implementation of the Forest Resources Conservation and Shortage Relief Act of 1990.

Under the law, a review of sourcing areas relative to the export of logs is required after individual sourcing areas have been in place for 5 years. Sourcing areas are geographically defined areas within which companies which export their own private logs are permitted to also purchase Federal timber. Sourcing areas are required to be ''economically and geographically separated'' from those areas which produce export logs. The purpose is to prevent so-called ''substitution''—the illegal replacement of exported private logs with logs from Federal lands.

The Forest Service had begun the 5-year review, but the prohibition in the 1996 Interior and Related Agencies Appropriation bill stopped it cold. Section 318 delays it further, at least through fiscal year 1997.

Mr. President, it is my impression is that there is a fairly broad belief in the industry that the current sourcing area boundaries are illogical in many respects. Neither can they be properly monitored to prevent substitution. Sharply reduced Federal timber supply has dramatically changed historic market patterns and log flow. Companies desperate for logs to keep their mills operating are buying logs in distant locations and hauling them hundreds and hundreds of miles.

It may well be the case that sourcing areas are already obsolete. Under the circumstances of today's log market, it is difficult to imagine how log export zones can be kept ''economically and geographically separated,'' to quote the law, from sourcing areas.

One way to find out is to permit the Forest Service to reopen public comment and proceed with a review of sourcing areas as the law requires. That is what should happen. However, it will not, because of Section 318.

So, I intend to take some jurisdiction on this issue in the Energy and Natural Resources Committee and open the record myself through hearings and testimony in the next Congress. The current state of affairs begs for change, and those changes must not be indefinitely delayed.

I regret that I differ with my colleague from Washington, Senator GORTON, on this matter. But I know I can count on him to cooperate in reaching an equitable solution. He has already indicated he wishes to accomplish the same.

This concludes my remarks regarding Section 318.

AGE DISCRIMINATION IN EMPLOYMENT AMENDMENTS OF 1995

Ms. MOSELEY-BRAUN. The Age Discrimination in Employment Amendments of 1995 goes to the heart of the safety and security of the citizens of the United States. Each of us relies on the police officers and fire fighters in our community to protect our families, and to keep us safe.

This provision allows State and local public safety agencies to set mandatory retirement and maximum hiring ages for their police and fire fighters—the same authority the Federal Government already has with respect to Federal police officers and firefighters.

If police officers and firefighters cannot adequately perform their duties, people die and people get hurt—and the officers themselves are endangered. As one fire fighter put it,

''Firefighters and police officers must work as a team. We depend on the other members of our crew to have the strength and savvy to save our life if the need arises. If we are unable to do our job, people die.''

This provision provides a necessary, narrow and appropriate exemption from the Age Discrimination in Employment Act for State and local public safety officers—necessary and appropriate because numerous medical studies have found that age directly affects an individual's ability to perform the duties of a public safety officer.

Reflexes, sight and other physical capabilities decline with age, while the risk of sudden incapacitation—heart attacks and strokes for example—increases six-fold between ages 40 and 60. Although firefighters over 50 comprise only one-seventh of the total number of firefighters, they account for one-third of all firefighter deaths.

The Age Discrimination in Employment Amendments of 1995 gives State and local governments the same right to set mandatory retirement ages for their police and firefighters as the Federal Government.

I want to emphasize this point. We in Congress already made the decision to allow mandatory retirement ages for Federal public safety officers. This amendment simply extends that same right to State and local governments.

And, this provision merely allows State and local governments to set mandatory retirement and maximum hiring ages if they so choose—it is not a mandate.

The Federal Government has deemed mandatory retirement ages necessary to provide for the safety and security of the Federal firefighters and police officers and the citizens they protect—State and local governments should be able to make that same decision.

The Federal police officers, agents, and firefighters covered by mandatory retirement ages, include: the U.S. Park Police; the Federal Bureau of Investigation; the Department of Justice law enforcement personnel; the District of Columbia firefighters; the U.S. Forest Service firefighters; the Central Intelligence Agency; and Federal firefighters.

The Capitol Police—the men and women who protect the Members of Congress—have a mandatory retirement age.

All too often in the past, Congress has treated itself differently than other Americans. With the passage of the Congressional Accountability Act, this Congress made it clear that it is committed to ending disparate treatment. Every Senator who voted for the Congressional Accountability Act should vote for this bill.

The Federal Aviation Administration recently extended it's mandatory retirement age of 60 to all pilots that fly 10 or more passengers to increase safety on commuter planes.

These pilots take twice yearly physicals, they have a copilot at their side ready to take the controls if anything happens, and still they must retire at age 60. After age 60, the risk of incapacitation becomes too great—too many lives are at risk in the air. These same lives are at risk on the ground if our police and firefighters are unable to do their job—and all too often, our police and firefighters don't have a copilot waiting to assist in an arrest or a burning building.

As a general rule, the Age Discrimination Act prohibits employers from discriminating against workers solely on the basis of age, and generally prohibits the use of mandatory retirement and minimum hiring ages.

Police officers and firefighters and all public employees were exempt from the Age Discrimination in Employment Act until a 1983 court ruling placed public employees under the act. State and local governments were then required to either prove in court that mandatory retirement and minimum hiring ages for police and firefighters were bona fide occupational qualifications [BFOQ's] reasonably necessary for the normal operation of the business or else eliminate them.

Although this approach sounds reasonable, courts in some jurisdictions ruled limits permissible, while identical limits were held impermissible in other jurisdictions. For example, the Missouri Highway Patrol's minimum hiring age of 32 was upheld while Los Angeles County sheriff's minimum hiring age of 35 was not. East Providence's mandatory retirement age of 60 for police officers was upheld while Pennsylvania's mandatory retirement age of 60 was struck down.

As a result, no State or local government could be sure of the legality of its hiring or retirement policies. They could, However, be sure of having to spend scarce financial resources to defend their policies, regardless of the outcome of their suits.

A suggested alternative to mandatory retirement ages is testing that screens out those individuals who may still retain their strength at the age of 60 or 70. The 1986 Amendment to the Age Discrimination Act authorized State and local governments to set minimum hiring ages and mandatory retirement ages until December 31, 1993. It also ordered the EEOC and the Department of Labor to conduct a study to determine: whether physical and mental fitness tests can accurately assess the ability of police and fire fighters to perform the requirements of their jobs; which particular types of

tests are most effective; and what specific standards such tests should satisfy.

Finally, the 1986 amendment directed the EEOC to promulgate guidelines on the administration and use of physical and mental fitness tests for police and firefighters.

While the Penn State researchers who conducted the study concluded that age was a poor predictor of job performance—because they could not find an exact age at which people are unable to perform their duties—they failed to evaluate which particular physical and mental fitness tests are most effective to evaluate public safety officers and which specific standards such tests should satisfy.

Despite the very clear mandate in the 1986 amendment, neither the EEOC nor its researchers were able to comply with that mandate. There were no guidelines developed to assist State and local governments in the design, administration, and use of tests, as Congress directed. As a result, State and local governments now find themselves without a public safety exemption from the Age Discrimination in Employment Act, and also without any guidance as how to test their employees.

The provision included in this bill authorizes the National Institutes of Occupational Safety and Health [NIOSH] to conduct a study of fitness tests for police and firefighters, to begin when sufficient funds are appropriated, that produces useful information for public safety agencies working to protect citizens and the officers and firefighters.

The provision also includes an exception to the exemption whereby NIOSH will identify valid job performance tests and public safety agencies utilizing mandatory retiement ages will provide public safety officers who have reached retirement age with an annual opportunity to demonstrate their fitness using the NIOSH tests.

I firmly believe that Congress must avoid exempting whole classes of employees from the protection of civil rights laws unless it is absolutely necessary. But this is not a civil rights issue. This is not a new exemption.

The Federal Government already exempts public safety officers from ADEA. State and local fire and police agencies should have the same exemption so that they too can protect and promote the safety of the public and of the officers.

As many of you in this body know, I come from a law enforcement background. My father was a police officer. My uncle was a police officer. My brother still is a police officer. It is the police officers and firefighters themselves that have asked for this amendment.

Rank and file public safety officers have besieged my offices with calls and letters and visits in support of the amendment. As Terry Gainer, director of the Illinois State Police, testified before the Labor Committee hearing on this legislation.

''The demands of public safety necessitate a high degree of physical fitness and mental acuity. What we see today are offenders who are increasingly younger and more violent; police manpower shortages translate into less backup * * * terrorist acts such as we saw in Oklahoma City or at the world trade center require * * * arduous duty. It is the quality of police and fire response . . . that is at issue.''

I strongly believe that we in Congress must do everything we can to ensure that our rank and file officers have everything they need to do their jobs.

