into a model private nonprofit business organization serving to connect businesses and government, introducing an articulate, collective insight to the public policy discussion. Today, TVEDC's opinions and recommendations in land use and transportation, environmental regulations, education funding, and sensible growth management are valued by representatives at all levels of government.

As a mother, grandmother, successful small business owner, and former mayor, Mary has given back to her community through countless personal commitments and honorable deeds. Her records of selfless service is truly remarkable.

Embarking on a new path, I wish Mary the best, congratulate her on all that she has accomplished, and thank her for her making my community a better place to live.

STOP HUMAN RIGHTS ABUSES IN KOSOVA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. TRAFICANT. Mr. Speaker, Since the spring of 1989, when the regime of Slobodan Milosevic brutally occupied Kosova, the Serbian authorities have violated the human rights of the Albanian population. I would point out that ethnic Albanians comprise more than 92 percent of the total population of Kosova. Shortly after the Serbian occupation, all Albanian-language educational institutions were closed, and Albanian students were forced to attend makeshift classrooms in private homes throughout the province.

Thirteen months ago, an agreement was signed by President Ibrahim Rugova of Kosova and Serbian President Milosevic to enable Albanian students and teachers to return to their schools and to reopen the Albanian-language University of Prishtina. The international community hailed this agreement as the first step towards the settlement of the crisis in Kosova. However, no progress has been made towards implementing the agreement because of the Serbian regime's intransigence. Last week, the lack of Serbian willingness to comply with the agreement prompted students in Kosova to peacefully protest to bring world attention to their plight.

More than 50,000 students gathered in Velanija on October 1, the beginning of the new academic year in Kosova, to begin their protest. There they were met by Serbian police, who informed them that their protest was illegal because it had not been cleared by the occupation authorities. When the students refused to disband, the police encircled the crowd and brutally attacked the nonviolent protesters with truncheons and tear gas.

Throughout Kosova, Serbian police have attacked students and teachers, barricaded Albanian primary and secondary school buildings, and sealed off entire towns and cities. Yet the Albanian people of Kosova refuse to abandon their struggle for self-determination. The Albanian-American community has called on the international community to take measures to prevent the conflict from escalating further. Inaction and silence by the world will only encourage the Serbian occupiers of Kosova to pursue a more aggressive and repressive policy, as they did in Bosnia. Such a result could happen without timely action and a firm resolve on the part of the United States and the world's democracies.

The gross violation of the human rights of Albanian students, teachers, and defenseless citizens of Kosova must be stopped. The daily reality of Albanians in Kosova was illustrated for me today when a member of the Albanian American Civic League called me in desperation over the plight of his brother Hazyr Dervishi. Mr. Dervishi, who suffers from a heart problem, was brutally beaten by the Serbian police for teaching Albanian students the Albanian language out of his home in Gjakova, Kosova. He was then taken by force to the Albanian border, and warned not to return to his home and family. Under the Serbian police system, Hazyr Dervishi is a marked man in Kosova. Yet, he plans to risk his life in order to rejoin his family.

On behalf of Hazyr Dervishi and so many other innocent Albanian victims, the United States State Department must make a public and unambiguous statement condemning the ongoing human rights violations in Kosova. Our Government should make it clear to the Serbian Government that we will not tolerate the continued abuse of ethnic Albanians in Kosova and the denial of their basic human and civil rights.

When will we learn how to deal with the barbaric Communist regime of Slobodan Milosevic, who rose to power on the dead bodies of so many innocent Albanian citizens of Kosova? When will we learn that only timely action and resolve will have an impact on dictators like Milosevic? I implore you, Mr. Speaker, and I implore our Government, not to let Kosova, which many have described as the modern-day equivalent of the Warsaw Ghetto under the Nazis, become the next Bosnia. We need to change a failed foreign policy that has allowed the victimization of Albanians in Kosova and Macedonia to continue unabated. Our policy must change now before it is too late.

SERBIAN SISTERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my great honor to commend the Circle of Serbian Sisters of Northwest Indiana. This distinguished organization is holding its fifth annual benefit at St. Elijah's Serbian Orthodox Church Hall in Merrillville, IN, this Sunday, October 12, 1997.

The Circle of Serbian Sisters of Northwest Indiana is the combined effort to four Circle of Serbian Sisters organizations, each of which has about 200 members. The presidents of the Circle of Serbian Sisters organizations are: Ms. Helen Tezich, from St. George Serbian Orthodox Church in East Chicago; Ms. Natalie Tica, from St. George Serbian Orthodox Church in Schererville; Ms. Ann Rudman, from St. Sava Serbian Orthodox Church in Merrillville; and Ms. Milica Bodrozic, from St. Elijah Serbian Orthodox Church in Merrillville.

Some 5 years ago, these organizations unified to assemble this humanitarian fundraiser in order to provide aid to orphaned and refugee children in the former Yugoslavia. This year alone, three women—Milica Bodrozic, Mira Radakovich, and Violet Sekulich—who are from various kolos—circles—personally distributed monie's to various orphanages and families in financial need. And 2 years ago, the Circle of Serbian Sisters sent over 7,000 packages and vaccines to displaced children, who are forced to live in refugee camps and shelters. These individually wrapped packages consisted of underwear, sweat suits, and

candy. The Circle of Serbian Sisters of Northwest Indiana works with the International Orthodox Christian Charities and Serbian Orthodox Church in the former Yugoslavia.

Four priests who have supported this effort from the very beginning are: Father Steve Kovacevich, from St. George Serbian Orthodox Church in East Chicago; the Very Reverend Father Milan Savich, from St. George Serbian Orthodox Church in Schererville; the Arch Priest John Todorovich, from St. Sava Serbian Orthodox Church; and Father Lazar Kostur, from St. Elijah Serbian Orthodox Church.

This year, the Circle of Serbian Sisters will be honored with the presence of His Grace Right Reverend Longin, Bishop of Dalmatia and Auxiliary Bishop to His Holiness Patriarch Pavale. His Grace Right Reverend Longin is also the Administrator of New Gracanica, seated in Third Lake, IL.

Mr. Speaker, during this difficult time in the former Yugoslavia, the mission of the Circle of Serbian Sisters of Northwest Indiana offers renewed hope in the humanity of all people. I ask you and my other distinguished colleagues to join me in commending the Circle of Serbian Sisters and wishing them well on their fifth annual banquet, as well as the continued success of their humanitarian efforts.

THE SPIRIT OF ATONEMENT AND THE MILLION MAN MARCH

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Ms. KILPATRICK. Mr. Speaker, as you know, we will soon leave for a week-long district work period. However, I did not want my colleagues to leave before pointing out a key event that will occur next week in many cities in our Nation. Two years ago on October 16, 1997, the largest nonviolent demonstration in the history of the United States took place less than 100 yards from where I now stand. This demonstration, the Million Man March, saw African-American men stand up and dedicate themselves to take control of their lives, their destiny, and their communities. A larger theme of the march was that of atonement, to reconcile our differences with one another so that we may face all of the challenges that oppress African-Americans in a solid wall of unity, in a united front of understanding and peace. Despite entreaties by the media and other sources, initially questioning whether any men would show up for this march, combined with the media's sub rosa notions of violence that was expected from such a gathering of African-American men, this march was a fantastic success. Many of our States, cities, and communities are budding with new organizations, large and small, dedicated toward making our neighborhoods a safer place.

I am an avid, ardent, and enthusiastic supporter of the goals and ideals of the march: acknowledging past mistakes, confessing these errors to those whom we have wronged, asking for forgiveness, and having the restoration of spirit that is encompassed in taking these steps. Collectively, African-Americans must atone for the destruction that is going on in our communities. Collectively, America must atone for the divisiveness that has wreaked so much dissension among all of God's children. And, it is collectively how these challenges will be solved. The theme of the Holy Day of Atonement, ''To be Young, Gifted and Atoning,'' will emphasize a focus on what needs to be done, with and for our youth, to save us all.

It is in this spirit that I honor and support the goals and ideals of October 16, 1997, as a day of atonement. Each city will observe this day in its own manner. ''To be Young, Gifted and Atoning,'' emphasizing the condition of our youth, will allow all Americans to discover where we the power is located to solve these problems—the power is located within ourselves.

I support the effort of African-American men to build the strength within themselves to forge better men, better sons, better homes, better communities, and better nations. I support the effort of African-American women to work with African-American men toward these desperately-needed ideals. I support the effort of every American to improve our country, reach out and help those willing to help themselves. The Holy Day of Atonement is an excellent vehicle to continue upon the success of two years ago, and I applaud the hard work of its dedicated staff and volunteers in the 15th Congressional District of Michigan and in other cities throughout our great Nation.

DOMESTIC VIOLENCE AWARENESS MONTH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Ms. ROYBAL-ALLARD. Mr. Speaker, October is the month set aside to bring national attention to the crime of domestic violence in this country. It is a crime that affects people in all communities, transcending economic, geographic, and racial lines. With a woman battered every 13 seconds it has reached epidemic proportions and is the greatest cause of injury to women in the United States today. Yet, the nature and seriousness of domestic violence as a crime is often ignored.

To combat domestic violence, education is a vital component to helping society understand the problem, and to changing attitudes and perceptions about this crime. By raising the level of awareness and understanding about domestic violence we can overcome the shameful stigma and psychological barriers and associated with this epidemic that prevent us from effectively ending the cycle of violence.

As co-chair of the Violence Against Women Working Group, I will co-host a reception in Los Angeles with California State Senator Hilda Solis on October 14, 1997, to honor organizations and individuals that work tirelessly against domestic violence. This year's reception will honor Alana Bowman, special assistant to the Los Angeles City attorney, the Domestic Violence Coalition at California Hospital Medical Center, Junior Leagues of California's Silent Witness Project, and El Monte City mayor, Pat Wallach.

Alana Bowman has been a champion for victims of domestic violence for over 10 years. As the former head of the Domestic Violence Unit for the city attorney, she set the standard for prosecution of offenders in the city of Los Angeles. Ms. Bowman has played a key role in the development of landmark legislation of domestic violence and continues to do so in her new position as special assistant and as a member of the National Advisory Council on Violence Against Women. She is the author of numerous legal manuals and article on domestic violence.

To meet the needs of the surrounding community and as a response to the request from the Los Angeles Police Department's Central Division, California Hospital Medical Center formed the Domestic Violence Coalition in 1996, under the direction of Dr. Robert Splawn. The coalition is comprised of representatives from the LAPD, city and district attorney's offices, elected officials, shelter, advocacy agencies, and hospital staff. Its mission is to provide immediate, compassionate support services to victims, and to work towards the prevention of domestic violence.

The mission of Junior Leagues of CA Silent Witness Project is to ''promote peace, healing and responsibility in adult relationships in order to eliminate domestic murders in the United States by the year 2010.'' The project is a memorial to personalize the individual woman behind the horrifying statistics of domestic violence. The exhibit educates and galvanizes public and legislative support to the domestic violence.

Mayor Pat Wallach of El Monte has been a steadfast supporter of services for domestic violence victims. Most recently, she led the fight that resulted in the city's contribution of $167,000 in HOME funds to buy a building that was transformed into a shelter for battered women and their children.

Mr. Speaker, in honor of Domestic Violence Awareness Month, I urge my colleagues to join me and Senator Solis in recognizing and congratulating these individuals and organizations who are devoted to the elimination of the domestic violence cycle and to educating our communities about this hideous crime.

TRIBUTE TO FATHER WILLIAM CUNNINGHAM AND FOCUS: HOPE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. LEVIN. Mr. Speaker, on Sunday, October 12, there will be held the Annual Walk of Focus: HOPE.

This year's walk possesses a special significance and poignancy. It will be held without its founder and inspiration Father William Cunningham.

His death on May 26 of this year left a void that can never be filled.

The riots of 1967 changed life in the metropolitan area and the life of William Cunningham.

In turn, his response changed the life of the entire area. He decided to dedicate his service to the community. Combining his deep spirituality with brilliant organizational skills, he started the embryonic organization Focus: HOPE. That seed has grown from its initial food program to a broad-scale attack on the manifestations and causes of poverty.

Father Cunningham's dream was that people from all walks of life, races, and creeds could, and would, work together to enhance individual lives and the fabric of society.

With each new creative idea and its effective implementation, Focus: HOPE took another step toward fulfillment of his dream. Working with Eleanor Josaitis and an increasing group of volunteers and a diverse, talented staff, Focus: HOPE introduced food and health support for low-income mothers and exceptional job training and specialized production units. The Machine Training Institute and the Center for Advanced Technologies today stand as testimony that education can be for virtually all a ticket out of poverty into a new world of opportunity.

The power of his faith, his ideas and his personality assure that Father Bill Cunningham's dreams for Focus: HOPE will continue to be realized. There are too many of us who had the privilege to work with him over the years who will stand for nothing less.

Indeed, the strongest challenge is whether the work of Father Bill Cunningham can be replicated in other places.

Father Cunningham asked that no monuments be erected to his memory. When thousands of us walk in his memory on October 12, we will be carrying his message and his achievements with us for all the world to see.

PERSONAL EXPLANATION

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. CHRISTENSEN. Mr. Speaker, on October 8, 1997, I inadvertently voted ''no'' on final passage of the American Land Sovereignty Protection Act (rollcall vote No. 504). I ask that the RECORD show that my intention was to vote ''aye.''

THE INTRODUCTION OF THE COLLECTIONS OF INFORMATION ANTIPIRACY ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. COBLE. Mr. Speaker, today I am proud to introduce the Collections of Information Antipiracy Act, a bill to encourage continued investment in the production and distribution of valuable new collections of information.

Electronic collections, and other collections of factual material, are absolutely indispensable to the American economy on the verge of the new century. These information products put a wealth of data at the fingertips of business people, professionals, scientists, scholars, and consumers, and enable them to retrieve from this haystack of information the specific factual needle that they need to solve a particular economic, research, or educational problem. Whether they focus on financial, scientific, legal, medical, bibliographic, news, or other information, collections of information are essential tools for improving productivity, advancing education and training, and creating a more informed citizenry. They are also the linchpins of a dynamic commercial information industry in the United States.

Developing, compiling, distributing, and maintaining commercially significant collections requires substantial investments of time, personnel, and money. Information companies must dedicate massive resources when gathering and verifying factual material, presenting it in a user-friendly way, and keeping it current for and useful to customers. U.S. firms have been the world leaders in this field. They have brought to market a wide range of valuable collections of information that meet the information needs of businesses, professionals, researchers, and consumers worldwide. But several recent legal and technological developments threaten to cast a pall over this progress, by eroding the incentives for the continued investment needed to maintain and build upon the U.S. lead in world markets for electronic information resources.

I recently received a report from Dr. Laura D'Andrea Tyson, former National Economic Advisor to the President and former Chair of the White House Council on Economic Advisors. Dr. Tyson's study demonstrates strong economic reasons for providing adequate statutory protection for the data base industry, and points out that failure to act may result in adverse effects on technological progress, on economic growth, and possibly on the research, education, and scientific communities. Noted authors and scholars have also endorsed the need to provide some protection to collections of information, to prevent freeloaders from appropriating the fruits of others' investments.

Here in the United States, the 1991 Supreme Court decision in Feist Publications versus Rural Telephone Service Co. marked a tougher attitude toward claims of copyright in data bases. While reaffirming that most—although not all—commercially significant collections of information satisfy the ''originality'' requirement for protection under copyright, the Court emphasized that this protection is ''necessarily thin.'' Several subsequent lower court decisions have underscored that copyright cannot stop a competitor from lifting massive amounts of factual material from a copyrighted collection to use as the basis for its own competing product. Producers are concerned that some of these cases may also cast doubt on the ability of a proprietor to use contractual provisions to protect itself against unfair competition from such free riders.