This provision has the support of the: Fire Department Safety Officers Association; Fraternal Order of Police; International Association of Fire-Fighters; International Association of Chiefs of Police; International Brotherhood of Police Officers; International Society of Fire Service Instructors; International Union of Police Associations, AFL-CIO; National Association of Police Organizations; National Sheriffs Association; National Troopers Coalition; American Federation of State, County and Municipal Employees; National Public Employer Labor Relations Association; New York State Association of Chiefs of Police; and city of Chicago Department of Police.

This provision is also supported by the: National League of Cities; National Association of Counties; National Conference of State Legislatures; and U.S. Conference of Mayors.

Let me conclude by clarifying what this amendment is and is not about.

This provision is not about inequity. This provision is about equity for State and local governments—giving them the same ability to set mandatory retirement and maximum hiring ages that the Federal Government enjoys.

This provision is not about discrimination. This provision is about public safety—providing the people of this country with the most capable protection and assistance possible.

And this provision is not about mandates. This provision is about State and local control—letting local and state governments decide how best to protect their citizens.

On behalf of the police officers and firefighters of this country, on behalf of their families, and on behalf of the millions of citizens who rely on local police officers and firefighters every day, I thank my colleagues for for including the Age Discrimination in Employment Amendments of 1995 in this legislation.

ILLEGAL IMMIGRATION

Mr. KOHL. Mr. President, I rise today in support of the conference report to H.R. 2202, legislation to combat the problem of illegal immigration. As you know, this measure has been included in the omnibus appropriations bill for fiscal year 1997.

The conference report is an important step forward in our Nation's fight against illegal immigration to this country. As a member of the Senate Judiciary Committee and a conferee to the negotiations with the House, I am pleased to have been part of the hard work, commitment and bipartisanship that yielded this good, balanced bill, of which we can all be proud. My friends, TED KENNEDY and ALAN SIMPSON, deserve much of the credit.

Mr. President, this legislation provides the Immigration and Naturalization Service [INS] and other law enforcement officials with new resources to prevent aliens from entering or staying in the country illegally: 1,000 new border patrol agents for each of the next 5 years, additional INS investigators to combat alien smugglers and visa overstayers, and enhanced civil penalties for illegal entry, to name just a few.

The conference report also gives the INS and businesses tools to keep American jobs and paychecks out of the hands of illegal aliens—tools to prevent illegal aliens from securing employment that rightfully belongs to American citizens or legal immigrants who have played by the rules and respect the law. Specifically, this legislation provides for three pilot programs to move us toward a workable employer verification system and a framework for the creation of more fraud resistant documents. The original Senate approach, which included more privacy and antidiscrimination protections, was preferable to the one adopted by the conference; however, the pilot projects in this bill still deserve a try. We desperately need a more effective verification system, Mr. President.

Finally, I am pleased that the conference report includes my amendment on mail-order brides. This amendment launches a study of international matchmaking companies, heretofore unregulated and operating in the shadows. These companies may be exploiting people in desperate situations. The study is not aimed at the men and women who use these businesses for legitimate companionship. Instead, it is a very positive and important step toward gathering the information we need so that we can determine the extent to which these companies contribute to the very troubling problems of domestic violence against immigrant women and immigration marriage fraud.

To be sure, there are provisions in this bill which I do not support. The triple fence mandate has Congress micromanaging the INS and unnecessarily waiving important environmental laws. And I regret very much that the Senate positions on summary exclusion and asylum reform did not prevail in the final compromise bill. Lastly, we could have done more to protect the integrity of the workplace, both by enhancing the Department of Labor's ability to enforce employer sanctions and by rejecting the Senate-passed ''intent standard'' which may jeopardize the rights of American citizens and legal immigrants.

Despite these flaws, this bipartisan legislation deserves our support. The

United States is a product of an immigration tradition marked by generosity, compassion and commitment to hard work. In adopting these important changes, we are protecting that tradition by fighting the deeds of those who wish to exploit it.

Thank you.

COMMERCE DEPARTMENT APPROPRIATIONS

Mr. ROCKFELLER. Mr. President, because of the scope and magnitude of the negotiations over the omnibus appropriations bill, the attention that I believe should be paid to the future of technology research and development has not exactly been head-line news. Fortunately, the results are good news. By and large, critical investments in a series of relevant programs are being made through this bill. Once again, we have dodged the budgetary and philosophical bullets that have been aimed for months at programs that I see as critical to America's competitiveness, economic growth, and character.

The Commerce Department is the only Federal agency that is primarily concerned with advancing our Nation's civilian technological competitiveness. And the Commerce Department has worked hard—under the fantastic leadership of the late Ron Brown and now Mickey Kantor—to establish partnerships between Government and industry for our national interest.

This administration and the Commerce Department have been at the forefront, establishing and nurturing a web of programs that strengthen the Nation's competitiveness. These programs, taken together, represent a comprehensive, multi-pronged and efficient effort to prepare the Nation for the 21st century.

I congratulate President Clinton, Vice-President GORE, and the various Senators, with special mention to Senator HOLLINGS, for their steadfast determination to obtain the resources now in this appropriations bill to continue investing in technology R&D—so that our country is the nation with the cutting-edge jobs, industries, and skills in demand.

The Manufacturing Extension Partnership [MEP] is doing yeoman's work throughout the states, working at the grass roots, helping small- and medium-sized businesses use technologies to improve their efficiency and profitability. The MEP brings tremendous expertise to businesses, helping them to improve production on the shop floor, apply modern management methods, and raise environmental quality while decreasing costs.

And the Advanced Technology Program [ATP] is doing for technology what the government did for our highway system in the fifties and sixties. President Eisenhower recognized that national security and economic needs demanded that the Federal Government invest in a national highway system—no one could reasonably expect industry to build such a system alone. And today, that system is an indispensable part of our Nation's infrastructure. Well, the ATP is doing the same—helping industry build new technologies critical to the growth of our economy—technologies that industry would not likely develop, or develop as rapidly, without a partnership between government and industry.

The ATP, which was created with bipartisan support, is a highly competitive, cost-shared, industry-led partnership program that is fostering new technology and creating jobs. Approximately 46 percent of all awards go to small businesses or joint ventures led by small businesses. More than 100 different universities are involved in about 150 ATP projects.

The Commerce Department also has performed a critical role in paving another highway—the information superhighway. Commerce has provided leadership in advancing the national information infrastructure [NII] and is working hard to help hospitals, schools, libraries, and local governments access and use the wonders of this new fantastic resource.

The Commerce National Telecommunications and Information Administration [NTIA] Technology and Information Infrastructure Applications Program [TIIAP] is a highly competitive, merit-based grant program that provides seed money for innovative, practical information technology projects throughout the United States. Examples include connecting schools to the vast resources of the Internet, improving health care communications for elderly patients in their homes, and extending emergency telephone service in rural areas.

And the National Institute of Standards and Technology [NIST] is doing the work that the Nation's Founders found so essential to our Nation's trade and economy that they included the responsibility in the Constitution—caring for our Nation's system of weights and measures. NIST laboratories perform world-class work in a way that the Nation's Founders could never have imagined.

For example, the use of fiber optics in telecommunications would not have occurred as rapidly without NIST's efforts. NIST's work in measures and standards has literally made it possible for fiber optic cables to be connected with each other with simplicity and ease—leading to a world connected by fiber.

The Commerce programs are providing States such as mine, West Virginia, great benefit, enabling us to do things we otherwise could not do. The West Virginia Partnership for Industrial Modernization [PIM] in Huntington was established in 1995 as a partnership of the State of West Virginia Development Office, the Marshall University Research Corporation/Robert C. Byrd Institute and the West Virginia University Extension Service and NIST. The center serves smaller manufacturers throughout the State. WV PIM just received a NIST/EPA cost-shared award to help smaller manufacturers reduce or eliminate pollution sources in their operations.

The Advanced Technology Program is working hard to tackle a problem that has plagued our health care system—the cost of paperwork. The Charleston Area Medical Center and the Statewide Health Information Network of Charleston, WV, are participating in two ATP joint ventures to improve the technologies and methods used to handle medical information. These projects are partnerships of industry, clinical facilities, universities and national laboratories, working to establish the capabilities necessary to transform fragmented health care data into integrated, community-wide computerized information resources. These projects have enormous potential for reducing health care costs and improving health care service delivery for every American.

The Commerce Technology and Information Infrastructure Applications Program [TIIAP] is particularly important to my home state of West Virginia, a heavily rural state. A TIIAP grant to the state library system will give citizens of West Virginia access to information around the globe. And Project InfoMine will expand the existing statewide information network to 50 unconnected remote libraries in the outer reaches of rural West Virginia. Project InfoMine will enable unemployed miners to find off-site work information or retraining opportunities. Expectant mothers will be able to find health, diet, and childcare information.

Commerce NIST laboratories have provided assistance to West Virginia businesses, by providing weights and measures services that would not otherwise be available or affordable. NIST helped West Virginia businesses certify their laboratories to national accreditation standards and assisted manufacturers by providing NIST calibration and standard reference services.