In cyberspace, technological developments represent a threat as well as an opportunity for collections of information, just as for other kinds of works. Copying factual material from another's proprietary collection, and rearranging it to form a competing information product—just the kind of behavior that copyright protection may not effectively prevent—is cheaper and easier than ever through digital technology that is now in widespread use.

When all these factors are added together, the bottom line is clear: it is time to consider new federal legislation to protect developers who place their materials in interstate commerce against piracy and unfair competition, and thus encourage continued investment in the production and distribution of valuable commercial collections of information.

While copyright, on the Federal level, and State contract law underlying licensing agreements remain essential for protecting the enormous investment in collections of information, there are gaps in the protection that can best be filled by a new Federal statute which will complement copyright law. The Collections of Information Antipiracy Act would prohibit the misappropriation of valuable commercial collections of information by unscrupulous competitors who grab data collected by others, repackage it, and market a product that threatens competitive injury to the original collection. This new Federal protection is modeled in part on the Lanham Act, which already makes similar kinds of unfair competition a civil wrong under Federal law. Importantly, this bill maintains existing protections for collections of information afforded by copyright and contract rights. It is intended to supplement these legal rights, not replace them.

The Collections of Information Antipiracy Act is a balanced proposal. It is aimed at actual or threatened competitive injury from misappropriation of collections of information or their contents, not at uses which do not affect marketability or competitiveness. The goal is to stimulate the creation of even more collections, and to encourage even more competition among them. The bill avoids conferring any monopoly on facts, or taking any other steps that might be inconsistent with these goals.

This bill differs dramatically from H.R. 3531, introduced in the last Congress by then-Chairman Carlos Moorhead. H.R. 3531 proposed to enact a new form of sui generous copyright protection of data bases. This bill is a minimalist approach grounded in unfair competition principles as a complement to copyright, and the damage that can be done from substantial copying of collections of information.

In drafting this bill, I was particularly mindful of the concerns of the library, scientific research, and educational communities. Concerns raised in response to the introduction of H.R. 3531 last year by these groups warned of the dramatic consequences that could result from legislation in this area. My staff and I heard these concerns, through personal meetings and through the Copyright Office report on this issue presented to the Congress earlier this year. This bill alleviates those concerns by specifically allowing access and use for those purposes, while still providing necessary protection to ensure continued investment and production of collections of information.

This legislation provides the starting point for legislative activity on an important and complex subject. I look forward to hearing the suggestions and reactions of interested parties and of my colleagues at a hearing later this month.

TRIBUTE TO JAMES W. MEREDITH

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. THOMPSON. Mr. Speaker, I rise before you today to pay tribute to Mr. James W. Meredith, the first African-American to enroll in a segregated university in Mississippi.

October 1, 1962 marked the date when James Meredith became the first African-American to enroll at the University of Mississippi. Mr. Meredith was born in Koskiusko, MS, on June 25, 1933. After living serveral years in Mississippi, James moved to live with his uncle in St. Petersburg, FL, where he enrolled in high school and finished. He enlisted

into the U.S. Air Force at age 18, where he served for 9 years.

After graduating from the University of Mississippi, James Meredith went to study abroad in Africa where he wrote his first of numerous books entitled ''Three Years in Mississippi.'' After his stay in Africa, James Meredith returned to Mississippi to start an organization called March Against Fear in order to empower and encourage African-Americans to register to vote. This organization went on to register 300,000 people in Mississippi.

In addition to his efforts to register African-Americans to vote, James Meredith started the James Meredith Library Clubs of America. This organization was created to lure African-American males into the library and encourage them to read.

Mr. Speaker, because of these many accomplishments, I would like to take time out to honor Mr. James Meredith for his vision and courage.

IN RECOGNITION OF SHERIFF BRAD GATES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. PACKARD. Mr. Speaker, I rise today in recognition of an outstanding member of my community in southern California. On October 30 of this year, 1997, the Boy Scouts of America will honor Orange County, CA, Sheriff Brad Gates with the William H. Spurgeon III Award.

Sheriff Gates has given both his support and service to the Boy Scout's Explorer program and the youth of Orange County for the past twenty-three years. Almost from the day he joined Troop 12 of the Scouts as a boy, Brad Gates has been a positive force in our community.

The list of Sheriff Gates' contributions to the citizens of Orange County is extensive. Since his days as a Scout, Brad has served as a member of the Orange County Council, as a board of directors member for both the Boy Scouts of America and the Big Brothers/Big Sisters program in Orange County and has cofounded Drug Abuse is Life Abuse, a community coalition of drug awareness and prevention programs.

Brad Gates is not just one of Orange County's most active volunteers, Gates has served officially as sheriff-coroner of Orange County since 1974. As one of our communities most important officials, Brad continues to provide outstanding leadership while managing the largest law enforcement agency in Orange County.

And in undoubtedly his most important position, Brad is both a husband and father as well as a good personal friend to many throughout our community. Mr. Speaker, Sheriff Brad Gates truly deserves the honor of being recognized today by our Nation's leaders, as he himself is clearly among them.

STATEMENT ON THE SPILL OF NATIONAL SIGNIFICANCE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. CLEMENT. Mr. Speaker, I recently had the fortune of attending a seminar entitled ''Spill of National Significance,'' or ''SONS.'' As ranking member on the Coast Guard and Maritime Transportation Subcommittee, I feel that it is important to alert you to innovative research being conducted in this field.

SONS was a 3-day exercise that brought together notable individuals ranging from Transportation Secretary Rodney Slater and Coast Guard Commandant Robert Kramek, to representatives from FEMA, the EPA, and countless other agencies. They gathered in Philadelphia and Washington, DC, using interactive technology to find solutions for a simulated catastrophe.

The scenario involved three oil spills at two different sites, occurring within 6 hours of each other. SONS' participants were then required to resolve this crisis from various perspectives, ranging from political to environmental to financial.

Rather than wait for disasters to strike, attendees at this Coast Guard-sponsored event developed methods for dealing effectively with future oil spills. This is an example of an agency at its finest. I encourage other organizations to take a lesson from SONS and address future concerns today.

TRIBUTE TO CHLOE CONEY

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. DAVIS of Florida. Mr. Speaker, I rise today to honor Chloe Coney, a constituent of mine from Tampa, FL, who has been selected as one of eight national award winners for the Ameritech Awards of Excellence in Crime Prevention. This recognition is a fitting tribute to her tireless efforts over the past decade in developing a comprehensive and collaborative plan to revitalize low-income areas of east Tampa. I applaud the National Crime Prevention Council and Ameritech for honoring Ms. Coney's dedication.

Ms. Coney grew up in Tampa's North Boulevard Public Housing Project and her personal experiences in this economically disadvantaged area have given her great insight into the needs and opportunities of citizens living in east Tampa. She began her career of service as a parole officer and counselor where she implemented conflict resolution strategies in the Citizen's Dispute Settlement Programs for the Thirteenth Judicial Court.

Currently, Ms. Coney is the executive director of the Corporation to Develop Communities of Tampa [CDCT]. This community-based nonprofit organization plans, promotes, and assists the redevelopment of the east Tampa area through a wide range of programs including community building, youth leadership, family stabilization, and economic development. Her efforts should serve as a model for comprehensive and collaborative approaches to community-based crime prevention initiatives. Ms. Coney recognized early on that creating a safe and secure environment in east Tampa requires a multifaceted approach focusing not only on community policing but also on strengthening families, developing youth leadership, and creating economic opportunity.

One of Ms. Coney's successful programs is the CDCT's Men II Boys Mentoring Program which pairs 100 at-risk African-American youth, ages 11–14, with responsible adult men. These adults are willing to share their experiences and serve as role models, nurturing the healthy development of these youth into men. Ms. Coney has also created constructive programs such as the Inner-City Boys Choir, a medical apprenticeship program, a substance abuse prevention program entitled Striving To Achieve Rewarding Tomorrows [START], and Saturday Academy which improves the academic and social skills of at-risk seventh graders.

These programs can be successful only if strong family support exists to back them up. Ms. Coney recognizes this and established an annual Parent Enhancement Conference to educate parents on ways to better support their children's development. In addition, she offers workshops twice a month for parents and launched the East Tampa School-Community Partnership which is a network of social service agencies, school representatives, and parents.

Finally, recognizing that these efforts to build up our youth must be coupled with opportunities for the future, Ms. Coney has dedicated much of the CDCT's efforts toward economic development. This year, the Nehemiah Project has focused on ''community building brick by brick,'' with the goal of stimulating commercial development and transforming abandoned buildings. These efforts represent a commitment to matching increased educational opportunities with increased job opportunities.

This short tribute cannot begin to describe Ms. Coney's outstanding efforts in redeveloping and revitalizing east Tampa and providing a safer community for citizens of all ages. Her impact on individuals, families, and communities is immeasurable. Therefore, I would ask my colleagues to join me in congratulating Ms. Coney for her hard work and dedication in developing strategies for successful crime prevention and to thank all those individuals like her throughout America who have dedicated their lives to service in their communities.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. KIND. Mr. Speaker, today I stood on the steps of the Capitol with my fellow Democratic colleagues urging the leadership in the House and the Senate to allow a fair vote on campaign finance reform. A majority of the U.S. Senate, all the Democrats and a small number of courageous Republicans, have voted in favor of the McCain-Feingold campaign finance legislation. In the House we have not been given the opportunity to vote on any reform bill.

After we leave today for the Columbus Day recess, with the leadership's stated desire to

adjourn on November 7, we have only 3 weeks remaining in the 1997 legislative session. We must move quickly to take action before we run out of time. I encourage the leadership to give the public what it desperately wants, campaign finance reform.

Mr. Speaker, during the next week I will be traveling throughout my district in western Wisconsin. I will have to tell the people I represent that we have failed to even consider any of the campaign finance bills we currently have pending before Congress. I know that the people of western Wisconsin will not accept this answer. The people are tired of Congress unwilling to clean up our own house. Please give us a vote on this issue.

TRIBUTE TO NORFOLK COMMISSIONER OF THE REVENUE SAM T. BARFIELD

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. PICKETT. Mr. Speaker, I rise to pay tribute to the Honorable Sam T. Barfield, who is retiring this year after serving as commissioner of the revenue of the city of Norfolk for the past 28 years.

Sam was born in Charleston, SC in 1917. He enlisted in the U.S. Marine Corps in 1941 and was discharged 5 years later with honors and the rank of major. He entered private business in Norfolk, VA following his service in the Marine Corps and has continued to live there until the present.

He began his public service work early in his business career by serving on the board of directors for the Norfolk Chamber of Commerce from 1949 until 1968. He also sought public office and was elected to the Norfolk City Council, where he served from 1959 to 1969. During the difficult period following the Supreme Court decision in 1954 abolishing segregation in public schools, Sam took a public stand in favor of integrating the Norfolk city schools in order to keep them open.

He has been instrumental in the planning and construction of many downtown Norfolk landmarks, including Scope, Chrysler Hall, and the City Hall Complex.

He was elected to the office of commissioner of the revenue in 1969. One of his first innovations was the introduction and use of paper decals on windshields in place of metal city plates which resulted in a considerable cost savings to the taxpayers.

As commissioner, Sam worked cooperatively with the State's Governors, general assembly, and congressional delegation to effect tax reform, obtain payments in-lie of taxes for federally-owned property, and protect the role of the commissioners of revenue under the Virginia Constitution. He also served as president of the commissioners of the Revenue Association and the Virginia Association of Locally Elected Constitutional Officers.

Sam was outspoken and colorful politician who enjoyed people and took great pride in his community and his work. I know that his many friends and admirers join me in saluting him for his long, dedicated, and loyal public service.

HONORING PROJECT INFO COMMUNITY SERVICES, INC. ON THE OCCASION OF ITS 25TH ANNIVERSARY, AND MOCTESUMA ESPARZA AND DR. NELBA CHAVEZ

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize an outstanding and invaluable community service organization, Project INFO, located in my congressional district. On Thursday, October 9, 1997, Project INFO will celebrate 25 years of dedicated community service.

Established in 1972 as a private nonprofit organization, Project INFO responded to the call for help from the Whittier Union High School District to assist in the prevention of student drug abuse. Since its inception, its purpose has been to strengthen the family unit by promoting mental health and well-being through proactive programs of education, prevention, and early intervention, and to strengthen the individual through personal development. Project INFO programs are particularly sensitive to the multicultural communities it serves.

Since 1972, Project INFO has expanded its services in a variety of areas to meet the needs challenging today's families. Most services are delivered by bilingual/bicultural staff. Project INFO offers eight different programs.

Windows/Ventanas is a program which works with families on developing communication skills. This program has been honored by State and national organizations for its effectiveness in the prevention of substance abuse through the strengthening of families.

Through drop-in centers located in the cities of El Monte, La Puente, and Glendora, Community Prevention and Recovery Programs [CPRP] offers a full range of alcohol prevention and recovery services. Each site has tailored a program to address its community's needs. At the El Monte site a domestic violence program for ''batterers'' called Domestic & Other Violence Education [DOVE] has been created to address the needs expressed by the judicial system and the community. The La Puente site initiated a Youth Federation to develop student leadership and Glendora has created a support group for middle school children.

Serving People In Recovery & In Transition [SPIRIT] is an outpatient drug free counseling program for recovering addicts and their families. This program is offered for both juveniles and adults. Counseling services are offered in all six schools of the Whittier Union High School District.

Building Employment Skills Training [BEST] is a program funded by the Job Training Partnership Act to provide job training and placement for economically disadvantaged individuals through partnerships with private employers.

Assistance with Alcohol and Sobriety Uniting Latinas [AASUL] is a media campaign designed to educate Latinas in California about alcohol abuse and related problems and offers a network of support services.

Child Abuse Risk Intervention and Neighborhood Outreach [CARIÑO], Spanish for ''tender affection'', is a program that works with families to prevent and break the cycle of child abuse.

Challenging Latinos to Access Resource Opportunities [CLARO] uses positive role models and culturally appropriate support groups to challenge high-risk male youth to explore alternatives and prevent involvement in gang, alcohol and drug abuse, premature and/or irresponsible sexual activity and teen pregnancy. A pilot program, Self Empowerment Resources to Educate, Nurture and Advocate [SERENA], was developed to address, in a gender appropriate manner, the prevention strategies of CLARO for high-risk female youth.

Community Organizations Linking Optimum Resource Services [COLORS] is a family preservation program designed to provide a strong base of support for families dealing with abuse and neglect.

To celebrate the 25th anniversary of Project INFO, a special dinner will be held tonight. The theme of this year's celebration is ''Twenty-Five Years of Touching Lives.'' Through its outstanding programs, Project INFO has provided exemplary service, addressing the vast and difficult barriers that our young people and families confront each day. Fortunately for those youth and families in need of assistance and guidance, for 25 years Project INFO has remained solidly committed to reaching out and touching those lives.

Also, tonight, Project INFO will honor Moctesuma Esparza and Dr. Nelba Chavez for their contributions to Project INFO and its mission. Moctesuma Esparza, a well known talented movie producer, has dedicated his time as a guest speaker at the Project INFO youth conferences, leaving a lasting impression on the youth participants. Dr. Nelba Chavez, Administrator for Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, has been a strong supporter of Project INFO and has spoken at several conferences for women sponsored by Project INFO.

Mr. Speaker, it is with pride that I rise to recognize Project INFO for its 25 years of unwavering dedication to the needs of our youth and families and tonight's honorees, Moctesuma Esparza and Dr. Nelba Chavez. I ask my colleagues to join me in saluting this fine organization and sending our gratitude and congratulations to the honorees and Project INFO on its 25th anniversary.

THE SENIOR CITIZEN RESPIRATORY CARE ACT OF 1997

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation to restore Medicare coverage for ultrasonic nebulizers—medical devices used to treat patients with severe asthma, cystic fibrosis, chronic obstructive pulmonary disease [COPD], and other respiratory diseases.

In April 1997, the Durable Medical Equipment Carriers [DMERC's], under the authority of the Health Care Financing Administration [HCFA], made a significant change in Medicare reimbursement policy that will put senior

citizens and disabled persons with respiratory illnesses at serious risk. My legislation is very simple. It restores Medicare coverage for ultrasonic nebulizers to the same terms and conditions that existed prior to this change.

The device in question uses ultrasonic sound waves to turn medicine into a fine mist that is inhaled by the patient into the lungs. Ultrasonic nebulizers are extremely efficient at delivering medication where it is needed—the lungs—and in the optimum particle sizes.

Without any clinical justification and without any public notice or comment, the DMERC's have either eliminated Medicare coverage for ultrasonic nebulizers entirely, or reduced reimbursement rates so drastically that suppliers will no longer provide them.

The DMERC's decision was made despite the fact that ultrasonic nebulizers have been considered safe, effective, and medically necessary for years, and notwithstanding a large body of evidence that ultrasonic nebulizers are more efficient at delivering medication than the most similar alternative, the jet nebulizer or pneumatic compressor.

Furthermore, beneficiaries are being forced to switch to a metered-dose inhaler [MDI], which is not covered by Medicare. This has led to a significant increase in the out-of-pocket-costs of Medicare beneficiaries. I am particularly concerned that the additional costs borne by senior citizens may cause some to forego needed treatments—an outcome which could put their lives in jeopardy.

Mr. Speaker, in addition to the increased costs to seniors, the lack of openness and public accountability, the new ''one-size fits all'' Medicare respiratory care policy is downright dangerous. While metered-dose inhalers [MDI's] are wonderful devices, they are not the appropriate therapy for every person.

Indeed, a number of well-controlled studies suggests that up to 50 percent of senior citizens do not use MDI's properly—even after repeated instruction. What these studies imply is that if HCFA does not reverse the decision of the DMERC's and restore Medicare coverage for ultrasonic nebulizers, there will be seniors, forced to switch to MDI's, who could require hospitalization because they cannot use their MDI properly.

Asthma and cystic fibrosis are not diseases to be taken lightly—if a person does not have the proper medicine, they can die. It is that simple. In fact, of the nearly 5,000 people who die every year from asthma, most deaths resulted from patients who failed to take their medication.

For those with severe arthritis or poor hand-eye coordination, they cannot use an MDI at all. They will be the real victims of the new HCFA/DMERC policy on ultrasonic nebulizers. The HCFA/DMERC decision to deny ultrasonic nebulizer coverage is a clear case of a policy that is ''penny wise and pound foolish.'' If a single inpatient hospital admission results from improper MDI usage, it will cost Medicare tens of thousands of dollars in increased costs.

Lastly, Mr. Speaker, I am concerned about the impact on seniors if the Food and Drug Administration [FDA] is allowed to begin banning metered-dose inhalers that contain chlorofluorocarbons [CFC's], as they proposed on March 6, 1997. If HCFA removes coverage for ultrasonic nebulizers, forcing seniors to use metered-dose inhalers, and FDA in turn removes most metered-dose inhalers from the market, seniors will be left with a dramatically reduced range of therapeutic options at significantly higher prices.

This outcome is completely unacceptable, and that is why my good friend and colleague from Florida, Mr. CLIFF STEARNS, and I have joined in introducing the Senior Citizen Respiratory Care Act of 1997. Congress must act soon to reverse HCFA's ''stealth'' coverage change, and restore Medicare reimbursement to devices which are safe and effective therapeutic options for seniors with serious respiratory illnesses.

TRIBUTE TO JUDGE MANUEL REAL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. CALVERT. Mr. Speaker, California's 43d Congressional District has been extremely fortunate to have many dedicated citizens who have been willing to contribute their time and talents to help make our community an exceptionally good place in which to live and work. One of the most dedicated and active of these citizens has been Judge Manuel Real.

Manuel Real is a U.S. district judge for the Central District of California, a position he has held since being appointed by then-President Lyndon Johnson in 1966. On Friday, October 10, 1997, I will be honored to participate in the opening of a new elementary school in Mead Valley, CA named in honor of Judge Real for is many years of service to the great State of California.

Judge Real first began his distinguished legal career as an assistant U.S. attorney. He left for a short time to enter into private practice before rejoining U.S. Attorney's office until he was appointed a U.S. district judge. During his tenure with the central district court, Judge Real served as the chief judge of the court from 1982–1993.

The students of the new Manuel Real Elementary School should strive to emulate the accomplishments of their school's namesake as well as his dedication to improving the community and its overall quality of life. On behalf of the citizens of the 43d Congressional District, I want to add to this tribute my congratulations, and to wish Manuel, his wife Stella, and their four children best wishes for a happy and productive future.

TRIBUTE TO IRWIN ROSENBERG

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to celebrate the spirit of volunteerism and community involvement and to honor Irwin Rosenberg as the recipient of the 1997 Nelle Reagan Award for Distinguished Community Service. This honor is bestowed upon Irwin for his extensive support for the Olive View-UCLA Medical Center Foundation and his long history of outstanding philanthropic and volunteer leadership in our community.

This prestigious award, named for President Ronald Reagan's mother, Nelle, was developed with the assistance of the Reagan family to honor dedicated community service. Long-term dedication has been a characteristic of Irwin Rosenberg's long volunteer career, which began at age 14 as a police explorer. By the age 17, he had received 22 commendations, including 1 for bravery.

Throughout his life, Irwin has developed relations with countless volunteer associations in our community. Some of these associations include the City Council for the Disabled, California Association of Physically Handicapped, and the Fair Housing Council of the San Fernando Valley. Irwin has also served as a board member for the United Way, Southern California Association of Governments, Grenada Hills Little League and many other organizations. Currently, he serves as the vice-president and commissioner of the Los Angeles City Commission on Children, Youth and Their Families, commissioner of the Los Angeles County Private Industry Council, chairman-elect of New Directions for Youth, and vice-chair/board of managers of North Valley YMCA in addition to various other board memberships. This service represent a mere sampling of Irwin's involvement in our community and his commitment to all facets of helping people.

A former Nelle Reagan Award winner, Tim McBride, said ''Irwin brought himself up to be somebody to be admired. He is a mentor and an example of someone who gives unselfishly of himself to help so many.'' It is this unselfish dedication that has earned Irwin the respect of our community and this award.

Mr. Speaker, distinguished colleagues, please join me in recognizing Irwin Rosenberg for his dedication to our community and in congratulating him on receipt of the 1997 Nelle Reagan Award for Distinguished Community Service. His service stands for all to admire.

IN RECOGNITION OF ST. LOUIS CARDINAL MARK McGWIRE

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. GEPHARDT. Mr. Speaker, the city of St. Louis and its baseball Cardinals have been blessed with great teams and great players over the years. Generations of baseball legends wearing the St. Louis Cardinals uniform—Dizzy Dean, Stan Musial, Bob Gibson, Lou Brock, and Ozzie Smith—all played before adoring crowds of St. Louis fans. This past year, we witnessed a legend-in-the-making when slugger Mark McGwire joined the Cardinals and chased baseball immortality. After hitting 58 home runs this season, Mark McGwire's name now joins the record books behind only Roger Maris and the legendary Babe Ruth on the all-time single season home run list.

Mark McGwire was embraced in St. Louis like few sports figures have in the city's history. But it was not only his tremendous feats on the baseball field that attracted fans but also his generous actions off the field. Mark McGwire stands as a role model for our children, teaching them that there are more important things in life than money and fame. His actions off the field show us the importance he places in the values we hold dear—

responsibility, community involvement, and family.

The city of St. Louis recently celebrated Mark McGwire's decision to sign a long-term contract to remain a Cardinal. McGwire demonstrated his generosity and commitment to the St. Louis community by pledging to donate $1 million of his salary every year to his foundation for sexually and physically abused children. Mark McGwire's baseball statistics show his excellence on the baseball field but his decision to give $1 million of his salary demonstrates what makes up his character.

I'm proud to be a St. Louis Cardinals fan—the greatest fans in all of baseball. Mark McGwire is the best home run hitter in the game today and someone in which the entire city can take pride. Mr. Speaker, I rise today to congratulate Mark McGwire on his outstanding baseball achievements and his decision to stay in St. Louis. I join the entire city in welcoming Mark McGwire and I look forward to admiring his work—both on and off the field—in the years to come.

A BILL TO END THE U.S. TRADE DEFICIT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. DEFAZIO. Mr. Speaker, trade deficits matter. They represent millions of lost jobs—mostly in high wage manufacturing industries. They help keep U.S. interest rates at abnormally high levels, depressing economic growth. And large, persistent trade deficits with low wage nations inevitably depress wages in the United States and contribute to one of America's most vexing problems: the growing disparities in the wealth and incomes of our citizens.

The United States has not had a positive trade balance since 1975. The 1996 total trade deficit—including services—was $111 billion. The merchandise-only trade deficit was $192 billion—a new record. It's true that exports create jobs. But when imports—especially imports of goods that were once produced in U.S. factories—exceed exports by nearly $200 billion a year, the result is a net loss of some of the best jobs our economy has to offer. That's exactly what this Nation's trade policies have delivered to the American people.

Today I am introducing a bill to establish the emergency commission to end the trade deficit. My bill would establish a commission to develop a comprehensive trade policy plan by examining the economic policies, trade, tax, investment laws, and other legal incentives and restrictions that are relevant to reducing the U.S. trade deficit. The commission would be composed of members with expertise in economics, international trade, manufacturing, labor, environment, and business. Senators DORGAN and BYRD have introduced companion legislation in the Senate.

Trade policy developed on a fast track has been disastrous for our people and our economy. It is time to slow down and carefully develop a trade policy whose principle objective is the generation of decent jobs and rising wages for the majority of our people.

TRIBUTE TO DALLAS LIGHTHOUSE FOR THE BLIND

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. SESSIONS. Mr. Speaker, I rise today to commend a great American and a great organization. The Dallas Lighthouse for the Blind has a long history in Dallas of providing blind individuals with work opportunities. The six decades of work improve and enhance the job opportunities for sight-disabled Dallas residents. I am proud to have this modern industrial center in the Fifth Congressional District of Texas.

This year the fifth district has been doubly blessed. One of my constituents, Jeddie Alexander, has been named the Dallas Lighthouse for the Blind's Ronald Pearce Blind Employee of the Year. Jeddie is a machine operator in the molding department of the lighthouse. In addition, he helped produce eyeglass cases and binders. Jeddie is completely blind, but his uncommon ability has allowed him to run a sewing machine.

Jeddie's story vividly shows that we should focus on abilities, not disabilities. In 1985, Jeddie was shot. He lost the use of both eyes and has no light perception. As he recounts, ''When I lost my sight, I had the impression that that was the end of myself. I would have to wait on other people to do things for me. After about a month and a half, I realized I didn't have to do that.''

I applaud Jeddie's commitment to improving his life and the lives of the people around him. He has truly taken advantage of the opportunities the Lighthouse has given him. As a father of a young Down's syndrome boy, I understand the desperate need for organizations like the Dallas Lighthouse for the Blind. Organizations like this give the greatest gift in all of the world—freedom, independence, and self-reliance to individuals that need an extra boost on the road of life.

WHY I SUPPORT ''FAST TRACK''

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. MANZULLO. Mr. Speaker, many people have diverse opinions on the issue of fast track and its potential impact in a wide range of areas. I wanted to take this opportunity to define fast track and explain what it is intended to do and what it is not designed to do.

Fast track is simply the process by which Congress provides limited authority to the President to enter into more trade negotiations in order to lower barriers to our U.S. exports. All fast track does is allow the President the ability to negotiate these trade agreements and then present the agreement to Congress for a final ''yes'' or ''no'' vote on the entire package without adding or taking away specific words or sections from the agreement. During the negotiations and the drafting of the final agreement, fast track mandates that there is sufficient consultation with Congress so that the President will not present an agreement that does not have the support of a majority in Congress. That, simply, is fast track, nothing more, nothing less.

Fast track is not a new concept. It has been a common practice for over 60 years, in some form, for every President since Franklin Roosevelt as tariffs became less and less a source of revenue for the U.S. Government and foreign trade policy grew in complexity and importance to the U.S. economy. The Reciprocal Trade Agreement Act of 1934 was the first time Congress delegated to the President the broad authority to set, within specific limits and for a limited time, tariff and other foreign trade policy.

Up until 1945, 32 bilateral tariff-reducing agreements were reached. In 1947, the United States became a founding member of the multilateral General Agreement on Tariffs and Trade [GATT], whose aim is a mutual reduction of barriers to trade among all the free market nations of the world. During this time, Congress extended the 1934 act 11 times to open up more markets to U.S. products by lowering tariffs.

Then, in 1962, Congress gave President Kennedy a 5-year authority to participate in the first major GATT round or negotiation to not just lower tariffs but eliminate duties on specific products. These global trade talks became more commonly known as the Kennedy round, named after his untimely death.

The Kennedy round concluded in 1967 when agreements were reached to reduce not only tariffs but, for the first time, non-tariff or redtape barriers. But more controversial, the executive branch, under President Johnson, also negotiated an international antidumping agreement that was not contained within the authority Congress originally gave President Kennedy. Congress subsequently enacted a law in 1968 nullifying any provision of this antidumping agreement that was not consistent with U.S. law.

Because of this dispute between the executive and legislative branch, a compromise was reached after a 7-year period when there were no significant global trade barrier reduction negotiations. Thus, the fast track procedures were formally adopted for the first time as part of the Trade Act of 1974. This legislation granted then President Ford another 5-year time period to negotiate a further reduction in trade barriers. These talks became more commonly known as the Tokyo round of the GATT. This round eventually produced a package of 14 international trade agreements that eventually became part of the Trade Agreements Act of 1979, negotiated by President Carter.

As part of this renewed fast-track authority, the executive branch agreed to more closely consult with Congress, even to the point of accrediting 10 Members of Congress to serve as advisors to trade negotiating teams. But, in return, Congress agreed not to amend or change the final agreement. Countries will not negotiate with the United States until they are assured that the final agreement will not be changed. However, the legislative branch established an informal process with the executive branch, from the beginning of the negotiating process to crafting the implementing legislation, that the final agreement reflects the will of a majority of Congress.

Fast track was further extended again to President Reagan as part of the Trade and Tariff Act of 1984. Thus, the U.S.-Israel Free

Trade Agreement in 1985 and the U.S.-Canada Free Trade Agreement in 1988 was negotiated and enacted into law under this authority.

Fast track was extended again to President Reagan as part of the Omnibus Trade and Competitiveness Act of 1988. This authority allowed him and, subsequently Presidents Bush and Clinton to negotiate and enact the North American Free-Trade Agreement [NAFTA] in 1993 and the third major GATT agreement, otherwise known as the Uruguay round, in 1994.

Thus, President Clinton's fast-track proposal is nothing new. It has been used by 11 Presidents of both political parties for over the last 60 years. The previous fast-track authority expired in 1994. In the specific proposal before Congress, the President would be given until 2001, which can be extended until 2005 unless one House of Congress disapproves, the ability to negotiate further reductions to trade barriers around the world.

Once again, fast track does not take any power away from Congress. In fact, this procedure requires constant congressional review and input throughout each stage of the process from deciding which country to negotiate with to proposing the final legislative bill to implement the agreement. No President will submit a trade agreement that has not been thoroughly analyzed and supported by a majority in Congress. Without fast track, we would never have any more major agreements.