RESTORATION OF THE PRESIDENT'S REQUEST

Fortunately, we have achieved funding for the Advanced Technology Program at the level of $225 million, although short of the Presidents request of $365 million. Restrictions regarding new competitions have also been removed. And the TIIAP program is funded at $21.5 million, short of the request of $59 million. These programs remain at a viable, although not fully supported level.

Unfortunately, we did not realize the same success with the request to fund construction of the NIST Advanced Technology Laboratory, which is critical to the modernization of the NIST measurement activities. It remains unfunded.

We will need to return to this important debate next session.

Mr. President, America is a nation of competitors and innovators. We do our best when faced with competition. Well, we are facing increasing international competition. This is the time for the Federal Government to crank

up our engine of economic competitiveness, to build partnerships with industry, universities and the States.

West Virginia is doing its part to prepare for the 21st century, by helping manufacturers compete, and wiring our schools and libraries to the information superhighway. We need the Federal Government to maintain its part, to provide national leadership in science and technology, and to boost our ability to compete.

I ask this Congress to continue the progress, to maintain Commerce's technology programs, and to help achieve the progress that will be needed to ensure a prosperous future for all Americans in the 21st century.

Mr. FEINGOLD. Mr. President, I rise in strong opposition to the immigration provisions that are now included in the continuing resolution.

It should come as no surprise that it took nearly 5 months after the Senate passed this bill for the House and Senate conferees to finally be appointed. It should not surprise us that our colleagues on the other side of the aisle initially drafted this conference report amongst themselves, and refused to allow a single democratic amendment to be offered during the conference committee. Some changes were made when the conference report was merged with the omnibus continuing resolution, but the basic provisions were developed in a very partisan process.

And finally, it should come as no surprise that the Senate is considering this legislation in the middle of the campaign season. Rather than offering any surprises, the circumstances surrounding us is a clear confirmation that this legislation is less about combating illegal immigration than it is about trying to score political points.

Let me begin by observing that there is clearly no demonstrable support in this Congress, nor in this country, for reducing levels of legal immigration.

Such reductions were stripped from the House bill and omitted from the Senate bill. I have said repeatedly that there is some abuse of our legal immigration system and we should take appropriate steps to repair this process.

But it is clear that a large majority of this body and the other house believes in continuing our longstanding national policy of allowing families to reunite, of continuing to allow foreign skilled workers to be sponsored by businesses, universities and research facilities, and ensuring that the United States continues to be a safe haven for those fleeing persecution from around the world.

Mr. President, for anyone who has witnessed the evolution of this legislation, from its inception last spring to the conference report language included in the continuing resolution that is before us today, it is obvious that the commitment of those of us opposing this conference report to combating illegal immigration is just as strong as those who are supporting this legislation.

As virtually every expert on this issue agrees, combating illegal immigration must be a two-pronged strategy. The first part of that strategy is border enforcement, particularly along the southwestern border where tens of thousands of illegal immigrants cross into the United States each year.

I have supported President Clinton's increases in the U.S. border patrol and I support the further increases contained in this legislation.

But a comprehensive strategy must also account for those illegal immigrants who enter the United States legally, usually on a student or a tourist visa, and then remain here unlawfully. This, we know, represents up to one-half—one-half Mr. President—of our illegal immigration problem.

So how do you address this problem, known as the visa overstayer problem. Some of my colleagues advocate installing a worker verification system, where employers would have to verify the eligibility status of each worker they hire with the Federal Government.

I have long opposed this approach for a variety of reasons. I think it will be a costly burden for our Nation's employers. I think it will lead to an inordinate amount of mistakes resulting in too many law-abiding Americans being denied job opportunities for the wrong reasons. I have concerns that the privacy protections for these workers are inadequate.

And that is why the worker verification proposal in this conference report causes me serious concern.

It has been pointed out that the verification pilot programs in this bill are purely voluntary. Voluntary for whom, Mr. President? It is voluntary for the employers, sure. But not the employees.

Workers do not get a choice of whether or not their name is fed into some Federal Government computer to verify whether or not they are eligible to work in the United States.

Interestingly, both in the Judiciary Committee and here on the Senate floor, concern was expressed that these verification proposals could lead to some sort of national identification document. The sponsors of this bill scoffed at such a notion. They said there was nothing in this bill that would create such a document nor require Americans to carry one.

Well, let's just take a look at the final agreement. The legislation before us requires that one of the worker verification pilot programs, which must involve millions of United States citizens in at least 5 States, include the use of (quote) ''machine readable documents.''

Now keep in mind that this conference report already imposes a massive Federal mandate on the States by requiring them to only issue birth certificates and driver's licenses that conform to Federal standards.

Let me repeat that, Mr. President. Under this legislation, the State of Wisconsin will have to issue drivers licenses based on guidelines set forth by the Department of Transportation.

If the DOT tells Wisconsin to add a costly new security feature to their licenses, Wisconsin will have to comply. It does not matter how much it costs. It does not matter what sort of burden that places on the State agency. And it certainly does not matter if the State of Wisconsin concludes that such a security feature will cost far more than any benefit it will derive.

I see that the conference report has added language that the Federal Government shall make grants available to the States to help pay for this new mandate. I am sure that is of little comfort to the states. It is clear that considering our fiscal constraint right now, the chances of these grants actually being made available through the appropriations process is an uphill battle to say the least.

And that is why this provision continues to draw strong opposition from the National Conference of State Legislatures and the National Association of Counties. So clearly all the talk we have heard over the last 2 years about taking power out of the hands of Washington bureaucrats and placing it back in the hands of the States and local governments was little more than political grandstanding.

Those were empty words, Mr. President, pure and simple.

The federalization of these documents was a part of the Senate-passed immigration bill. But now we have this new twist, that one of the verification programs is to utilize (quote) ''machine-readable documents.''

That means that in those States that are included in this pilot program, the applicable State agency will also be responsible for ensuring that their drivers licenses or other such documents are embroidered with a machine-readable social security number.

Mr. President, these verification and birth certificate provisions alone are enough to oppose this legislation. But there are a number of other provisions that were jammed into this conference report that make little if any sense.

Let's look at the triple fence we are now going to build between Mexico and Southern California. This is to be a 14-mile-long fence with three separate tiers to make it as difficult and painful as possible for intruders to navigate. The conference report authorizes $12 million for the initial construction of this wall.

But according to INS, the fence and roads in between the three tiers will likely have a final price tag of between $80 and $100 million by the time construction is completed.

One hundred million dollars, Mr. President, for a 14-mile-long fence. That works out to be $4,100 a yard, Mr. President; $4,100 for one yard of fence and road. I'd like to know who's getting that Government contract.

But it gets worse. During Senate consideration of this legislation, language

was added to the bill that made sure that INS had some input as to where these barriers were erected.

That language has magically disappeared. Instead, the bill provides for the construction of the 14-mile long triple fence, (quote) ''starting at the pacific ocean and extending eastward''.

It doesn't matter if INS believes the fence would be more effective a half-mile away from the ocean. Of course, if I am an illegal immigrant and see a huge wall starting at the ocean and extending eastward, I might just throw a life preserver on and swim around it. I'm sure this triple fence will follow in the footsteps of the other great physical barriers, such as the Berlin Wall and the great Maginot Line.

Mr. President, when this bill left the U.S. Senate last April, there was one provision that I thought would make a marked difference in terms of focusing in on the 50 percent of illegal immigrants who come here by legal means, the so-called visa overstayers.

It was a provision authored by myself and the junior Senator from Michigan Senator ABRAHAM. The Abraham-Feingold language, for the first time ever, imposed tough new penalties on those who come here on a legal visa and remain in the United States long after the visa has expired.

It required the Attorney General to implement an automated system of tracking the arrival and departure of nonimmigrant aliens, permitting for the first time computer identification of nonimmigrants who overstay their visas. And finally, it authorized over 300 new investigators each year for 3 years dedicated solely to the purpose of identifying these visa overstayers.

That bipartisan proposal represented the sort of sensible targeted approach to combating illegal immigration that could be supported by Senators of all partisan and ideological persuasions. Our strategy for combating illegal immigration should not be about building walls, or creating a national worker verification system, or placing a brigade of marines on the southwestern border, or telling an immigrant family that they cannot bring a parent, a child or a spouse into this country.

It should be about identifying who is and who is not playing by the rules, and sending a strong message that there are severe penalties that will be enforced against those who choose to break our laws.

Unfortunately, a change was made to the Abraham-Feingold language in the conference report that I believe greatly undermines the effectiveness of this provision.

The Senator from Michigan and I very carefully crafted our language to provide a broad-based exception from these penalties for any individual who could demonstrate good cause for remaining in the United States without authorization. Why were we so careful to include this exception, Mr. President? Quite simply, there are many good reasons why an individual might not leave the United States immediately after their visa expires.