That's why I support providing any President, regardless of party affiliation, the ability to enter into comprehensive trade agreements to help boost our exports as long as the negotiations stick closely to resolving trade problems, not unrelated issues. Most observers believe Chile would be the next logical candidate to enter a free-trade agreement with the United States.

A free-trade agreement with Chile will be very beneficial to the United States. The average tariff or tax on United States exports to Chile is 11 percent. Yet, the average tariff rate for Chilean imports into the United States is less than 1 percent. Essentially, Chile already has a one-sided free-trade zone with the United States. Obviously, a free-trade agreement with zero tariffs on both sides is of greater benefit to the United States.

Chile has already entered into a variety of free-trade agreements with other nations, such as Canada and Mexico. There are documented cases when U.S. workers lost approximately $500 million in export opportunities in 1996 to foreign competitors because the U.S. product had an 11-percent tax added on top of the base price. For example, workers at a major United States telecommunications firm lost the opportunity to help rebuild Chile's phone system to Northern Telecom of Canada because of the lack of a free-trade agreement with the United States. With fast-track authority, we can knock down these trade barriers, not just with Chile but with other countries and in specific sectors such as agriculture, automobiles, and environmental technology to help United States workers make products that will be sold abroad.

I understand that many oppose fast track because they sincerely believe that this vote serves as a referendum on the North American Free-Trade Agreement [NAFTA]. Many opponents of fast track believe that NAFTA has cost the United States hundreds of thousands of jobs. First, the analysis is based on a false assumption that any trade deficit automatically translates into job loss. In some cases, imports create job opportunities here at home, from longshoremen to clerks in retail stores. In other cases, goods are imported into the United States for final assembly for consumption here or exported abroad. Thus, no one should assume that because there is a trade deficit with a certain country, then that automatically translates into U.S. job loss. If that were the case, then oil producing countries like Saudi Arabia and Venezuela would be the greatest displacer of United States jobs because oil imports comprise most of our global trade deficit.

In the specific case of Mexico, it is important to remember that NAFTA actually prevented a bad situation from turning worse. United States exports to Mexico suffered a decline in 1995 because of the peso devaluation and the ensuing economic downturn, which had nothing to do with NAFTA.

A less serious economic crisis affected Mexico during the early 1980's but the impact on United States exports was much greater than 1995. Mexico's economic growth rate dropped by a significant 7 percent in 1995 as compared to a growth rate decrease of 0.6 percent in 1982 and 4.2 percent in 1983. United States exports to Mexico dropped by 35 percent in 1982 and 24 percent in 1983. However, in 1995, United States exports to Mexico decreased by only 13 percent. Why? Because Mexico honored the tariff reduction commitments it made in 1993 as part of NAFTA.

In 1982, Mexico responded to its economic downturn by raising tariffs and other import barriers against United States products to protect their industries. But in 1995, while Mexico significantly raised tariffs and trade barriers against other nations not part of NAFTA such as Europe and Japan, Mexico did not do so against the United States and Canada because that action would have violated NAFTA. Thus, while United States exports to Mexico dropped off by half in the early 1980's, they only decreased by 13 percent in 1995 during a much more severe economic crisis thanks to legal protections contained in NAFTA. In other words, whatever United States job loss can be associated with trade with Mexico after NAFTA would have been much greater in 1995 if NAFTA was not in place. Thus, NAFTA prevented the loss of more United States jobs because under the terms of NAFTA, Mexico was prohibited from raising tariffs and more red-tape regulations to restrict U.S. exports.

While many northern Illinois exporters faced a rocky road with Mexico in 1995, prospects now look brighter. I see news headlines such as: ''Midwest Boom Fueled by Mexico Trade,'' ''Spurred by NAFTA, Illinois Exports Finally Rebound,'' and ''NAFTA's Impact on Jobs Has Been Slight, Study Says.'' I have heard from many companies in the 16th District of Illinois whose workers have specifically benefited because of the increased openness in Mexico thanks to NAFTA. For example, Eclipse Corp. closed up their factory in Mexico and relocated operations back to Rockford because NAFTA now allows their product to be shipped much more easily into Mexico.

But regardless of anyone's position on NAFTA, opposing fast track will not do anything to solve any remaining trade problems the United States has with Mexico. To defeat fast track will not stop United States companies from moving their factories to Mexico or slow down Mexican imports into the United States. It is very important to remember this because many who oppose fast track sincerely believe defeating this initiative will stop these practices.

In conclusion, Mr. Speaker, I support fast track as one tool in our trade arsenal to help lower barriers around the world to U.S. exports. I have been fighting to make sure that our trade policy has all tools at its disposal, from antidumping laws, which helped Brake Parts of McHenry keep 400 jobs by fighting off unfair competition from unscrupulous Chinese brake rotor manufacturers, to the Export-Import Bank of the United States, which allowed Beloit Corp. with a manufacturing facility in Rockton, IL, keep 2,000 union workers employed along the Wisconsin-Illinois stateline border by providing a major loan to help sell two large, fine papermaking machines to Indonesia.

Mr. Speaker, fast track is simply another method to help break down trade barriers so that workers and farmers in the 16th District of Illinois can continue to build and grow products that will be shipped around the world. We cannot rest on our laurels during these good economic times, which have been caused, to a large degree, by the growth in U.S. exports, as we enter the next millennium. We need continued, further progress on the global elimination of barriers to U.S. exports. There is much more work that needs to be done. That's why we need fast track.

CONGRESSMAN KILDEE HONORS EDWARD J. KURTZ

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. KILDEE. Mr. Speaker, it is truly an honor to rise before you today to pay tribute to an individual who exemplifies the very best in civic pride and responsibility. On Tuesday, October 14, the Flint, MI, area Chamber of Commerce will honor Dr. Edward J. Kurtz with their Charles Stewart Mott Citizen of the Year Award.

Dr. Kurtz's name has become synonymous with education. In 1968, Dr. Kurtz introduced himself to Baker college as a student. Little did he know that this was the beginning of a relationship that would span over 30 years. Upon completing courses at Baker, Dr. Kurtz continued his education, receiving his bachelor of science degree at Ferris State University in 1968. He then returned to Baker where he worked as an instructor and later served as executive director of the school until 1974. Dr. Kurtz was then named president and chief executive officer of Baker College System, a position he maintains to this day. While serving as president, Dr. Kurtz managed to find the time to obtain his master's degree from Eastern Michigan University in 1974 and his doctorate from Tiffin University in Ohio in 1987.

Because Dr. Kurtz has experience in all aspects of the educational arena at Baker, Dr. Kurtz provides a pleasing sense of familiarity and empathy for the students, staff, and faculty under his care. Due to Dr. Kurtz's leadership, Baker College System has set a new

standard for growth and expansion. During his tenure the college has grown from its humble beginning to a nine-campus, career-oriented, regionally accredited family of institutions. Offering over 80 academic programs, Baker's enrollment has seen a meteoric rise from 200 to over 15,000 students, rivaling many of the State's public 4-year institutions. Revenue for the school has increased from under $500,000 to a current rate of more than $70 million.

Dr. Kurtz's commitment to our community is evident in the number of organizations that seek his experience and insight. He has served in prominent leadership positions with groups such as the Greater Flint Educational Consortium, Community Foundation of Greater Flint, Flint Chamber of Commerce, and the Association of Independent Colleges and Universities of Michigan just to name a few. The honors and awards that have been bestowed on Dr. Kurtz are evidence of the regard in which he is held. However, we can never properly thank Dr. Kurtz for his dedication to educating our students and ensuring that no barriers exist to prevent an individual from obtaining the necessary skills to achieve.

Mr. Speaker, it is with a tremendous amount of pride that I appear before you today to recognize my colleague, my constituent, and my friend, Dr. Edward J. Kurtz. The Charles Stewart Mott Citizen of the Year Award is given to individuals who show leadership, integrity, credibility, inspiration to other people, and commitment to the community. Therefore, Dr. Kurtz is the perfect candidate to receive this prestigious award. His love and dedication has made our community a much better place. I urge my colleagues in the house of Representatives to join me in congratulating Dr. Edward J. Kurtz on this tremendous honor.

NATIONAL FIRE PREVENTION WEEK

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. HULSHOF. Mr. Speaker, as you know, October 5 through October 11 is National Fire Prevention Week. Today I want to take time out to recognize the firefighters back home in Missouri's Ninth Congressional District. While there are many local fire departments who demonstrate excellence within the community, one shining example is the Palmyra volunteer fire department.

Celebrating its 100th anniversary, the eighteen members of the Palmyra volunteer fire department received an award earlier this year, naming it the top fire department in the entire State of Missouri.

While they fight fires with the best of them, they truly are public servants. Nominated because of the community service performed by its members, the Palmyra fire department enjoys wide support from the local residents.

Fire Chief Chuck Hoehne, a 30-year veteran of the department, said it well, ''Everything we do, the community is behind us. They support us 100 percent.'' Mr. Speaker, that is easy to believe once you learn more about the group.

When the team is not busy with their jobs, such as bank managers, sales clerks, construction workers, and insurance salesmen, they are out in Palmyra educating residents about the importance of fire safety. They make trips to all the schools with the Stay Alive House, a model used to teach people how to escape from a burning building. Students also are invited to tour the fire station.

Due in large part to the education provided by this exceptional team, I am pleased to report that fires are on the decrease in Palmyra—something to celebrate during National Fire Prevention Week.

Congratulations are in order for the Palmyra fire department, making northeastern Missouri a safer place to live.

IN HONOR OF THE 90TH ANNIVERSARY OF GRACE EVANGELICAL LUTHERAN CHURCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. MENENDEZ. Mr. Speaker, I rise to pay tribute to the members and clergy of Grace Evangelical Lutheran Church in Bayonne, NJ. This year the church is celebrating its 90th anniversary. When the church first opened its doors in 1907, it was the culmination of a dream 30 years in the making.

As early as 1877, the congregation was considering the idea that they had to build a church in Bayonne. At the time, since there was no church in Bayonne, worshipers had to row across the Kill Van Kull to Staten Island, a situation which presented many hardships to the Lutherans of Bayonne.

The church has not only survived for 90 years, it has also thrived, and in the process it has enriched the community. The church's numerous humanitarian public service projects and the friendly outgoing nature of the congregation's members, have helped make Bayonne and the surrounding area a better place to live.

For 90 years, congregants and clergy have worked diligently to ensure the success of the church and the community. Over their long and varied history the Grace Evangelical Lutheran Church relocated, expanded, built nursery and parish additions to their church building, and merged with the fellow Lutheran congregation of St. Pauls'.

This important work was performed and done under the guidance, patients, and love of brave clergy who desired the best for their congregation and their community. Clergy such as the Rev. Bergwater, the ground breaking first pastor of the congregation, Revs. Willis and Clare, Rev. Schrum who built the parish house, Rev. Jaxheimer who oversaw major renovations and the historic merger with St. Paul's, and Rev. Larson who introduced new elements into the liturgy. During the past 10 years the mission of Grace Evangelical Lutheran has continued under the guidance of Pastors Ficken, Wright, and Carter.

The congregation is reflective of our Nation's greatest treasure—its people. A people who are not afraid to face the future. A people that know that with perseverance anything can be achieved.

It is an honor to have such an outstanding congregation in my district. I ask that my colleagues join me in recognizing the excellent work of Grace English Evangelical Lutheran Church.

HONORING THE SERVICE OF CHIEF JAMES E. ANTHONY OF THE GLENDALE POLICE DEPARTMENT

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. ROGAN. Mr. Speaker, I rise today to pay tribute to a dear friend who has dedicated his life to serving his family, his community and his country. Glendale Chief of Police James E. Anthony has spent the last 34 years protecting the lives of others, and investing in the lives of those around him.

Chief Anthony followed both his father and his uncle into law enforcement. He began his career with the FBI in Washington where he quickly rose through the ranks to become special messenger to John Edgar Hoover.

In 1969, he returned to his native southern California and accepted a post with the West Covina Police Department. In his seventeen years of service there, he distinguished himself as a man of honor, integrity and determination. His efforts paid off when he was appointed to the position of department commander.

Chief Anthony is a natural leader, and his abilities were not to go untapped. In 1980 he became the Chief of Police of the Chino Police Department and served that community until his move to Glendale in 1992.

Mr. Speaker, over the last five years, Chief Jim Anthony has tirelessly served the people of Glendale, which is one of the largest cities in Los Angeles County. He has led a staff of over three hundred people by inspiring and encouraging others to offer their best for our community.

Chief Anthony has exemplified the spirit of law enforcement. In over thirty years of public service, he has seen the methods of fighting crime go from pen and paper to laser and infrared. As he looks forward to his retirement, I know my colleagues join me on behalf of the Congress of the United States in saluting Chief James E. Anthony, for his life of service to our community.

CONGRATULATIONS ON TAIWAN'S 86TH NATIONAL DAY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. UNDERWOOD. Mr. Speaker, October 10, 1997, marks the 86th anniversary of the Republic of China's emergence as Asia's first republic. I heartily congratulate not only the Republic of China, but Taiwanese nationals all over the world on this momentous occasion.

For years, the people of Guam have welcomed Taiwanese citizens, whether as permanent residents or visitors, to our island. Our cultural, economic, and political collaborations have proven beneficial not only on an official level, but on social planes as well. The recent renovation of the Chinese Park in Upper Tumon is a perfect example of our appreciation of each other's cultures and ways of living.

I also take this opportunity to commend the work of the Taipei Economic and Cultural Office in Guam under the guidance of Director

General Leo Fu-tien Liu. Through capable leaders such as Mr. Leo Fu-tien Liu, Guam is sure to benefit further from cordial relations with the Republic of China.

Guam benefits from the diversity of its residents, and certainly from the Chinese community on our island. Through their expertise, diligence and charity, Taiwanese nationals and residents have helped Guam become what it is today, an island with a vibrant economy and satisfied residents.

I again congratulate the Republic of China on this propitious occasion. Happy Double Ten.

THE CONFRATERNIDAD GUINERA VEINTIOCHO DE ENERO HONORED

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the members and officials of the Confraternidad Guinera Veintiocho de Enero.

This organization, founded on the 8th of October in 1972 in Union City by Mr. Manuel Rodriguez and other residents from the town of Guines on the beautiful island of Cuba, is celebrating their 25th anniversary. The sons and daughters of Guines living in the United States have made us proud of their service and dedication on behalf of their community in Union City, NJ.

This organization came together at a time when Union City, like many inner cities in the United States, was facing financial hardship because their businesses were moving to the suburbs. The Guineros, as part of the Cuban community in exile, contributed to the city's renaissance, not only in Union City, but also in the neighboring towns of North Bergen, West New York, Guttenberg, and Weehawken. It is gratifying to know that this organization brought together the sons and daughters of a land left behind and also of an entire community.

I am certain my colleagues will rise with me to honor this wonderful celebration of a job well done.

IN HONOR OF STEVE DILLENBECK, EXECUTIVE DIRECTOR OF THE PORT OF LONG BEACH

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. HORN. Mr. Speaker, I rise today to pay tribute to a distinguished public servant, Mr. Steve Dillenbeck, executive director of the Port of Long Beach, California. Steve is retiring after 34 years in port administration—more than 6 of which were spent as executive director in Long Beach.

This great port which is located in the 38th Congressional District, has grown significantly under Steve Dillenbeck's management. His extensive seaport experience has helped make the Port of Long Beach a centerpiece of the Pacific rim economy and a keystone of U.S. global trade.

When Steve became executive director in 1991, Long Beach was one of the busiest ports in the country. Today, the Port of Long Beach is No. 1. The city of Long Beach and the surrounding regional economy are better off today because of this economic growth, due in no small part to the dedicated effort of Steve Dillenbeck and his talented staff.

Mr. Speaker, I join the Long Beach City Council and Board of Harbor Commissioners as well as the Los Angeles County Board of Supervisors and all the other local officials who are honoring Steve Dillenbeck for a job ''well done.''

HONORING THE LIONS CLUB INTERNATIONAL OF PICO RIVERA FOR 60 YEARS OF OUTSTANDING AND INVALUABLE SERVICE TO THE COMMUNITY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize the men and women of the Lions Club International of Pico Rivera on the occasion of its 60th anniversary. I am proud to be an honorary member of the Lions Club International of Pico Rivera and commend my fellow Lions for 60 years of outstanding leadership and dedicated community service. On October 11, 1997, my fellow Lions will join to celebrate this milestone.

The Lions Club International began in June 1917, founded by Chicago Insurance agent Melvin Jones. He presented to a group of small business clubs his proposal of consolidating their clubs into a strong, influential club. Its goal would be to serve the community and humanity. At the first annual convention in October 1917, 23 clubs participated. Today, there are over 40,000 Lions Clubs around the world.

Recognized as the oldest continuous service club in Pico Rivera, the Lions Club of Pico Rivera was chartered on September 24, 1937. It is a part of the International Association of Lions Clubs, known worldwide for its contributions to goodwill, fellowship, and humanitarian service. The primary focus of this fine organization is service to all of mankind, in the local community and throughout the world. For 60 years, the Pico Rivera Lions Club has shared in this vision and commitment.

The men and women of the Lions Club of Pico Rivera have played major roles in the advancement of the city of Pico Rivera, working diligently to establish a positive spirit of cooperation among the citizens of our community. They provide assistance for persons who are visually impaired and who lack the resources needed for specialized eye surgery. The Lions Club of Pico Rivera works with merchants, local government, and other service clubs to build a strong community.

The Lions Club of Pico Rivera is under the leadership of my dear friend, Lion Hilda Lopez, president, an outstanding community activist who follows in the tradition of her late husband, Lion Laree, in assuming the helm of this valued community organization. She is assisted by Vincent Chavez, vice president; Jess Benavidez, co-vice president; Mary Kambourian, secretary; John Diaz, treasurer; Mario Diaz, tail twister; Jack Thomas, lion tamer, Dr. Fred Winnen, director; Carlos Garcia, director; Lupe Quintana, director; and Phillip Barnecut, central region chairman.

Mr. Speaker, it is with pride that I ask my colleagues to join me in paying tribute to the men and women of the Lions Club of Pico Rivera on the occasion of its 60th anniversary and in the recognition of its outstanding and selfless service to our community.

IN HONOR OF VARDA AND ARNOLD WENDROFF FOR OUTSTANDING CONTRIBUTION TO THE BAYONNE JEWISH COMMUNITY CENTER ON ITS 45TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to an outstanding family, Varda and Arnold Wendroff, who together through their tireless efforts and altruism have devoted 20 years to the workings of the Jewish Community Center in Bayonne. This year the Center will be honoring the Wendroffs at the 45th Annual Sustaining Dinner Dance on October 9, 1997 at the Jewish Community Center in Bayonne, NJ.

The Jewish Community Center has been a gathering place for the entire Bayonne community for the last 45 years. The excellent nonsectarian programs are sought after by community members of all ages—2 to 102—for nursery classes, youth basketball, concerts, lectures, a nutritious lunch program for the elderly, services for children with special needs, summer camp, children's summer theater workshop, and an adult peer learning program.

Varda Wendroff is the immediate past president of the Bayonne Jewish Community Center where she demonstrated skill, generosity, and good humor throughout her successful term. She has chaired the membership, nursery school, and Holocaust remembrance committees. Varda currently serves as president of the Bayonne Jewish Community Council. In her professional life, Varda teaches German, French and ESL at Bayonne High School. She was recognized with the Governor's Award for Excellence in Teaching and named in ''Who's Who Among American Teachers.''

Arnold Wendroff is vice president of the Bayonne Jewish Community Center and chairperson of the Personnel Committee. Arnold had served as chairperson of the Drama Committee and has received the Nathan Secunda Award for dedication and devotion. Professionally, Arnold is a second vice president of Chase Manhattan Bank, where he has worked for 33 years. He was the recipient of the prestigious Excalibur Award given to outstanding Chase employees.

I ask that my colleagues join me in recognizing the outstanding work of the Bayonne Jewish Community Center and the Wendroffs, who are being honored at its Annual Sustaining Dinner. This exceptional family has shown the diligent and unselfish work which exemplifies the qualities of caring citizens working to better their community. It is an honor to have such outstanding community leaders residing in my district.

CONGRATULATIONS TO THE YWCA WOMEN OF INFLUENCE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. PAYNE. Mr. Speaker, on Saturday, October 18, the YWCA of Essex and West Hudson will honor the winners of their Annual Women of Influence Awards. I ask my colleagues here in the U.S. House of Representatives to join me in congratulating these special women of achievement.

Among the honorees is Ms. Antoinette (Tony) O'Flagherty, a dear friend of mine and a person whom I greatly admire for her strong spirit, her generosity, and her tremendous contributions to our community. Ms. O'Flagherty, who holds a degree in economics from Mount Holyoke College, has been a tireless crusader in behalf of the poor and homeless of our community. After a distinguished career in the labor movement and county government where she held a number of positions including public information officer and coordinator for the Essex County Department of Citizen Services, Ms. O'Flagherty devoted her considerable talent and energy to community service. She served as chairperson of the Homeless Task Force established by the Newark Emergency Services for Families. Under her creative leadership, the task force brought together a group of homeless women from hotels and shelters to exchange information and ideas. It also provided a forum for exchanges among service providers, State, county and government representatives. Ms. O'Flagherty has championed the cause of those who are still struggling to succeed in our society, giving a voice to their concerns, hopes and aspirations for the future. Her many volunteer commitments include service on the New Jersey Child Care Advisory; the Newark Preschool Council, Inc.; chairperson of the Newark Emergency Services for Families Homeless Task Force; chair of the Essex County Advisory Board of the Salvation Army; board member of the Isaiah House; board member of the United Labor Agency; member of the League of Women Voters; and chair of the Essex Advisory Board of the Catholic Community Services.

One of her many accomplishments while working with the county was that Ms. O'Flagherty was able to create employment opportunities for qualified minorities who had previously encountered difficulties in breaking barriers. She understood that employment was the key to the economic success of the community. After I was elected to Congress, I was honored that she agreed to serve on my child care task force, sharing her vast knowledge and expertise for the betterment of the 10<>G5th congressional district.

Ms. O'Flagherty remains a vibrant force in our community. Just yesterday, she was personally greeted by President Clinton when he arrived at the Metropolitan Baptist Church in Newark, where he discussed an issue close to her heart—child care.

The other Women of Influence honorees who have also distinguished themselves through outstanding professional achievements and dedicated community service are: Susan Jenkins, business, executive at Merck and a member of the YWCA Board; Bernice Davis, education, past superintendent, Orange Board of Education; Cheryl Hudson, entrepreneur, proprietor/publisher, Just Us Books; Dr. M. Calhoun Thomas, medicine, pediatrician with 21 years of service to the Orange community; Dr. Byrte Johnson, religion, a life of dedication to the ministry of music and youth; Michele Williams, religion, youth Sunday school teacher, and minister of music; Angela Hayes, youth president of Senior Teens of Jack and Jill of America; Harriett Johnson, nursing, assistant executive director, Board of Nursing, Orange.

Mr. Speaker, our community is proud of these women of accomplishment, and I know my colleagues join me in extending congratulations and best wishes for continued success.

HONORING CHARO FOR 30 YEARS OF OUTSTANDING AND INVALUABLE SERVICE TO THE COMMUNITY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize CHARO Community Development Corporation on the occasion of its 30 Anniversary. For 30 years, CHARO has provided exemplary service to the greater East Lo Angeles community.

Incorporated as a non-profit in 1967, Richard Amador, then Chief of Field Operations, Office of the President and Federal Coordinator, President's Committee on Manpower, took a leave of office from the President Johnson administration to start CHARO. CHARO is an innovative and progressive community organization that seeks to develop self sustaining economic development initiatives that create jobs and wealth for the community.

Its first program was initiated to bridge Federal, State, and local government agencies with community based organizations. CHARO developed the Manpower Information and Technical Assistance Services Program (MITAS) to more effectively provide human resource development services to communities. Since its inception it has continued to expand and develop the services it offers to address the needs of the community.

In 1969, CHARO created HEART (Hospital Employment and Related Training Project). HEART was the first program to design and develop new job classifications and on the job training in non-certified positions in health services. This was the first program of its kind to link community residents with training in the health care profession.

In 1970, CHARO was the first non-government entity to develop an On the Job Training (OJT) Program in the private sector with support services called Instant Job. Previously OJT was only available through a trade union. This program expanded the opportunities for the community to learn a trade through apprenticeship.

In 1971, with the assistance from the Carnegie Foundation and the PEDR Corporation, CHARO developed the Institute for Leadership Development, a certificate Management Development Program. Through the certificate program, Hispanic business professional were empowered with the tools to succeed in business and become community leaders.

CHARO developed the first Vocational Training with English as a second language program to serve non-English and limited English proficient clients. VocESL was established in 1972, opening the doors for Latinos, stymied by a language barrier, to gainful employment.

CHARO Industries, established in 1972, addresses the lack of vocational opportunities for the developmentally disabled population. CHARO met this need by establishing the first bilingual/bicultural sheltered workshop for developmentally disabled adults. CHARO contracted assembly, packaging, and fulfillment services with private and public entities.

In 1973, CHARO created the first non-government employment and training center, CHARO Career Center. For over 20 years, the Center has facilitated in the placement of over 10,000 individuals. CHARO has been a leader in fixed price contract services, often placing long term unemployed and those formerly on welfare assistance or recently released from correctional facilities in to full time employment.

To serve families visiting relatives or friends in the hospital, CHARO established in 1976 an emergency drop-in child care center at the U.S.C.–Los Angeles County Medical Center. And in 1978, CHARO created the Child Development Center to address the child care needs of the Los Nietos-Whittier School District. Now serving over 150 pre-school children, the program operates as a child development center, providing educational enhancement exercises and food service program to local low income families. Seeing a rise in latch-key children, the Los Nietos-Whittier School District again called upon CHARO to meet the needs of working families. Using its own funds, in 1983, CHARO established two before and after school care facilities. Both programs provide homework assistance and tutoring programs for the after school youth program.

Addressing the need for affordable housing, in 1989, CHARO developed one of the first complexes in East Los Angeles, Morengo Apartments, comprised of 24 one, two, three, and four bedroom units for low and moderate income families. In 1991, AMCAL, a subsidiary of CHARO, developed Arroyo Villas, a 22 unit complex of one, two, and three bedroom units for very low, low, and moderate income families in Highland Park.

In 1990, the CHARO Industrial Park was established on 2.7 acres in East Los Angeles for economic development. Recognizing that CHARO could provide competitive quality services, employing local residents, CHARO became the first non-profit to contract with Los Angeles Department of Water and Power, providing environmental services and installation of energy and water saving devices in home located in the City of Los Angeles. In 1993, CHARO created the Mid City Property Management to provide design and remodeling services to CHARO subsidiaries and divisions, and property management.

Since 1993, CHARO has trained over 400 Angelenos through the Entrepreneur Training Center. Utilizing the Cornell University/Wharton School of business, CHARO established the first bilingual/bicultural entrepreneur training program, resulting in over 110 new jobs and over 102 new businesses. The Los Angeles Career Center was established in 1994 as one of the first One Stop Employment and

Training Center serving East Los Angeles. Over the last two years, the Center has assisted over 700 residents in re-employment, generating over $18.5 million in new wages. This year, CHARO implemented the East Los Angeles Business Assistance Center. Close to 100 clients received services, totaling over 500 hours of technical assistance, with a number of businesses referred to lenders for banking and financial services.

Mr. Speaker, it is with pride that I rise to recognize the 30 years of dedicated community service and exemplary leadership CHARO has provided the residents on my congressional district and throughout the greater East Los Angeles area. I ask my colleagues to join me in paying tribute to Richard Amador and the men and women of CHARO Community Development Corporation on its 30th Anniversary.

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

SPEECH OF

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 901) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding these public lands and acquired lands:

Mr. GREENWOOD. Mr. Chairman, I rise today to express my support for H.R. 901, the American Land Sovereignty Act.

Unfortunately, on October 8, 1997, when the full House of Representatives voted on final passage of H.R. 901, I, in error, cast a ''nay'' vote on final passage. Mr. Speaker, I had intended to vote ''yea'' on final passage for H.R. 901.

I had assumed that when I cast my ''nay'' vote, that I was voting against a Miller of California amendment that would have weakened the bill. Mr. Speaker, only when I returned to my office did I realize that I made this error.

Mr. Chairman, I have always been a supporter of the American Land Sovereignty Act and voted in favor of similar legislation that the House acted on in the 104th Congress.

Furthermore, in the 105th Congress I voted in favor of several amendments, that were offered by my colleague, Congressman COBURN, to various appropriations bills, that would prohibit any funds appropriated in those bills from being used to support the U.S. Man and the Biosphere Program or the World Heritage Program.

Mr. Chairman, I regret that I made this error and wanted to take this opportunity to reiterate my support for this type of legislation.

FOOD AND DRUG ADMINISTRATION REGULATORY MODERNIZATION ACT OF 1997

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. STUPAK. Mr. Speaker, I will support this bill today, because I believe this legislation will begin an important process in modernizing and improving the operations of the Food and Drug Administration. In addition, the bill will reauthorize and improve the highly successful Prescription Drug User Fees Act.

However, I am concerned that we should not take up a bill of this magnitude on the Suspension Calendar. While it is true that Chairman BLILEY and Ranking Member DINGELL informed members of the Commerce Committee of their intentions, I do not believe this is an appropriate process.

First, not every member of this body is a member of the Commerce Committee. We should not restrict the rights of the members of the House to debate and offer amendments to this legislation. We cannot know if members planned to offer amendments, since the regular order was not followed and the Rules Committee did not meet on this bill.

Second, the Suspension of the Rules procedure is generally used to approve measures that are non-controversial or do not require large authorizations. This historical practice is reflected in Rule 28 of the House Republican Conference Rules that admonishes the Speaker not to schedule Suspension bills of over $100 million in authorization, except if he seeks a waiver from the leadership. When Democrats had control of the House, they instituted a similar procedure. This legislation authorizes user fees in great excess of the $100 million threshold and should be debated through regular order.

Third, this legislation creates a number of new responsibilities for the Food and Drug Administration. In addition, the FDA will need to divert a substantial amount of resources to implement the new policy changes contained in this legislation. This year the President requested $68 million less than in FY 1997. Even though Congress appropriated substantially more, we must continue to ensure that the FDA has the resources to meet all its mandates, not just prescription drug reviews. I co-signed a letter with 85 other members of the House to request the President to expend more resources inspecting imported food. I have included a copy of the letter for the record and want to urge this body not to stretch the FDA so thin that it cannot perform its necessary public health functions.

Finally, I intended to speak in support of my amendment to the legislation authorizing a notification procedure at the FDA in relation to Food Contact Substances. Although the substance of my legislation was adopted by the Committee, a portion of my proposed authorizing user fees, a concept supported by the industry that would pay the user fees, was not accepted. I want to make it clear that although I acceded to the request of the majority to drop the user fees, it is my sincere hope and belief that the House should accede to the Senate position in conference and adopt the user fees.