Perhaps they have become ill. Perhaps a family member has become ill. Maybe they need a short extension to raise the money to leave the country. There are a variety of reasons, some legitimate, some not. But our language would have put the burden on the nonimmigrant to demonstrate good cause to the INS. Instead, this conference report wipes out that important exception, and essentially only provides an exception to a nonimmigrant who has remained in the United States because they have a claim for readjustment of status pending at INS.

That Mr. President, is troublesome,

And I have serious concerns that this will result in countless nonimmigrants being subject to harsh penalties for no fault of their own. That is yet another example of sound policy being thrown to the wayside for no apparent legitimate reason.

Finally, Mr. President, I want to address the asylum provisions in this legislation that the Senator from Vermont, Senator LEAHY, has so eloquently shown to be very troublesome.

America has a proud history of representing a safe haven for those who believe in democracy and who have been tormented for embracing particular political and religious viewpoints. It should continue to do so.

We have had, no doubt, serious problems and abuses with our asylum system. In the past, too many nonmeritorious claims have been filed, and the result has been a massive backlog of pending claims that has prevented or delayed more legitimate claims from being processed.

I do not believe, however, that sort of abuse is adequate justification to place countless obstacles in front of those who have legitimate asylum claims. Moreover, before we consider passing any heavy-handed reforms, we should remember that the Clinton administration has made tremendous progress in reforming the asylum system in just the past year or so.

As a result of these new reforms, in the past year alone, new asylum claims have been cut in half and INS has more then doubled their productivity in terms of processing new claims. Mr. President, these promising reforms are in their infancy and we should be very careful not to mandate any new restrictions that will impede the progress INS is now making and prevent legitimate claims from being considered in as expedited fashion as possible.

The summary exclusion provisions in this legislation are unnecessarily harsh and make little sense. This provision states that if you are living in a country where you are being persecuted, if the regime you are living under is oppressive, and you are forced to falsify your papers in order to gain safe passage to the United States—this legislation says that you are unwelcome in the United States. It literally shuts the door on thousands of asylum seekers who find themselves in this position.

Mr. President, I do not understand what the authors of this language could possibly be thinking. Often we hear the well-publicized cases of persons seeking asylum in this country, whether it is Fidel Castro's daughter or members of the Cuban national baseball team.

But most people who are seeking asylum aren't relatives of celebrities, or famous national athletes. Often, they are working people, who are being imprisoned and often tortured for their religious or political views. How can we expect these people to walk into a government agency in their home country and obtain the necessary paperwork to leave that country? We can't Mr. President, and that is why I am afraid that this provision will have disastrous consequences for a great many individuals seeking political asylum in the United States.

Mr. President, to conclude, the conference report before us has turned into little more than an incoherent and unjustifiable attack against immigrants and refugees. There are 100 senators in this body who are genuinely committed to reducing illegal immigration and punishing those who choose to break our laws.

Unfortunately, I think it is clear that what some of our colleagues could not do directly in terms of reducing legal immigration is being accomplished indirectly. You can do it by cracking down on legal immigrants who use welfare. You can do it by cracking down on persecuted individuals seeking asylum. You can do it in a host of ways, and I am afraid that is exactly what this conference report has accomplished.

Thank you Mr. President and I yield the floor.

Mr. BRYAN. Mr. President, I wish to engage my esteemed colleague Chairman D'AMATO in a brief colloquy to clarify two items pertaining to the Fair Credit Reporting Act [FCRA] amendments contained in the H.R. 4278, the Omnibus Consolidated Appropriations Act of 1997. First, the House of Representatives in negotiations over the weekend deleted a Senate-approved measure which would have codified the permissibility of direct marketing under the FCRA. The deletion leaves the law silent on this issue, retaining the status quo. The House action does not reflect any congressional intent regarding the extent to which direct marketing is permissible under FCRA.

The second item relates to a requirement imposed under section 609 of the FCRA for personnel being accessible to consumers. The requirement that personnel be available under normal business hours is not intended in any manner to interfere with the use of automated menu telephone systems which provide the consumers with a range of options. The standard is satisfied as long as the system provides a consumer the option to speak to a live operator at some point in the audio menu.

Does the chairman confirm these understandings?

Mr. D'AMATO. Yes, Senator BRYAN. I agree with your assessment on these points.

Mr. DODD. Mr. President, I rise this afternoon to express my disappointment that the banking provisions contained in H.R. 4278, the Omnibus Appropriations bill, do not contain commonsense requirements that bank employees who sell insurance be subject to the same State licensing requirements as insurance agents.

There are many parts of the banking section with which I am pleased, particularly the final resolution of the financial crisis that was looming over both the Savings Association Insurance Fund [SAIF] and the Bank Insurance Fund [BIF]. However, while the House and Senate leaders went to great lengths to include regulatory relief legislation that benefits the banks, they failed to include any similar relief for tens of thousands of independent insurance agents across the country.

In many respects, the story of most independent insurance agents is the story of the American dream. In cities, towns and villages throughout the Nation, these men and women are the small business people who provide the foundation for local economic success. In addition to providing economic opportunity in their community, independent agents are often the same people who lead the local Rotary Club or Lions Club, who chair the P.T.A. or who spend their weekends coaching little league.

But these people are under great strain from a competitive environment that is increasingly favoring the banks over the agents. The banks' advantage is growing because recent court rulings have given great powers to the bank regulators to allow banks to sell insurance products. Let me be perfectly clear: I do not take issue with the way in which the regulators have been performing their duties. The problem stems from the fact that the regulators mandate requires them to make decisions based solely upon the impact those decisions will have on the banking industry. No regulator could—even if it wanted to—take into account how their rulings would impact on tens of thousands of hard-working independent insurance agents.

That is why I was so disappointed that this common-sense provision requiring State licensing was not included in the Omnibus Appropriations bill.

In point of fact, Mr. President, this licensing provision was taken almost verbatim from the interim guidelines on insurance sales issued by the Office of the Comptroller of the Currency, the main regulator of national banks.

A consumer who is purchasing an insurance product should have the confidence to know that the person selling the insurance has the same education requirements, passed the same tests, is subject to the same rules of conduct—whether that individual sells insurance at a bank or at an independent agency. Yet for some inexplicable reason, this very modest, pro-consumer amendment was vehemently resisted by powerful forces within the banking industry.

Mr. President, this is not an issue that will simply go away. Although there was not an appropriate opportunity to offer this amendment to the Omnibus Appropriations bill, neither I, nor many of my colleagues, will stand idly by and watch thousands of hard-working men and women lose their jobs because of a regulatory scheme that cannot, by statute, take their well-being into account. I can assure my colleagues, as well as those representing the financial industries, that when the next Congress considers legislation dealing with bank powers and financial restructuring, I will be a forceful advocate on behalf of the legitimate concerns of America's independent insurance agents.

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

Mr. SIMPSON. Mr. President, I rise to address my friend from Alabama regarding the issue of funding for new High Intensify Drug Trafficking Areas (HIDTAs) in the Omnibus Appropriations bill for fiscal year 1997. I seek a clarification of the report language that accompanies the Treasury-Postal title of this bill, which earmarks specified amounts for new HIDTAs, including $3,000,000 for a newly designated HIDTA in the State of Colorado. I inquire as to whether my colleague from Alabama is aware that the HIDTA application originally submitted by the State of Colorado has been updated to include the States of Wyoming and Utah in a Rocky Mountain HIDTA?

Mr. SHELBY. I would say to my friend that at the time this bill was drafted and I was not aware of that development.

Mr. SIMPSON. I would ask my friend from Alabama if he feels the existing report language could preclude those funds currently earmarked for the State of Colorado from being applied to all Members of the Rocky Mountain HIDTA.

Mr. SHELBY. I would tell my friend that I have encouraged the Drug Czar to work in terms of regional cooperation rather than focusing on individual States, and I am pleased to learn that the Rocky Mountain States are pursuing such an association. To that end, I would agree with the Senator from Wyoming that this money should go to meeting the updated application's program objectives.

Mr. SIMPSON. I would further inquire if it is still possible for the Office of National Drug Control Policy to consider using some of their discretionary funds to provide additional funding for the Rocky Mountain HIDTA?

Mr. SHELBY. Yes. Although the bill sets out minimum amounts to be transferred to state and local entities for drug control activities, I would certainly encourage the Director to transfer additional funds where needed for appropriate state and regional efforts.

Mr. SIMPSON. I thank my friend for his courtesy, and for his many hours of tireless work on this bill.

COMMERCE, STATE AND JUSTICE FY 1997 APPROPRIATIONS BILL

Mr. LIEBERMAN. Mr. President, I rise to discuss the Department of Commerce technology programs that I believe were underfunded in the original Senate appropriations bill for Commerce State Justice as reported by committee, and are better funded in this Continuing Resolution. The programs that I am referring to are important to the future of the U.S. economy—to our economic security, global competitiveness and high-skilled jobs. Without these types of technology programs in place, I am concerned that America could lose the technological innovation race as it confronts our international competitors. These technology programs help America compete in the global marketplace and are helping to make our economy stronger. The irony is that by cutting technology programs we would be cutting programs that are already making our economy stronger. I am concerned that the cuts originally proposed in the Commerce Appropriations bill would have helped lead to an undermining of the foundation that links our support of scientific research to technologies which have the potential to continue to keep America at the forefront of global leadership. I am very pleased that many of these cuts have been corrected in the Continuing Resolution.