In short Mr. Speaker, the issues surrounding this legislation are very complex. They do not lend themselves to suspending the rules of the House and expediting consideration, just because it is convenient. The Rules of the House protect the members in their rights to debate and thoughtfully consider legislation. I do not believe they should be suspended so lightly.

CONGRESS OF THE UNITED STATES,
WASHINGTON, DC, SEPTEMBER 24, 1997.

Hon. WILLIAM JEFFERSON CLINTON,
Washington, DC.

DEAR MR. PRESIDENT: We urge you to give serious consideration to remedying the inadequate food safety provisions in the North American Free Trade Agreement (NAFTA). Because of your commitment to ensuring the safety of our nation's food supply, we expect that you will not agree to fast track authority that does not contain adequate food safety protections. Current fast track proposals do not address these concerns.

In an effort to increase trade with Mexico, NAFTA limited border inspections of food and allowed Mexican trucks to enter the U.S. with limited inspection.

These lax inspection practices contributed to a sharp increase in food imports from Mexico: imports of Mexican fruit have increased 45 percent, and vegetable imports have risen 31 percent. More than 70 percent of these imports are carried into the U.S. on trucks. The General Accounting Office (GAO) recently found that 99 percent of Mexican trucks enter the U.S. without any inspection.

These provisions in NAFTA have resulted in imports of fruits and vegetables contaminated with diseases and unhealthy pesticides. We were alarmed earlier this year when 179 Michigan school children contracted hepatitis after eating tainted Mexican strawberries. In order to prevent similar incidents in the future, we urge you to take the following action:

Renegotiate the provisions in NAFTA that relate to border inspections and food safety, and ensure that any fast track authority include strong food safety protections.

Increase the funding for border inspections or, alternatively, limit the increasing rate of food imports to ensure the safety of our food supply.

Begin an aggressive program to label all food stuffs—including fresh and frozen fruits, vegetables and meats—with their country of origin.

We look forward to working with you on these vital public health issues.

Sincerely,

Sherrod Brown (D–13–OH), Bart Stupak (D–1–MI), Neil Abercrombie (D–1–HI), Tom Allen (D–1–ME), John E. Baldacci (D–2–ME), Jim Barcia (D–5–MI), Rod Blagojevich (D–5–IL), David Bonior (D–10–MI), Sonny Bono (R–44–CA), Bob Borski (D–3–PA), George Brown Jr. (D–42–CA), Julia Carson (D–1–OR), Tom Coburn (R–2–OK), Jerry Costello (D–12–IL), John Conyers (D–14–MI), William J. Coyne (D–14–PA), Pat Danner (D–6–MO), Danny Davis (D–7–IL), Jim Davis (D–11–FL), Peter DeFazio (D–4–OR), Rosa Delauro (D–3–CT), William Delahunt (D–10–MA), Ronald Dellums (D–9–CA), Mike Doyle (D–18–PA).

Eliot Engel (D–17–NY), Lane Evans (D–17–IL), Vic Fazio (D–3–CA), Marc Foley (R–16–FL), Martin Frost (D–24–TX), Elizabeth Furse (D–1–OR), Sam Gejdenson (D–2–CT), Luis Gutierrez (D–4–IL), Maurice D. Hinchey (D–26–NY), Jay Johnson (D–8–WI), Paul E. Kanjorski (D–11–PA), Marcy Kaptur (D–9–OH), Joseph Kennedy (D–8–MA), Patrick Kennedy (D–1–RI), Dale Kildee (D–9–MI),

Ron Kind (D–3–WI), Ron Klink (D–4–PA); Dennis Kucinich (D–10–OH),

Tom Lantos (D–12–CA), John Lewis (D–5–GA), William O. Lipinski (D–3–IL). James H. Maloney (D–5–CT), Thomas Manton (D–7–NY), Matthew Martinez (D–31–CA), Frank Mascara (D–20–PA), Carolyn McCarthy (D–4–NY), Jim McGovern (D–3–MA), Cynthia Ann McKinney (D–4–GA), Marty Meehan (D–5–MA), Jack Metcalf (R–2–WA), George Miller (D–7–CA), Patsy Mink (D–2–HI), Jerrold Nadler (D–8–NY), Jim Oberstar (D–8–MN), David R. Obey (D–7–WI), John Olver (D–1–MA), Frank Pallone (D–6–NJ), William J. Pascrell (D–8–NJ), Colin Peterson (D–7–MN), Glen Poshard (D–19–IL), Steve Rothman (D–9–NJ), Lynn Rivers (D–13–MI), Bobby Rush (D–1–IL).

Martin Sabo (D–5–MN), Bernard Sanders (I–At Large–VT), Adam Smith (D–9–WA), Debbie Stabenow (D–8–MI), Pete Stark (D–13–CA), Ted Strickland (D–6–OH), Karen Thurman (D–5–FL), John Tierney (D–6–MA), Ed Towns (D–10–NY), James A. Traficant, Jr. (D–17–OH), Bruce Vento (D–4–MN), Nydia Velasquez (D–12–NY), Peter J. Visclosky (D–1–IN), Maxine Waters (D–35–CA), Mel Watt (D–12–NC), Henry Waxman (D–29–CA), Robert Wexler (D–19–FL), Robert A. Weygand (D–2–RI), Sid Yates (D–9–IL).

IN HONOR OF JOSE ROSARIO: FOUNDER OF FOCUS AND A LEADER IN THE HISPANIC COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an outstanding gentleman, Jose Rosario, who served as the founding father of FOCUS and contributor for the endowment of the Hispanic American community. On October 10, 1997, the Puerto Rican Congress Inc. will posthumously honor Mr. Rosario with a special reception at the Hilton in Secaucus, NJ.

Mr. Rosario, born in Moca, PR, passed away on August 29, 1997, in Carolina, PR. He was a hardworking accountant and a licensed real estate agent. Before moving to New Jersey 40 years ago with his wife Phyllis, he worked for the commonwealth of Puerto Rico. It is through his roots and heritage that he left a legacy of determination for improving human services in the Hispanic-American community.

Mr. Rosario, El Viejo as he was known to his friends, founded FOCUS, the Newark based social services agency, in 1967. Its mission was to provide education, job training, and other services for underprivileged Hispanics from the Newark area. Today, known as the Focus Hispanic Center for Community Development, the agency, led by Casto Maldonado, executive director, and Frank Morales, chairman of the FOCUS board of trustees, serves more than 9,000 clients every year through grants and donations to fund an annual budget of over $1 million.

Mr. Rosario also established the New Jersey Office of Hispanic Affairs which set up the first bilingual education program in New Jersey schools and successfully pushed for passage of a law requiring Spanish interpreters in the courts. Mr. Rosario pressed for the State high school equivalency examination to be given in Spanish, helped establish the New Jersey Puerto Rican Statewide Parade Committee, and in 1977 was awarded a seton hall honorary degree in humanities or improving the way of life for Hispanics in New Jersey.

I thank the Puerto Rican Congress for this tribute and it is an honor and a pleasure to recognize the accomplishments of this celebrated man. He is deeply respected for his tenacity in seeking the advancement of all Hispanic-Americans. I am certain that my colleagues will join me in paying tribute to this remarkable gentleman.

TRIBUTE TO HENRY B. GONZALEZ

SPEECH OF

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

Mr. HALL of Texas. Mr. Speaker, it is an honor for me to pay tribute today to a longtime friend and dean of the Texas delegation, the Honorable HENRY B. GONZALEZ, who has announced that he will resign from Congress this year after 36 years of outstanding service.

For most of his life, HENRY GONZALEZ has been a dedicated public servant, both in Congress and previously in local and State government in Texas. As chairman and ranking minority member on the Committee on Banking and Financial Services in the House of Representatives, he has made his imprint on our Nation's banking, financial, and housing laws. As Representative of the 20th Congressional district of Texas, he has been a formidable advocate for policies and programs affecting his constituents. And as dean of the Texas delegation, he has been a respected and influential colleague.

I knew HENRY GONZALEZ when he first served in the Texas State Senate. Previously, he had been a member and mayor pro-tem of the San Antonio City Council, deputy director of the San Antonio Housing Authority and probation officer for Texas County. He worked as a civilian cable and radio censor during World War II and operated a Spanish/English translating business with his father. He also taught math to veterans and citizenship classes to resident aliens. HENRY was born and raised and educated in San Antonio schools, with the exception of studying civil engineering for 3 years at the University of Texas at Austin before graduating from St. Mary's University school of law. His life has been one of giving to those who needed him.

In all that he has done in public service, HENRY GONZLEZ has been an outstanding Representative for his constituents in Texas, the Hispanic community, and our Nation. During Hispanic Heritage Month, I can think of no one more deserving of our respect and our gratitude for 36 years of dedicated service in the House of Representatives than my good friend and colleague, HENRY B. GONZALEZ. As we adjourn today, I ask that my colleagues join me in bidding him a fond farewell and in wishing him God speed in his retirement.

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 901) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands:

Mr. RILEY. Mr. Chairman, I rise today in strong support of H.R. 901, The American Land Sovereignty Act. No longer can we sit back and let the United Nations dictate US domestic policy or infringe on our national sovereignty.

This is not a new argument. How many times do we have to hear about the abuses of the United Nations. In Alabama we hear that the United Nations is mired in one boondoggle after another, how we owe them $1 billion, or how our troops are going to be forced to miss Christmas because some foreign dignitary believes it is reassuring to have our military guarding his personal possessions. Now we learn that the UN has declared certain pieces of United States soil to possess international status, independent of US sovereignty.

This is becoming unacceptable and borders on ridiculous. How much of this are we going to stomach before we tell the UN that it does not control the United States. The People govern the United States, and, as Representatives, we here in Congress are given the honor of governing this nation on behalf of our constituents. We need to unequivocally inform the UN that this is our country, not theirs. We need to tell the UN that we are going to hold it under close scrutiny and question all its actions.

Today, the House of Representatives passed H.R. 901. This important piece of legislation is a first step into curtailing the greedy clutches of the United Nations. It requires the Administration to seek Congressional approval before it can nominate any US land for inclusion on the World Heritage List. In addition, H.R. 901 stipulates that all lands that are to be included as a Biosphere Reserve must also be brought before Congress.

This bill sends a clear message to the UN and President Clinton that we are not going to allow any organization to disregard American Sovereignty. If the UN wants to make decrees that affect the United States, it must learn that it has to go through proper channels and ask permission.

The citizens of the United States, not the UN, will determine their own lives and their own futures.

TRIBUTE TO THE ARTIST WYLAND

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. LEVIN. Mr. Speaker, I rise today to recognize the dedication of the 76th Wyland

Whaling Wall in the city of Detroit on October 13, 1997. Wyland has chosen his home town to paint the 76th and final wall as part of his Great Lakes Midwest Tour.

In the tradition of Jacques Cousteau, by whom he was inspired as a youngster, Wyland has dedicated his career to educating and raising public awareness of the critical importance of our oceans and marine life. He is internationally renowned, with murals in Canada, Japan, Australia, France, and Mexico. His work will continue as he has set a goal of, 100 murals worldwide by the year 2011.

While 1998 has been declared the ''International Year of the Ocean,'' the people of Michigan, surrounded by the Great Lakes, have always treasured the unique habitat and wildlife fostered by marine environments. Each of Wyland's whaling walls will serve to heighten awareness and encourage future generations to appreciate and recognize the importance of marine habitats.

Mr. speaker, I ask my colleagues to join me in commanding Wyland, a native Detroiter, for his vision, dedication to our environment, and commitment to educating children and the public at large about our endangered oceans. I extend my gratitude for his donation of time and talent to beautifying our city, and encouragement as he continues to his 100th Whaling Wall Mural in the year 2011.

DEPARTMENT OF VETERAN AFFAIRS EMPLOYMENT DISCRIMINATION RESOLUTION AND ADJUDICATION ACT

SPEECH OF

HON. STEPHEN E. BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1997

Mr. BUYER. Mr. Speaker, my colleagues and I on the House National Security Committee, are in the process of completing the congressional review of sexual misconduct in the military. As difficult and shocking as that review has been, it pales in comparison to the problems that are coming to light in the Department of Veterans Affairs.

The Department of Veterans Affairs, this Nation's second largest agency, is a department that possesses a climate and culture that can only be described as openly hostile to women.

This culture not only allows the harassment of women, it aggressively moves to cover-up any allegations made by employees and often rewards those who have been convicted of wrong-doing.

There is a bunker mentality prevalent at the VA. It appears that the VA, when faced with accusations of sexual harassment, hunkers down and waits out the controversy while speaking aggressively. In reality, the attitude is that the VA winks at the claims of sexual harassment, protects the accused and victimizes the accusers.

As Kathy Lyons, a nurse with the VA described the VA process as, ''The way they handle the thing is to punish the victims.''

In 1993, this committee considered enacting legislation to re-organize the VA equal opportunity reporting system in light of abuses at the Atlanta VA hospital by the director, associate director, and chief of staff. At that time, Secretary Brown convinced the committee that he had a ''Zero tolerance'' for sexual harassment and the committee did not pass the legislation.

My good friend and colleague, Congressman JAMES CLYBURN stated at that time that, ''I don't care what you try to do, how many procedures you put in, how many training sessions you have, if your employees do not perceive the process or whatever you've done to be an adequate response to their past problems, there is going to be absolutely no trust in the process at all.''

The problem has persisted. The pattern of reward and coverup, had it been undertaken in the military, would result in a major scandal. In the VA, it merely constitutes business as usual.

In April, the VA Committee held hearings that revealed, as described by Subcommittee of VA Oversight TERRY EVERETT, a pattern of ''Club MED'' treatment for senior VA employees that had been accused of sexually harassing their employees.

Following that hearing, Chairman EVERETT also stated that, ''I have a concern there is a Good-Ole-Boy network out there and that there is a culture within the VA that protects the managers.''

Specifically, the committee found that:

A hospital director in North Carolina who groped and abused female employees who was transferred to Florida to a job specifically created for him that preserved his six-figure salary;

A VA Director in Virginia who was reassigned to Atlanta after he was accused of seven accounts of sexual harassment.

A VA personnel director in California has been reprimanded but not severely punished after an investigation into his rape and sodomy of employees in his hospital.

Reports that since 1993, the VA has punished nine VA managers for various sexual harassment complaints.

Reports that the VA Headquarters in Washington alone has 73 equal opportunity complaints pending by employees at that facility.

Overall, the VA work force is 8.52 percent of the total Federal work force, but files 14.1 percent of all harassment cases filed within the Government.

These cases illustrate that the VA's culture is one of paying off the accusers and covering for the perpetrators.

The overall culture starts with the leadership at the highest levels of the VA. The fact that Acting VA Secretary and Secretary designate Hershel Gober is married to VA counsel Mary Lou Keener and that Mr. Gober's nomination has been placed on hold for irregularities in his background investigation is evidence of problems and conflict of interest at the top. I am deeply concerned this situation has been allowed to exist at the VA.

During consideration of this bill in committee, I offered an amendment that would establish an independent panel to assess the culture of the VA with regards to sexual harassment, equal opportunity, and hostility in the workplace.

I am pleased and honored that my colleagues accepted my amendment on a bipartisan basis. This is a sign that Members on both sides of the aisle recognized the problems within the VA and the need to look at those problems.

Four years after this committee's initial hearings, egregious problems still exist. I have doubts in the VA's ability to police themselves. They simply have no grasp on the scope of these problems.

H.R. 1703 is designed to establish a new VA employment discrimination complaint resolution system. This legislation addresses the problem with the system within the VA.

My amendment tasks a panel to look at the people, their attitudes and practices within the VA. We need a baseline look at the culture within the VA, and recommendations on how to change that culture.