The Commerce, State, Justice Appropriations bill as reported by Senate Committee provided inadequate funding to Commerce technology programs. If it had been left unchanged, this bill could have led to the unraveling of investments the Senate has long supported to advance our nation's civilian technological competitiveness. The late Secretary Ron Brown and other Administration leaders worked diligently with the ranking member on this Subcommittee, Senator HOLLINGS, and others in Congress, to develop Federal programs that link up with the private sector to foster new ideas that may underpin the next generation of products. These provide some of the small number of information channels that assure that the ideas generated in our world class research institutions evolve in the marketplace. I commend the Commerce Department's hard work and foresight in recognizing that America has entered a new era, an era where economic battles are fought as fiercely as military actions. The Commerce technology programs that were initiated with bipartisan support arm us with the best equipment and strategies we have to surmount our international competitors' efforts.

Our technology edge in the marketplace for the past half century has translated directly into high tech jobs for our workplace, new markets for American business, improvements in our balance of trade, and from this economic success, revenues for our treasury. The original Senate bill proposed

to deplete resources from one of the basic long-term building blocks of our economic growth: applied research and development.

Our global competitors must be chuckling at our muddled vision. Japan has announced plans to double its R&D spending by the year 2000; it will surpass the United States in nondefense R&D in total dollars spent; it is already passing us in R&D expenditures as a share of GDP. This is an historic reversal. Germany, Singapore, Taiwan, China, South Korea and India are also aggressively promoting R&D investment. Our lead in R&D has been our historic competitive advantage. While our competitors are increasing their R&D investments, both public and private R&D investment is being cut in the U.S. If these global trends in R&D spending continue, America will rue the day it lost its R&D lead and therefore its technology lead. The leading ecocomic studies show that technology innovation has contributed to half or more of our economic growth for the past half century. By allowing our R&D lead to erode, we are jeopardizing our future economic growth.

The technology programs at Commerce are not a large part of our total R&D investment. Why should we be particularly concerned about them? A number of the Commerce programs are the connectors, the infrastructure, between the basic research establishment and the evolution of technologies into practical use. They are highly efficient investments, leveraging Federal dollars with matching private investment to ensure risk sharing and therefore prudent investment and improved liklihood of investment results. The cuts in the original Senate version of this appropriations bill took aim at the new and evolving infrastructure of technology development, which is why they were so serious.

The Technology Administration at the Department of Commerce houses many of the critical components of technology development and we need to ensure that its key functions are maintained. The technology programs I am particularly concerned about are the Advanced Technology Program (ATP), the Manufacturing Extension Program (MEP), the completion of the Advanced Technology Laboratory construction and National Telecommunications and Information Administration (NTIA) Technology and Information Infrastructure Grants Program (TIIAP). In total, these programs ARE the tools I mentioned earlier that make up the comprehensive and efficient effort to retain our technology leadership.

I will focus my attention on two programs that were hit hard by the original Senate Appropriations bill: ATP and the NIST Advanced Technology Laboratory construction. I will also note problems in cutting the NTIA grant program.

I am pleased that the original Senate bill did recognize the importance of the Manufacturing Extension Program by providing it substantial funding, as does the Continuing Resolution, providing $95 million for FY 1997. The MEP program is in the process of reaching small and mid-sized businesses in nearly every state with new advanced technology options.

ADVANCED TECHNOLOGY PROGRAM

ATP was enacted during the Bush administration to address technical challenges facing U.S. industry. This program adeptly addresses the development of high-risk, long-term technologies by top-notch firms, including small-to-medium sized companies, in a way that respects the marketplace and avoids inappropriate government intrusion. In an independent study, Semiconductor Equipment and Materials International (SEMI), an association comprised of 1,400 small companies that manufacture materials and equipment for semiconductor manufacturers, found that 100 per cent of the companies who participated in the ATP Program rated it very favorably. Likewise, nearly two-thirds of the modest sampling of ATP-award companies surveyed by the Industrial Research Institute, an association of over 260 research companies who account for 80 per cent of industrially-performed R&D, rated ATP with very high marks. The various reviews of ATP show that it has effectively acted as a catalyst to develop new technologies and to foster ongoing joint ventures within industrial R&D.

In my view, we should continue to support this program and we should restore the President's fiscal year 1997 request of $345M. The original Senate bill proposed funding for the Advanced Technology Program at a level of only $60 million, slashing $285 million from the President's request. This bill provided inadequate funding to support current commitments and included language prohibiting new awards. Clearly, the ATP cuts in this bill would have severely handicapped and ultimately annihilated the ATP program. The Senate bill also disregarded the bipartisan agreement reached last year to stop the train wreck and to maintain funding for ATP. I am very pleased that the final Continuing Resolution restores significant authority to the ATP program, funding it at $225 million, including funding for new ATP awards as well as to continue existing awards. This is a major improvement and I thank the President's Chief of Staff, Leon Panetta, and his staff; Senator HOLLINGS and Scott Gudes and Pat Windham of his staff; Appropriations Chairman Hatfield, and the others involved who were able to negotiate this change. It's not full funding, and this is an investment program that should be expanding, but it is an important step back on track.

The restrictions in the original bill that would have prohibited funding for awards to be made resulting from the ATP competition announced in May 1996, have been removed in the Continuing Resolution. I note that ATP has some carryover funds set aside for this purpose and, as noted, there is additional funding for new proposals in the final CR funding level. If this restrictive language had not been removed and we had cancelled the 1996 ATP competition, we would have had to face many justifiably upset entrepreneurs and medium-sized businesses who have invested major resources in forming consortia and in preparing grant proposals. The worst losers would have been the public which would miss out on some very promising technologies. I am very pleased we did not have to face that problem.

NIST ADVANCED TECHNOLOGY LABORATORY CONSTRUCTION

U.S. industry's ability to produce high quality products ranging from semiconductor to CAT scanners depends on the accuracy of primary measurements conducted at NIST. Universities and industries depend on new NIST measurement methods to overcome experimental obstacles with regards to the study of a plethora of scientific research such as materials science, advanced manufacturing, enzyme structures, to name a few. NIST's laboratories in Gaithersburg are now 30 years old and must be updated to improve and automate controls for temperature, dust levels, vibrations, and humidity. The factors are critical to accurate measurement required for precision national measurement standards. Standard-setting, which reaches across a vast range of affected industries, and is conducted in close cooperation with those industries, is clearly an appropriate governmental role, and has been so for over a century. Extremely precise standard-setting is crucial for industrial efficiencies and advances in a host of interdependent industries.

The administration requested $105 million for the construction of the NIST Advanced Technology Laboratory [ATL], which has been undergoing five years of extensive planning, research, design, and review. The Senate Appropriations Committee eliminated funding for building the urgently needed NIST ATL. Unfortunately, the Continuing Resolution did not correct this problem. I am concerned that unless this action is corrected next year, and this project moved ahead, there will be severe consequences for the future ability of NIST's laboratories to serve U.S. industry and science, halting in midstream a multi-year project that has garnered strong bipartisan and industrial support. If we allow this construction delay to prevail, the American taxpayer will ultimately pay a higher dollar, on the order of tens of millions of dollars, due to contract termination or suspension costs, costs for restarting the expert team, and inflation. These improvements cannot be delayed much longer and the price of delay is on the taxpayer.

NTIA GRANTS

I also note that the original Senate bill cut all funding for the Commerce

National Telecommunications and Information Administration's [NTIA] Technology and Information Infrastructure Grants Program [TIIAP]. These programs serve an important purpose in connecting public schools, libraries and hospitals to state of the art telecommunication services and the Internet, through a highly competitive, cost-shared grant program. TIIAP programs demand high community involvement to be successful. The President's request of $59 million would have funded approximately 200 innovative telecommunication application projects and would leverage additional matching funds of over $100 million. To state it simply, an education system with out connections to the new information infrastructure is not a modern education system, and given the demands of a competitive global economy, we must make these connections. To end the NTIA grants would have been a serious error. I am pleased that the Continuing Resolution revisited this issue and restored $21.5 millon for this program.

To conclude, now is not the time to drop out of the global R&D race and shift toward a path of technology bankruptcy. I was concerned that the cuts in key technology programs originally proposed in the Senate Appropriations bill moved in this direction. I am very pleased that the Continuing Resolution corrected some of the worst problems in the Senate bill. Sen. HOLLINGS, who has long been an able leader in the Senate on technology issues, I know strongly shares these concerns. Again, I appreciate his efforts and the efforts of the administration and of Chairman HATFIELD in negotiating the improvements in this Continuing Resolution. Had the corrections not been made, I would have been concerned that the original bill could have started a process of throwing away tools that are key to building a better future and stronger economy for our country.

APPROPRIATIONS FOR DESALINATION RESEARCH AND DEVELOPMENT FOR FISCAL YEARS 1997 AND 1998

Mr. SIMON. Mr. President, I wish to express my disappointment that the omnibus appropriations bill for fiscal year 1997 does not include funding for research and development in the area of converting salt water to fresh water.

Although, with the assistance of the Senator from Nevada Mr. [REID], we did make a breakthrough in this Congress by passing legislation that authorizes funding for research and development into desalination, we failed to appropriate funds for this important research.

The United States was the world leader in desalination research during the 1960's, but Federal Government support was eliminated during the 1970's. It is vital that the United States again take the lead in desalination research and technology.

We are in a situation where, depending on whose estimates you believe, in the next 45 to 60 years we will double the world's population. Our water supply, however, is constant. Clearly, we are headed toward major problems. The reality is the cost of fresh water is gradually going up, the cost of desalinating water is gradually coming down, but there is a gap that remains. That gap is going to hurt us unless we move in the area of research.

Converting salt water to fresh water is currently inexpensive enough for drinking purposes. Almost 90 percent of the water used in the world, however, is for industrial and agricultural purposes. Producing enough fresh water from saline water to grow crops and supply factories with water in arid parts of the world remains far too expensive.

In a report on desalination authorizing legislation, the Senate Committee on Environment and Public Works expressed the significance of desalination research and development, stating, ''The United States should renew its commitment to developing this key technology and once again move the United States to the forefront of desalination technology and development.''

Mr. President, the ability to efficiently convert salt water to fresh water is vital to the future of our country. It is vital to the future of civilization. For this reason, I am pleased that the Senator from Nevada will be taking the lead in assuring that funding for desalination research and development is included in any supplemental appropriations for fiscal year 1997, and in specific appropriations for fiscal year 1998.

Mr. REID. Mr. President, I would like to thank the Senator from Illinois for his leadership on this important issue.

I recognize the need for research and development and public investment in desalination technology. I am pleased to see that authorizing legislation was passed in this Congress for desalination research, and it was a pleasure to work with the Senator from Illinois as a cosponsor of his legislation. I will work to ensure that funds for desalination research and development are appropriated in the 105th Congress, through both supplemental appropriations for fiscal year 1997, and in appropriations for fiscal year 1998.

Ms. MOSELEY-BRAUN. Mr. President, I am delighted the Senate is prepared to act on and approve the pending omnibus appropriations bill for fiscal year 1997. I would like to commend the leaders of the Appropriations Committee, as well as the majority and minority leaders and the White House for their diligence in negotiating this compromise appropriations legislation. I am delighted that we have been able to put aside our differences and are prepared to pass a bill before the start of the next fiscal year.

This compromise stands in stark contrast to the acrimony and bitter partisanship that dominated the fiscal year 1996 budget and appropriations debate. I know that every one of my colleagues remembers the numerous continuing resolutions—many of them crafted by the Congress specifically to draw a Presidential veto—and the multiple shutdowns that closed parts of the Government for 27 days last year.

We have come a long way since last year's debate. We have come an especially long way in the area of education. The first budget documents considered by the 104th Congress contained unprecedented, extreme, and harmful cuts to education and job training programs.

The first budget and appropriations bills considered by this Congress proposed an $18 billion reduction in the Pell Grant Program, and a 40-percent reduction in the value of individual Pell grants. This Congress suggested $10.6 billion in student loan cuts, a tax on colleges and universities who participate in the student loan programs, and an interest-rate increase for parents who take out certain loans to help their children through college. This Congress tried to completely eliminate the successful and popular direct loan program, and the 6-month grace period before students must begin to repay loans after graduation.

Fortunately, none of these proposals became law. They would have increased the cost of higher education for nearly all of the millions of American students who are enrolled in colleges and universities with the help of financial assistance. This backtracking on the Federal Government's commitment to providing access to higher education would have come at exactly the time the cost of higher education was soaring to new heights. According to a study released by the General Accounting Office last month, the cost of public, 4-year colleges and universities has increased 234 percent over the last 15 years—nearly three times as much median household income.

Mr. President, we have come a long way for higher education since those early proposals. Instead of slashing the program and cutting the size of individual Pell grants, the bill before us today increases funding for the program by $1.3 billion, and raises the size of individual awards to $2,700. This bill increases funding for work-study programs by $213 million, providing about 960,000 jobs for low- and middle-income college students. This bill fully funds the direct loan program, allowing colleges and universities that choose to do so, to enroll in the program at will.

The first budget and appropriations bills considered by this Congress would have denied Head Start to 350,000 preschool children, cut 2 million children off of title I reading and math support, and cut back programs to keep schools safe and drug free for 39 million students. This Congress suggested that it would be appropriate to zero out Goals 2000, eliminate the National and Community Service Program, and eliminate summer jobs for millions of American students.

Fortunately, none of these proposals became law either—and for the first

time since the start of the 104th Congress, the Senate is about to approve a measure that increases funding for Head Start, fully funds the title I program and fully funds Goals 2000. For the first time in 2 years, this Congress is poised to make progress toward improving the quality of, and expanding access to, educational opportunities for all Americans.

I am especially pleased with the increase in funding for education technology. This bill increases funding for education technology by nearly 400 percent over last year, to a record-high $305 million. These funds will help States leverage additional funding to wire schools, connect them to the Internet, train teachers, and provide all of our children with a 21st century education.

We have indeed come a long way, and the legislation before us today represents a dramatic improvement over proposals initially considered by this Congress. There is still much work to be done.

According to the General Accounting Office, decades of neglect of the facilities themselves has resulted in $112 billion worth of needed repair, maintenance, and construction, just to bring them up to good, overall condition. This price tag does not include the cost of wiring our schools for computers and other information technology that our children must learn in order to remain competitive in the 21st century.

The $112 billion price tag does not include the cost of expanding facilities to meet the needs of climbing enrollment. The Department of Education reports that this year's enrollment is the highest ever, and the number of children enrolling in school will continue to climb for the next decade. Next year, I will introduce legislation that will help school districts leverage funds to repair, upgrade, and modernize their facilities so our schools may serve our children in the 21st century.

I also intend to examine the increasing unaffordability of college next year when Congress reauthorizes many of the higher education programs. At precisely the time when college is more important to opportunity than ever before, we cannot afford to price an increasing number of middle-class Americans out of a higher education.

Mr. President, the 104th Congress has not been friendly to education. Bill after bill has proposed slashing education funding and limiting opportunity for millions of American students. I am very pleased that for the first time the legislation before us today takes a different tact, expanding educational opportunities.

I look forward to working with my colleagues in the 105th Congress to continue to improve the quality of education for all Americans.

PRIVATIZING CONNIE LEE

Mr. DODD. Mr. President, I am pleased to rise today in support of my legislation, included in the continuing resolution, to privatize the College Construction Loan Insurance Association, better known as Connie Lee.

For 10 years now, I have focused a great deal of attention and effort on Connie Lee legislation. I was there at its birth in 1986 as the author of the legislation creating Connie Lee, which passed as a part of the Higher Education Act amendments. And, today, as this legislation privatizing Connie Lee passes, I feel like a parent watching a child graduate from college to head out on her own.

Connie Lee was created with a vital and focused mission—to assist colleges in the repair, modernization and construction of their facilities. Like many institutions, colleges and universities need multi year financing to keep up with their construction and renovation needs. For institutions with strong financial backing and large endowments, issuing bonds and securing capital has not been a major problem. Institutions that are less secure and have a lower bond rating, however, face major obstacles in obtaining the necessary financing.

It was clear to us in 1986 that we, as a nation, have a major stake in assuring that our higher education institutions sit on a strong foundation—both literally and figuratively. Connie Lee was created to address this need and, since its incorporation in 1987, it has provided increased access to the bond markets for more than 100 needy institutions through bond insurance. Connie Lee has insured bond issues totaling over $2.5 billion and has assisted institutions such as the University of Denver, the University of Massachusetts Medical School, community colleges, and numerous other institutions in nearly every State.

With its significant record, Connie Lee has clearly proven its maturity and strength. Since its founding, Connie Lee has maintained its triple-A financial rating, and a recent Standard and Poor's report confirmed its strong financial position. The initial Federal investment of $19 million has clearly worked to form a strong and vibrant company, ready to sever its ties and fully privatize.

The privatization language included in this bill is quite straightforward and very similar to the administration's privatization bill, which I introduced last June. It repeals the section of the Higher Education Act that authorized the creation of Connie Lee and governs its activities. In addition, it requires that the Secretary of the Treasury sell the Federal Government's 15-percent share in Connie Lee within the next few months.

Mr. President, as simple as it sounds, this legislation is the product of a great deal of work. I would first like to thank my colleague from Vermont, Senator JEFFORDS, who has been an incredible partner in this effort. I would also like to acknowledge the assistance of the Departments of Treasury and Education, the staff of Connie Lee, and those in the private sector, who with their broad experience provided invaluable assistance in putting this bill together.