Some of the cases that the VA Committee has probed could have been handled even with the old EEO system in place. Within the VA, there was merely a failure to aggressively pursue. We need to know why those within the VA have this attitude, and what can be done to correct the situation.

RECOGNITION OF ''A SAFE PLACE'' FOR WOMEN AND CHILDREN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. DELLUMS. Mr. Speaker, I rise today with gratitude and admiration to acknowledge A Safe Place which will be honored on Saturday, October 11, 1997 for its dedication, service, and tireless commitment to the bay area community.

A Safe Place provides crucial supportive and transitional services to battered women and their children. The mission of this organization is to decrease the number of battered women and educate the community on the issue of domestic violence. This extraordinary organization also provides personal support and attention to battered women, assisting them in becoming self-sufficient and providing skills to develop positive self images which in my opinion, is crucial in breaking the cycle of violence. I cannot emphasize enough the value of these services to our community. All those who have tirelessly cared, and passionately struggled to create this organization and expand its resources must be commended.

In 1976, a small group of women working in a shelter in San Francisco, La Casa de las Madres, began a shelter in the East Bay. Soon after, they began providing referral services and crisis counseling from a small office in Bethlehem Lutheran Church in Oakland run solely by volunteers. The initial, attentive activist focused on the needs of the community, and created the basis for a holistic and nurturing environment for women and children, and a community outreach violence prevention program.

With this objective as the foundation for A Safe Place, the L.C. and Mary J. Scaggs Foundation provided a grant in 1978 which made it possible to fund three half-time positions. Over time, with grants, corporate contributions, and individual donations, the staff was expanded.

In December of 1980, A Safe Place was forced to find new facilities, or shut down completely. With the help of the media, the organization received a $100,000 anonymous donation and a $75,000 interest-free loan, which enabled them to purchase a house to be used as their new permanent facility. In March of 1981, the doors were opened and the house

welcomed 20 women and their children. The resolution of this crisis situation illustrated not only the dedication of the staff and volunteers of A Safe Place, but also the value and appreciation that the bay area community had for its services.

That was over 15 years ago. Since then, countless women have benefited from the care and dedication of this organization. Those who have entered A Safe Place receive much more than shelter, they experience physical, emotional and spiritual comfort and support which empowers them to begin a new way of life. In my opinion, the entire community reaps the benefits from the seeds planted and sown by A Safe Place which through its educational focus attacks domestic violence at its source and establish new patterns of productive living.

Mr. Speaker, I am proud to salute A Safe Place and the role it has played in creating a safer, healthier, and more peaceful bay area community. I ask my colleagues to join me in recognizing and thanking this organization for its invaluable service.

IN HONOR OF MIGUEL PEREZ: AN OUTSTANDING INDIVIDUAL AND VALUED COMMUNITY MEMBER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a special gentleman, Miguel Perez, who has distinguished himself through continuous dedication and hard work for the Latino community. Mr. Perez will be honored by the Bergen County Hispanic-American Advisory Commission on October 16, 1997 at the board of freeholders in Hackensack, NJ.

Throughout his long career, Mr. Perez has been an educator, role model, and strong voice for the downtrodden. He entered the United States as a refugee at an early age. He didn't speak a word of English, but by the time he reached high school, he became the sports editor of the Miami High Times. This was the beginning of a long and illustrious career in the media. Mr. Perez went on to become editor of two college newspapers, including, ''The Falcon Times'' of Miami Dade Community College, which received the Pacemaker Award, given to top six college newspapers in the nation. He was also founder and first editor of the Good Times of Florida International University, where he graduated in 1974 with a bachelor's degree in political science. Mr. Perez continued his passion and advocacy for those who are ignored, misunderstood, and victims of discrimination, serving as a bridge to non-Latinos. ''Teaching important lessons about our community,'' stated Latin New York magazine, ''and tries to instill a sense of pride in Latinos.''

Mr. Perez's commitment to serving his community extends beyond his journalism. In 1979 he was instrumental in helping police persuade three Spanish speaking gunmen to release two dozen hostages held in a Brooklyn supermarket. Two years later he spent three months disguised as an illegal alien and wrote a four-part series for the Daily News on sweatshops: ''The new slavery,'' for which he was awarded the Public Service Award of the Public Relations Society of America, New York chapter. Upon graduation from Columbia, he went to work for the Daily News as one of the few English-language Latino columnists in the country at that time. In 1982 Perez won the Mike Berger Award, considered the top print journalism award in New York. This year he won a fellowship from the Newspaper Association of America to study interactive media at the prestigious Poytner Institute in St. Petersburg, FL.

A journalist more than twenty-four years, born in Havana, Cuba, 47 years ago, Mr. Perez has been covering the New York metropolitan area's Latino community relentlessly. He epitomizes excellence in community service, and it is an honor and a pleasure to have him residing in my district. I am certain that my colleagues will rise with me and honor this remarkable individual

Daily Digest

HIGHLIGHTS

Senate agreed to VA/HUD and Transportation Appropriations Conference Reports.

House agreed to the Conference Report on H.R. 2169, Transportation and Related Agencies Appropriations Act.

House passed H.R. 2607, District of Columbia Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S10719–S10829

Measures Introduced: Seventeen bills and four resolutions were introduced, as follows: S. 1278–1294, and S. Res. 133–136. **Pages S10787–88**

Measures Reported: Reports were made as follows:

Special Report entitled ''Further Revised Allocation To Subcommittee of Budget Totals from the Concurrent Resolution for Fiscal Year 1998''. (S. Rept. No. 105–104)

S. 1278, to extend preferential treatment to certain products imported from Caribbean Basin countries. (S. Rept. No. 105–105)

S. 660, to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, with an amendment in the nature of a substitute. (S. Rept. No. 105–106)

S. 207, to review, reform, and terminate unnecessary and inequitable Federal subsidies, with amendments. (S. Rept. No. 105–107)

S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, with an amendment in the nature of a substitute. (S. Rept. No. 105–108)

H.R. 1847, to improve the criminal law relating to fraud against consumers, with an amendment in the nature of a substitute.

S. 900, to provide for sentencing enhancements and amendments to the Federal Sentencing Guidelines for offenses relating to the abuse and exploitation of children, with an amendment in the nature of a substitute.

S. 1024, to make chapter 12 of title 11 of the United States Code permanent.

S. 1149, to amend title 11, United States Code, to provide for increased education funding, with an amendment in the nature of a substitute.

S. 1189, to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants. **Pages S10786–87**

Measures Passed:

Congressional Adjournment: Senate agreed to H. Con. Res. 169, providing for an adjournment of the two Houses. **Page S10732**

U.S. Post Office Designation: Committee on Governmental Affairs was discharged from further consideration of S. 595, to designate the United States Post Office building located at Bennett Street and Kansas Expressway in Springfield, Missouri, as the ''John Griesemer Post Office Building'', and the bill was then passed. **Page S10777**

U.S. Post Office Designation: Committee on Governmental Affairs was discharged from further consideration of S. 916, to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the ''Blaine H. Eaton Post Office Building'', and the bill was then passed. **Pages S10777–78**

U.S. Post Office Designation: Committee on Governmental Affairs was discharged from further consideration of S. 973, to designate the United

States Post Office building located at 551 Kingstown Road in Wakefield, Rhode Island, as the ''David B. Champagne Post Office Building'', and the bill was then passed. **Page S10778**

U.S. Post Office Designation: Committee on Governmental Affairs was discharged from further consideration of S. 985, to designate the post office located at 194 Ward Street in Patterson, New Jersey, as the ''Larry Doby Post Office'', and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S10778**

Stevens (for Thompson) Amendment No. 1322, to strike a finding. **Page S10778**

Coral Reef Ecosystems: Senate agreed to H. Con. Res. 8, recognizing the significance of maintaining the health and stability of coral reef ecosystems, after agreeing to a committee amendment in the nature of a substitute. **Pages S10778–79**

Land Exchange: Senate passed S. 587, to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, Colorado, after agreeing to a committee amendment in the nature of a substitute. **Page S10779**

Slate Creek Addition: Senate passed 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, after agreeing to a committee amendment in the nature of a substitute. **Pages S10779–80**

Land Conveyance: Senate passed 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, after agreeing to a committee amendment in the nature of a substitute. **Page S10780**

Dillon Ranger District Transfer: Senate passed S. 591, to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado, after agreeing to a committee amendment in the nature of a substitute. **Page S10780**

Authorizing Production of Committee Records: Senate agreed to S. Res. 135, to authorize the production of records by the Committee on Rules and Administration. **Page S10780**

U.S. Institute for Environmental Conflict Resolution: Senate passed S. 399, 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, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Page S10823**

Stevens (for McCain) Amendment No. 1323, to separate funds used for environmental conflict resolution from scholarship funds. **Pages S10823–25**

National Mammography Day: Senate agreed to S. Res. 136, to designate October 17, 1997, as ''National Mammography Day''. **Page S10827**

Campaign Finance Reform—Cloture Votes:

By 52 yeas to 47 nays (Vote No. 273), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on the bill. **Page S10731**

By 51 yeas to 48 nays (Vote No. 274), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on Lott Amendment No. 1258, listed above. **Pages S10731–32**

VA/HUD Appropriations—Conference Report: Senate agreed to the conference report on H.R. 2158, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, clearing the measure for the President. **Pages S10733–51**

Transportation Appropriations, 1998—Conference Report: Senate agreed to the conference report on H.R. 2169, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, clearing the measure for the President. **Pages S10751–58**

FDA Modernization and Accountability Act: A unanimous-consent agreement was reached providing that when the Senate receives a message from the House on 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, that the Senate disagree to the amendment of the House, insist on its amendment, agree to the request of the House for a conference thereon, and the Chair be authorized to appoint conferees on the part of the Senate. **Page S10777**

Authority for Committees: All committees were authorized to file executive and legislative reports during the adjournment of the Senate on Wednesday, October 15, 1997, from 11 a.m. until 3 p.m. **Page S10822**

Appointment:

North Atlantic Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed Senator Bennett as a member of the Senate Delegation to the North Atlantic Assembly during the First Session of the 105th Congress, to be held in Bucharest, Romania, October 9–14, 1997. **Page S10822**

Nominations Confirmed: Senate confirmed the following nominations:

Yolanda Townsend Wheat, of Missouri, to be a Member of the National Credit Union Administration Board for the term of six years expiring August 2, 2001.

Anthony W. Ishii, of California, to be United States District Judge for the Eastern District of California.

Susan E. Rice, of the District of Columbia, to be an Assistant Secretary of State.

Martin S. Indyk, of the District of Columbia, to be an Assistant Secretary of State.

Dennis Dollar, of Mississippi, to be a Member of the National Credit Union Administration Board for a term expiring April 10, 2003.

Thomas J. Dodd, of the District of Columbia, to be Ambassador to the Republic of Costa Rica.

Katharine G. Abraham, of Iowa, to be Commissioner of Labor Statistics, United States Department of Labor, for a term of four years.

Corinne Claiborne Boggs, of Louisiana, to be Ambassador to the Holy See. **Page S10829**

Nominations Received: Senate received the following nominations:

Robert S. Warshaw, of New York, to be Associate Director for National Drug Control Policy.

Mary Mel French, of the District of Columbia, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service.

Robert T. Grey, Jr., of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Conference on Disarmament.

David B. Hermelin, of Michigan, to be Ambassador to Norway.

Harriet C. Babbitt, of Arizona, to be Deputy Administrator of the Agency for International Development.

Richard W. Fisher, of Texas, to be Deputy United States Trade Representative, with the rank of Ambassador.

Thomas H. Fox, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

Kevin Gover, of New Mexico, to be an Assistant Secretary of the Interior.

Fred P. Hochberg, of New York, to be Deputy Administrator of the Small Business Administration.

Carl Spielvogel, of New York, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 1999. (Reappointment)

Donald C. Lubick, of Maryland, to be an Assistant Secretary of the Treasury.

Ida L. Castro, of New York, to be Director of the Women's Bureau, Department of Labor.

Joy Harjo, of New Mexico, to be a Member of the National Council on the Arts for a term expiring September 3, 2002.

11 Coast Guard nominations in the rank of admiral.

2 Navy nominations in the rank of admiral.

Routine lists in the Army, Foreign Service. **Pages S10827–28**

Messages From the House: **Page S10786**

Measures Referred: **Page S10786**

Measures Placed on Calendar: **Page S10786**

Executive Reports of Committees: **Page S10787**

Statements on Introduced Bills: **Pages S10788–S10808**

Additional Cosponsors: **Pages S10808–10**

Amendments Submitted: **Pages S10811–12**

Notices of Hearings: **Pages S10812–13**

Authority for Committees: **Page S18013**

Additional Statements: **Pages S10813–22**

Record Votes: Two record votes were taken today. (Total—274) **Pages S10731, S10732**

Adjournment: Senate convened at 12 noon and, in accordance with H. Con. Res. 169, adjourned at 6:57 p.m., until 12 noon, on Monday, October 20, 1997.

Committee Meetings

(Committees not listed did not meet)

LINE ITEM VETO

Committee on Appropriations: Committee concluded hearings to examine the President's use of the line item veto with regard to the Military Construction Appropriations bill for the fiscal year ending September 30, 1998, after receiving testimony from Maj. Gen. Clair F. Gill, USA, Director of Army Budget; Rear Adm. James F. Amerault, USN, Director of Navy Budget/Fiscal Management; and Maj. Gen. Eugene Lupia, USAF, Civil Engineer, Department of the Air Force.

FINANCIAL ACCOUNTING STANDARD

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities concluded oversight hearings to review the Financial Accounting Standards Board's proposed standard on derivatives and hedging activities, a rule to improve standards of financial accounting and reporting by investors and creditors, after receiving testimony from Edmund L. Jenkins, Chairman, Financial Accounting Standards Board; Alex J. Pollock, President and Chief Executive Officer, Federal Home Loan Bank of Chicago, and William Roberts, First Chicago NBD Corporation, both of Chicago, Illinois; and Kenneth L. Wolfe, Hershey Foods Corporation, Hershey, Pennsylvania.

GLOBAL TOBACCO SETTLEMENT

Committee on Commerce, Science, and Transportation: Committee resumed hearings to examine the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America, focusing on public health benefits, receiving testimony from John R. Seffrin, American Cancer Society, Atlanta, Georgia; Ronald M. Davis, American Medical Association, and Richard A. Levinson, American Public Health Association, both of Washington, D.C.; and M. Cass Wheeler, American Heart Association, Dallas, Texas.

Hearings were recessed subject to call.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded hearings on the nomination of M. John Berry, of Maryland, to be Assistant Secretary of the Interior for Policy, Management, and Budget, after the nominee, who was introduced by Senator Sarbanes and Representative Hoyer, testified and answered questions in his own behalf.

NATIONAL PARK SYSTEM

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation and Recreation concluded hearings to examine the feasibility of using bonding techniques to finance capital projects in the National Park System, after receiving testimony from Senator McCain; David Hayes, Counselor to the Secretary of the Interior; Dennis Zimmerman, Specialist in Public Finance, Congressional Research Service, Library of Congress; Henry Lee, Harvard University/Center for Science and International Affairs, Cambridge, Massachusetts; Albert C. Eisenberg, National Parks and Conservation Association, Washington, D.C.; and Kenneth C. Olson, Goldman, Sachs, and Co., New York, New York.