In an era when we hear so much about bad government, Connie Lee is an excellent example of how government can and does work well. With a modest Federal investment, Connie Lee has grown to be a dynamo in helping colleges repair their aging facility just as we had hoped in 1986. Connie Lee will continue this work, but no longer needs our venture capital. With this legislation, the Federal Government will sell its shares and recoup a good cash return on its original investment.

Mr. President, this is good legislation and I look forward to its passage as part of the larger continuing resolution.

SECTION 208

Mrs. MURRAY. Mr. President, the omnibus appropriations bill contains a provision in the Commerce, State, Justice appropriations area that needs clarification. Section 208 prevents the administration and councils from using funds to implement any individual fishing quota [IFQ] programs until fees are expressly authorized for such programs under the Magnuson Fishery Conservation and Management Act. This fee authority recently passed both the House and Senate and will soon be signed into law by the President, but there is some confusion about the implication of this appropriations provision on a particular IFQ program designed to regulate bycatch.

Section 118 of the Sustainable Fisheries Act amends section 313 of the Magnuson Act to provide authority for the North Pacific Fishery Management Council to establish a Vessel Bycatch Accountability [VBA] program under section 313(g)(2). As Senator STEVENS made clear during debate on the Sustainable Fisheries Act, the authority to collect a fee under section 304(d)(2)(A)(i) of the Magnuson Act for actual costs directly related to the management and enforcement of IFQ programs applies as well to any VBA program created under section 313(g)(2). Therefore, the express authorization of fees for a VBA program is contained within the express authorization of IFQ fees in section 304(d)(2)(A)(i), except that, as Senator STEVENS mentioned during the debate, the fees in the VBA fishery should not exceed one percent of the annual ex-vessel value of the target fish in the fishery.

It is therefore clear that once the Sustainable Fisheries Act has been enacted, section 208 will no longer apply to the VBA program I have described. It will in no way prevent the Council from developing and the Secretary from approving and implementing a VBA program, consistent with the requirements of section 313(g)(2) and other provisions of the Magnuson Act.

Mr. STEVENS. I concur with the Senator from Washington. The express authorization of fees in the Magnuson

Act to pay for the costs of administering plans, amendments and regulations that include IFQ programs results in the repeal of section 208. Because the VBA program that Senator MURRAY has described fits within the definition of an IFQ, upon enactment of the Sustainable Fisheries Act, the moratorium in section 208 will no longer be applicable to the VBA program.

As I mentioned in my discussion with Senator MURRAY about section 208, the Sustainable Fisheries Act's express authorization of fees to pay for the costs of administering plans, amendments and regulations that create IFQ programs results in a repeal of section 208. Once the President signs the Sustainable Fisheries Act, section 208 will be completely repealed.

Mr. SHELBY. Mr. President, I want to congratulate the chairman for reporting out a bill that provides funding for many important programs, while at the same time moving toward our goal of balancing the budget. Of particular interest to me, this bill funds the activities of the Federal Communications Commission which is currently undertaking the important task of implementing the historic Telecommunications Act of 1996.

Mr. President, I would like to raise a concern that many of us have relating to the FCC's implementation of the act, and I would therefore ask the indulgence of the chairman of the Appropriations Subcommittee to allow me to enter into a colloquy with the chairman of the authorizing committee, the Committee on Commerce, Science and Transportation.

Mr. SHELBY. I thank the chairman. In addition to advocating a regulatory framework that encourages and promotes competition in the telecommunications industry, I have been particularly concerned that small and entrepreneurial firms are allowed to compete on a level playing field in all industry sectors in the United States and global economies. Indeed, with passage of the Telecommunications Act, Congress sought to provide opportunities for small businesses to participate in the telecommunications industry while also moving the entire industry toward a more competitive framework overall. Section 257 of the Act directs the FCC to ''identify and eliminate * * * market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services. * * *''

Mr. President, this is very clear and precise language and should leave no question as to the intent of Congress on matters relating to small businesses. Nevertheless, it has come to my attention that the FCC, in two recent rulemaking decisions relating to new satellite services, has adopted stringent financial standards, the practical effect of which is to erect market entry barriers to telecommunications ownership by entrepreneurs, small businesses and similar entities.

Under the Commission's strict financial standard, applicants are required to demonstrate financial qualifications either on the basis of a corporate balance sheet or alternatively, on the basis of fully negotiated, irrevocable funding commitments from outside sources. This standard unfairly favors large corporations who may submit a balance sheet as part of their licensing application, regardless of whether the funds reflected on paper are actually committed to the project and even though the corporate giant, like its smaller competitors, will likely turn to external financiers and investors to ultimately fund its system. In fact, the award of all satellite licenses in one of the proceedings I refer to have gone to large corporations. In contrast, applications from small entrepreneurial companies have been deferred because they have been held to the stricter test requiring proof that funds have been irrevocably committed by others on behalf of their entire project. This is a very high hurdle to clear.

Although numerous small businesses, as well as the Small Business Administration and a number of U.S. Senators and Congressmen, have raised concerns about these strict financial standards with the FCC, we have received no adequate response from the FCC, nor has the Commission modified its policy in this area.

To the distinguished chairman of the Commerce Committee I ask: Was it the intent of Congress with passage of the Telecommunications Act of 1996 to encourage the FCC to ease the regulatory framework and encourage competition in the telecommunications industry? And, further, was it the intent of Congress that regulations that act as market entry barriers to small and entrepreneurial businesses be identified and eliminated as soon as possible?

Mr. PRESSLER. The Senator is correct. The primary thrust of the historic act was to ensure increased competition in the telecommunications industry by scaling back regulations and allowing free market forces to operate in this area. The Senator is also correct in noting that section 257 of the act specifically directs the Commission to identify and dismantle impediments to small business ownership and provision of telecommunications services.

Mr. SHELBY. Thank you very much, Mr. Chairman. Any may I then ask: Is it true that section 257 of the Telecommunications Act, which ensures that small businesses are not unfairly disadvantaged by Federal regulations, was supported by both parties?

Mr. PRESSLER. The Senator is correct. This provision, which originated in the other body, was agreed to on a bipartisan basis. Section 257 directs the Commission to develop meaningful opportunities for small businesses to participate in the ownership and provision of telecommunications services. This language applies to all Commission activities in the area of telecommunications. It does not make exception for activities such as the application of financial qualification standards.

Mr. SHELBY. Mr. President, I have one final question for the chairman of the Commerce Committee for purposes of clarifying that the intent of Congress with the Telecommunications Act is to ensure that the marketplace, not the U.S. Government or a regulatory body, decides who the winners and losers in this industry will be. In the case of the strict financial standard imposed by the FCC for satellite system applicants, it seems to me that rather than making a judgment on what the FCC may feel is a company's financial ability to compete, perhaps the FCC should focus more on technical considerations for licenses, leaving the ultimate success or failure of an applicant to the marketplace where it appropriately belongs. Will the chairman continue to work with me and others to ensure that the FCC implements the law according to our intent, particularly as this relates to small and entrepreneurial ventures and financial standards applicable to these important participants?

Mr. PRESSLER. I can assure my colleagues that the Commerce Committee will closely follow actions taken by the Commission in areas such as satellite licensing to ensure that the intent of Congress is carried out. Congress must ensure that the FCC's actions are complementary, not contrary, to the forces of the free market and open competition.

Mr. SHELBY: I thank the chairman of the Commerce Committee for all the work he has undertaken to ensure the American people have access to services which are developed in a free and open marketplace, and I thank the chairman of the Appropriations Committee for permitting our discussion of this most important and timely issue.

WHITEFISH POINT LIGHTHOUSE LAND CONVEYANCE

Mr. ABRAHAM. Mr. President, I rise to address the inadvertent omission of important report language relating to the transfer of the lighthouse at Whitefish Point, MI, from the Coast Guard Authorization Act of 1996.

Built in 1849, the lighthouse at Whitefish Point was Lake Superior's first lighthouse. As I am sure my colleague from Michigan, and anyone else familiar with the perils of maritime transport on Lake Superior will tell you, in its 15 decades of operation the lighthouse has undoubtedly saved hundreds of lives.

In response to the present need to justify budgets, the U.S. Coast Guard, working to meet its numerous national priorities, decided to permit the transfer of ownership to responsible parties. Several organizations stepped forward, and this legislation makes possible the transfer of this historical site to three interested parties: the Great Lakes Shipwreck Historical Society, the U.S. Fish and Wildlife Service, and the Michigan Audubon Society.

Disagreements arose between the interested parties over the ability to construct or expand facilities at the site.

As a conferee to the Coast Guard reauthorization, I developed a clarifying clause to be included in the conference report to accompany the bill to try and put this dispute to rest. This language represented an agreement between Representative STUPAK and myself, and it struck a reasonable compromise between the concerned parties. Regrettably, this language was not included in the final report as we had come to expect. The aforementioned clause was as follows: ''Nothing in this section is to be interpreted as exempting development of the land conveyed under this section from applicable Federal, State or Local laws.''