NATO ENLARGEMENT

Committee on Foreign Relations: Committee held hearings to examine the benefits and risks of the proposal to grant NATO membership to Poland, Hungary, and the Czech Republic, receiving testimony from Senator Roth, on behalf of the Senate NATO Observer Group and the North Atlantic Assembly; Zibgniew Brzezinski, Center for Strategic and International Studies, former Secretary of Defense, Jeane J. Kirkpatrick, American Enterprise Institute, former U.S. Ambassador to the United Nations, Jonathan Dean, Union of Concerned Scientists, and Michael Mandelbaum, Paul H. Nitze School of Advanced International Studies/Johns Hopkins University, all of Washington, D.C.

Hearings were recessed subject to call.

U.N. CLIMATE CHANGE TREATY

Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion held hearings to examine the legally binding obligations and impact on the United States economy of the United Nations proposed climate change treaty which will be negotiated in December 1997 in Kyoto, Japan, receiving testimony from Timothy E. Wirth, Under Secretary of State for Global Affairs; Sallie Baliunas, Harvard-Smithsonian Center for Astrophysics, Cambridge, Massachusetts; Lawrence Chimerine, Economic Strategy Institute, and Daniel A. Lashof, Natural Resources Defense

Council, both of Washington, D.C.; and Mary H. Novak, WEFA, Inc., Burlington, Massachusetts.

Hearings were recessed subject to call.

CAMPAIGN FINANCING INVESTIGATION

Committee on Governmental Affairs: Committee continued hearings to examine certain matters with regard to the committee's special investigation on campaign financing, receiving testimony from Mark F. Thomann, former Midwest Finance Director, and Richard L. Sullivan, former Deputy Finance Director and Finance Director, both of the Democratic National Committee.

Also, committee approved the issuance of certain subpoenas with regard to the committee's special investigation on campaign financing.

Committee recessed subject to call.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

The nominations of Raymond C. Fisher, of California, to be Associate Attorney General, Department of Justice, Ronald Lee Gilman, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, Richard Conway Casey, to be United States District Judge for the Southern District of New York, James S. Gwin, to be United States District Judge for the Northern District of Ohio, Dale A. Kimball, to be United States District Judge for the District of Utah, Algenon L. Marbley, to be United States District Judge for the Southern District of Ohio, and Charles J. Siragusa, to be United States District Judge for the Western District of New York;

H.R. 1847, to improve the criminal law relating to fraud against consumers, with an amendment in the nature of a substitute;

S. 1024, to make permanent certain provisions of the Bankruptcy Code relating to the adjustment of debts of a family farmer with regular annual income;

S. 1189, to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants;

S. 1149, to provide for increased education funding by closing certain Bankruptcy Code loopholes relating to local property tax revenues which can affect the amount of money made available for education, with an amendment in the nature of a substitute; and

S. 900, to provide for sentencing enhancements and amendments to the Federal Sentencing Guidelines for offenses relating to the abuse and exploitation of children, with an amendment in the nature of a substitute.

Also, committee began consideration of S. 474, to provide criminal penalties against any person who, while engaged in the business of betting or wagering, knowingly uses a communication facility for the transmission or receipt in interstate or foreign commerce of bets or wagers, information assisting in the placing of bets or wagers, or a communication that entitles the transmitter or receiver to receive money or credit as a result of bets or wagers, but did not complete action thereon, and recessed subject to call.

CLINICAL AND ALTERNATIVE MEDICINE RESEARCH

Committee on Labor and Human Resources: Subcommittee on Public Health and Safety concluded hearings to examine support strategies for clinical research and alternative medicine research at the National Institutes of Health, after receiving testimony from Harold Varmus, Director, National Institutes of Health, Department of Health and Human Services; Gordon H. Williams, Brigham and Women's Hospital, on behalf of the Clinical Research Study Group of the National Institutes of Health, and Alan C. Moses, on behalf of the General Clinical Research Center, and David M. Eisenberg, both of the Beth Israel Deaconess Medical Center, all of Boston, Massachusetts; John A. Morris, Vanderbilt University School of Medicine, Nashville, Tennessee, on behalf of the Coalition for American Trauma Care; Katrina A. Gwinn, Mayo Clinic Scottsdale, Scottsdale, Arizona; Robert R. Rich, Baylor College of Medicine, Houston, Texas, on behalf of the Association of American Medical Colleges; and James S. Gordon, Georgetown University School of Medicine and Center for Mind-Body Medicine, Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 30 public bills, H.R. 2644–2673; 1 private bill, H.R. 2674; and 5 resolutions, H.J. Res. 96, H. Con. Res. 170, and H. Res. 266–268, were introduced. **Pages H8832–33**

Reports Filed: Reports were filed today as follows:

H. Res. 265, providing for consideration of H.R. 2204, to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard (H. Rept. 105–317);

H.R. 2513, to amend the Internal Revenue Code of 1986 to restore and modify the provision of the Taxpayer Relief Act of 1997 relating to exempting active financing income from foreign personal holding company income and to provide for the nonrecognition of gain on the sale of stock in agricultural processors to certain farmers' cooperatives, amended (H. Rept. 105–318 Part 1);

S. 923, to deny veterans benefits to persons convicted of Federal capital offenses, amended (H. Rept. 105–319); and

H.R. 2367, to increase, effective as of December 1, 1997, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (H. Rept. 105–320). **Pages H8831–32**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative LaTourette to act as Speaker pro tempore for today. **Page H8729**

Journal: By a recorded vote of 352 ayes to 58 noes, Roll No. 509, the House agreed to the Speaker's approval of the Journal of Wednesday, October 8. **Pages H8729, H8741**

Transportation Appropriations Conference Report: By a yea and nay vote of 401 yeas to 21 nays, Roll No. 510, the House agreed to the conference report on H.R. 2169, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998. **Pages H8741–52**

By a yea and nay vote of 413 yeas to 4 nays, Roll No. 507, the House agreed to H. Res. 263, the rule that waived points of order against consideration of the conference report. **Pages H8737–40**

District of Columbia Appropriations: By a yea and nay vote of 203 yeas to 202 nays with 1 voting ''present'', Roll No. 513, the House passed 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. By a recorded vote of 162 ayes to 135 noes, Roll No. 514, agreed to the Hansen motion to table the motion to reconsider the vote. **Pages H8752–H8806**

Rejected the Moran motion to recommit the bill to the Committee on Appropriations by voice vote. **Page H8804**

Agreed To:

The Sabo amendment that strikes the waiver of Davis-Bacon for school construction and repair (agreed to by a recorded vote of 234 ayes to 188 noes, Roll No. 511). **Pages H8780–83**

Rejected:

The Moran amendment in the nature of a substitute that retains increased funding for police officer and firefighter pay raises and inserts the text of the Senate's version, S. 1156 (rejected by a recorded vote of 197 ayes to 212 noes with 1 voting ''present'', Roll No. 512). **Pages H8783–H8803**

By a yea and nay vote of 370 yeas to 50 nays, Roll No. 508, the House agreed to H. Res. 264, the rule that provided for consideration of the bill. Pursuant to the rule the amendment printed in part 1 of the Committee on Rules report, H. Rept. 105–315, was considered as adopted. **Pages H8729–37, H8740–41**

Future Resignation: Read a letter from Representative Flake to the Honorable Alexander Treadwell, Secretary of State, State of New York, regarding his future resignation from the House of Representatives. **Page H8807**

Speaker Pro Tempore: The Speaker designated Representative Morella to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 21. **Page H8807**

Calendar Wednesday: Agreed that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, October 22, 1997. **Pages H8807–08**

Resignations—Appointments: Agreed that notwithstanding any adjournment of the House until

Tuesday, October 21, 1997, the Speaker, Majority Leader, and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House. Page H8808

Extension of Remarks: Agreed that for today, all members be permitted to extend their remarks and to include extraneous material in that section of the record entitled ''Extension of Remarks''. Page H8808

Senate Messages: Message received from the Senate today appears on page H8806.

Quorum Calls—Votes: Three yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H8739–40, H8740–41, H8741, H8782–83, H8802–03, H8804–05, and H8805–06. There were no quorum calls.

Adjournment: Met at 9:30 a.m. and pursuant to the provisions of H. Con. Res. 169, adjourned at 9:15 p.m. until 10:30 a.m. on Tuesday, October 21 for Morning Hour debate.

Committee Meetings

AGRICULTURAL ECONOMIC OUTLOOK

Committee on Agriculture: Subcommittee on General Farm Commodities held a hearing on the review of the Agricultural economic outlook. Testimony was heard from Keith J. Collins, Chief Economist, USDA; and public witnesses.

NATIONAL LABORATORY SYSTEM MANAGEMENT

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on Assessing the Department of Energy's Management of the National Laboratory System. Testimony was heard from Victor S. Rezendes, Director, Energy, Resources and Science Issues, Resources, Community and Economic Development Division, GAO; the following officials of the Department of Energy: John C. Layton, Inspector General; and Martha A. Krebs, Director, Office of Energy Research; and a public witness.

INTERNET TAX FREEDOM ACT

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection approved for full Committee action amended H.R. 1054, Internet Tax Freedom Act.

CHARTER SCHOOLS AMENDMENTS ACT

Committee on Education and the Workforce: Ordered reported amended H.R. 2616, Charter Schools Amendments Act of 1997.

TRUTH IN EMPLOYMENT ACT

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on H.R. 758, Truth in Employment Act of 1997. Testimony was heard from public witnesses.

''CONDUIT PAYMENTS TO THE DEMOCRATIC NATIONAL COMMITTEE''

Committee on Government Reform and Oversight: Held a hearing on ''Conduit Payments to the Democratic National Committee''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Favorably considered and adopted a motion urging the Chairman to request that the following measures be considered on the Suspension Calendar: H.R. 1129, amended, Microcredit for Self Reliance Act of 1997; H. Res. 245, amended, expressing the sense of the House of Representatives in support of a free and fair referendum on self-determination for the people of Western Sahara; H. Con. Res. 130, amended, concerning the situation in Kenya; and H. Con. Res. 121 expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

NORTHERN IRELAND—HUMAN RIGHTS AND PEACE PROCESS

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Human Rights and the Peace Process in Northern Ireland. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action the Internet Tax Freedom Act.

The Subcommittee also held a hearing on H.R. 2592, Private Trustee Reform Act and the Executive Office of U.S. Trustee's assessment of post-confirmation fees in Chapter 11 cases. Testimony was heard from Representative Goodlatte; the following officials of the Department of Justice: Joseph Patchan, Director and Kevyn D. Orr, Deputy Director, both with the Executive Office for U.S. Trustees; W.

Clarkson McDow, Jr., Region 4 and Ellen B. Vergos, Region 8, both U.S. Trustees; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on the following bills: H.R. 2603, Alternative Dispute Resolution and Settlement Encouragement Act; and H.R. 2294, Federal Courts Improvement Act of 1997. Testimony was heard from Peter R. Steenland, Senior Counsel, Alternative Dispute Resolution, U.S. Department of Justice; D. Brock Hornby, Chief Judge, U.S. District Court, Maine; Philip M. Pro, U.S. District Court, Chairman, Committee on Judges, Judicial Conference; and public witnesses.

The Subcommittee also held an oversight hearing on the need for additional Federal District Court judges. Testimony was heard from Elizabeth Kovachevich, Chief Judge, U.S. District Court, Middle District, Florida; and Julia Smith Gibbons, Chief Judge, U.S. District Court, Chair, Committee on Judicial Resources.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Crime approved for full Committee action the following bills: H.R. 2460, Wireless Telephone Protection Act; and H.R. 1753, to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

OVERSIGHT—PFIESTERIA IMPACT ON OUR FISHERY RESOURCES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on Pfiesteria and Its Impact on our Fishery Resources. Testimony was heard from Terry D. Garcia, Acting Assistant Secretary, Oceans and Atmosphere, Department of Commerce; Wayne McDevitt, Secretary, Department of Environmental and Natural Resources, State of North Carolina; John Griffin, Secretary, Department of Natural Resources, State of Maryland; Christophe A.G. Tulou, Secretary, Department of Natural Resources and Environmental Control, State of Delaware; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks and Public Lands held a hearing on the following bills; H.R. 2186, to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, WY; H.R. 1811, Columbia River Habitat Protection and Recreational Access Act of 1997; and H.R. 1477, to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river. Testimony was heard from Representatives Murray, Cubin, Hastings of Washington and Dicks; the following officials of the Department of the Interior: Mat Millenbach, Deputy Director, Bureau of Land Management; and Thomas Dwyer, Deputy Regional Director, Pacific and Northwest, U.S. Fish and Wildlife Service; Dan Berkovitz, Deputy Assistant Secretary, Policy, Planning, and Budget, Department of Energy; the following officials of the State of Washington: Dorothy Perkins, Representative; and Clyde Ballard, Speaker; and public witnesses.

COAST GUARD AUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2204, Coast Guard Authorization Act of 1997. The rule waives section 401 of the Congressional Budget Act of 1974 (prohibiting consideration of legislation providing new entitlement authority which becomes effective during the fiscal year which ends in the calendar year in which the bill is reported) against consideration of the bill.

The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be considered as read. The rule waives clause 7 of rule XVI (relating to germaneness) and section 401 of the Congressional Budget Act of 1974 (prohibiting consideration of legislation providing new entitlement authority which becomes effective during the fiscal year which ends in the calendar year in which the bill is reported) against the committee amendment in the nature of a substitute.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. The rule further allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representative Gilchrest.

COUNTDOWN TO KYOTO

Committee on Science: Subcommittee on Energy and Environment continued hearings on Countdown to Kyoto Part II: The Economics of the Global Climate

Change Agreement. Testimony was heard from the following officials of the Department of Energy: Marc Chupka, Acting Assistant Secretary, Policy and International Affairs; and Joseph J. Romm, Acting Assistant Secretary, Energy Efficiency and Renewable Energy; and public witnesses.

FAA—FOREIGN REPAIR STATION RULES

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on H.R. 145, to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration. Testimony was heard from Representative Borski; Guy S. Gardner, Associate Administrator, Regulation and Certification, FAA, Department of Transportation; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Ways and Means: Ordered reported the following bills: H.R. 2644, United States-Caribbean Trade Partnership Act; H.R. 2645, Tax Technical Corrections Act of 1997; and H.R. 2646, amended, Education Savings Act for Public and Private Schools.

HEALTH CARE WASTE, FRAUD, AND ABUSE

Committee on Ways and Means: Subcommittee on Health held a hearing on Health Care Waste, Fraud and Abuse. Testimony was heard from the following officials of the Department of Health and Human Services: Michael F. Mangano, Principal Deputy, Office of the Inspector General; and Linda Ruiz, Director, Program Integrity Group, Office of Financial Management, Health Care Financing Administration; Charles L. Owens, Chief, Financial Crimes Section, FBI, Department of Justice; William J. Scanlon, Director, Health Financing and Systems, GAO; and a public witness.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *p. D1088)*

H.R. 2266, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998. Signed October 8, 1997. (P.L. 105–56)

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 10, 1997

Senate

No meetings are scheduled.

House

No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of October 13 through 18, 1997

Senate Chamber

Senate will not be in session.

Senate Committees

No committee meetings are scheduled.

House Chamber

House will not be in session.

House Committees

Committee on Education and the Workforce, October 14 and 15, hearings on the Invalidated 1996 Teamster Election, 1 p.m., on October 14 and 9:30 a.m., on October 15, 2175 Rayburn.

Committee on the Judiciary, October 15, oversight hearing on the Department of Justice, 9:30 a.m., 2141 Rayburn.

October 16, Subcommittee on Crime, hearing regarding focusing on the anatomy of a Colombian drug trafficking operation in the United States, 9:30 a.m., 2141 Rayburn.

Next Meeting of the SENATE

12 noon, Monday, October 20

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 2 p.m.), Senate will resume consideration of S. 1173, ISTEA legislation.

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Tuesday, October 21

House Chamber

Program for Tuesday: To be announced.

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