Mr. President, this is a matter that is important to many people in the State of Michigan. It troubles me this language did not make it into the conference report.

Mr. STEVENS. Mr. President, I regret that the language requested by the Senator from Michigan was not included in the report language. I wish to assure Senator ABRAHAM and Senator LEVIN that this was due to an administrative oversight. It was the Senate's intent that this language be included in the conference report, and to my knowledge, there was no objection in the House.

Mr. ABRAHAM. Mr. President, I thank the distinguished subcommittee chairman and the ranking member for their consideration and all their hard work. Their help will ensure that transfer of this property takes place smoothly and it will allow the concerned organizations to focus their attention and resources toward preserving this rich historical site.

Mr. LEVIN. Mr. President, I also wish to thank the Senator from Alaska for his willingness to address this matter. And, I appreciate my colleague from Michigan's efforts to move these transfers and to clarify the intent of Congress regarding the Whitefish Point transfer. There are important historical preservation and environmental protection issues that must be carefully considered regarding this sensitive property and any development that occurs there.

PESTICIDE DATA PROGRAM

Mr. LEAHY. Mr. President, I would like to engage the Senator from Iowa, Mr. HARKIN, the ranking member of the Senate Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, Mr. BUMPERS, the chairman of the VA–HUD Subcommittee, Mr. BOND, and other Senators in a discussion relating to the Pesticide Data Program.

It is my understanding that the new pesticide legislation requires more complete and thorough pesticide residue data collection. Because of the sequence of passage of the Agriculture Appropriations Act and the Food Quality Protection Act, the Pesticide Data Program, essential to collecting pesticide residue data, had been left without funding. Would the Senator from Iowa agree with this assessment?

Mr. HARKIN. The Senator from Vermont is correct. The Pesticide Data Program, which has been carried out by the Department of Agriculture since 1991, has a proven record of collecting data that is critical to the proper functioning of our pesticide and food safety laws—from the perspectives of both consumers and agricultural producers. It should be noted that this program involves contractual agreements with the States that are separate from the existing cooperative agreements for pesticide enforcement and educational programs between EPA and the States.

The program is specifically designed to collect reliable data regarding pesticide residues on food as those foods are consumed. This data benefits consumers—and particularly infants and children—because regulatory decisions can be based on more accurate assessments of the risks associated with pesticide residues in foods. The data is likewise beneficial to agricultural producers. Using reliable residue data, and more accurate assessments of risk associated with the use of products, may allow some pesticides to remain in use that would otherwise have to be withdrawn, since without the data EPA would have to assume a higher theoretical level of risk from use of a pesticide than is really the case.

The Pesticide Data Program has taken on even more importance with enactment of the landmark Food Quality Protection Act, which mandates collection of the type of data collected in the Pesticide Data Program and depends upon accurate pesticide residue data to work as Congress intended. A critical problem arose, though, since no money had been appropriated for the Pesticide Data Program in the previously enacted agriculture appropriations measure for fiscal 1997.

Fortunately, the lack of funding has been taken care of in this continuing resolution, but I am concerned about the implications of providing the money to EPA rather than to USDA, which has extensive experience and a solid record of success in carrying out the Pesticide Data Program.

Mr. BUMPERS. I thank the Senator for the opportunity to explain the events that have led to this program being transferred to the VA/HUD Subcommittee. This program was previously funded by the Subcommittee on Agriculture, Rural Development, and Related Agencies and administered by the Agricultural Marketing Service through contractual agreements to several States for residue testing and information collection in the field. Although the Senate bill for fiscal year 1997 USDA spending contained this funding, it was dropped in conference at the insistence of the House. It was the sense of the House conferees that since the program was largely designed to assist the Environmental Protection Agency in the reregistration of pesticides, the program would be more appropriately funded through EPA.

Following passage of the fiscal year 1997 Agriculture, Rural Development and Related Agencies Appropriation Act, Congress enacted the Food Quality Protection Act. The Food Quality Protection Act modified the tolerance-setting process and made the availability of actual pesticide residue information more critical than before. During negotiations on the continuing resolution, the question was again raised as to the appropriate agency to implement this program. In an agreement reached with the House and Senate leadership, and the administration, it was decided to fund this program through the Environmental Protection Agency for fiscal year 1997.

Mrs. MURRAY. Can the Senator from Missouri explain what effect this change will have on the collection of residue data?

Mr. BOND. This change should have little effect on the collection of residue data. As the Senator from Arkansas explained, the collection of pesticide residue data is achieved through contractual agreements with a number of States. This process will continue. The only difference will be that the funding for fiscal year 1997 will flow through the Environmental Protection Agency rather than the Agricultural Marketing Service. This 1-year approach will allow a more timely distribution of funds to the States than would otherwise occur if they first had to be transferred to USDA.

Mr. LUGAR. I notice the statement of managers also contends that while the program will be managed by the Environmental Protection Agency during the initial stages of implementing the Food Quality Protection Act, that future funding should be provided by a more appropriate Federal agency. I might point out that section 301(c) of the Food Quality Protection Act mandates that the Secretary of Agriculture ensure the residue data collection activities are carried out in cooperation with the Environmental Protection Agency and the Department of health and Human Services. Would it be the understanding of the Senator from Arkansas and the Senator from Missouri that coordination should continue between the Environmental Protection Agency and the Agricultural Marketing Service to determine how best to manage this program in the future in light of the recent passage of the Food Quality Protection Act?

Mr. BUMPERS. While the Statement of Managers does indicate that transfers to other Federal agencies should not occur in fiscal year 1997, I agree with the Senator from Missouri that this was in order to distribute funds more efficiently to the participant States. The Food Quality Protection Act has only been signed into law a few weeks and we do not yet fully know the extent to which it will enhance the need for the information provided by the Pesticide Data Program.

I certainly expect the Department of Agriculture to explain fully its views of how best to proceed with this program in hearings before our subcommittee

next spring. With the expectation that Congress will determine the collection of this information is imperative due to the changes in the pesticide registration laws, I would hope that the Environmental Protection Agency and the Agricultural Marketing Service continue to coordinate efforts and work together. I would further expect that fiscal year 1997 funds not be restricted in such a way as to make this coordination difficult. If, as suggested in the Statement of Managers, there is a more appropriate Federal agency than the Environmental Protection Agency to implement this program, that Federal agency should be allowed to work with the Environmental Protection Agency and leave the final decision for fiscal year 1998 to the Appropriations Committees of the House and Senate.

Mr. BOND. I agree with the views of the Senator from Arkansas.

GUN FREE SCHOOL ZONES ACT

Mr. KOHL. Mr. President, today we enact the Gun Free School Zones Act, a measure designed to undo the damage done by Supreme Court's decision in United States versus Lopez. In that 1995 decision, the Supreme Court by a slim 5 to 4 margin struck down an earlier version of this legislation, holding that it exceeded Congress' commerce clause power in the Constitution.

Today we address the Supreme Court's concerns. We do not defy them. Yet we do not let their easily addressable concerns stop us from doing what is right—doing everything we can to stop the violence in our schools. The Gun-Free School Zones Act is a commonsense, bipartisan, constitutional approach to combating violence in our schools. It bars bringing a gun within 1,000 feet of a school, with a few commonsense exceptions. We also now require in this new version that in each prosecution the Government prove that the gun ''moved in or * * * otherwise affected interstate commerce.'' This is the only change between the prior law and this new law.

We enact this measure under our commerce clause authority. We have held hearings on it, and we have heard from prosecutors, law professors, teachers, and policemen. They all tell us that interstate commerce is what is causing the problem of gun violence in schools. The problem of school violence is a national one that begs for national attention. Anyone who argues that the problem is an exclusively intrastate problem is not looking at the evidence. Interstate commerce is creating this problem.

Sometimes these guns get into children's hands through the efforts of nationwide gangs. One 14-year-old Madison, WI gang member told the Wisconsin State Journal that the older leaders of his gang brought carloads of guns from Chicago to the younger gang members. The Boston police recently discovered that all of the handguns being bought by gang members in one neighborhood came from Mississippi. The young man who was running guns up to Boston was arrested and shootings in the neighborhood dropped more than 60 percent, from 91 to 20. And in New York, Federal agents traced 4,000 guns seized there to a single store in Alabama.

The unchecked proliferation of guns and their delivery into the hands of school-aged children is national in scope. The raw materials for guns are mined in one State, are turned into guns in another State, and are put into a child's hands in another State. The gangs that arm these children and encourage them to bring guns to school operate across State lines.

These guns have infiltrated our school system and created a national crisis. A Lou Harris survey this year found that one in eight youths—two in five in high-crime neighborhoods—reported having carried a gun for protection. One in nine said they had stayed away from school because of fear of violence. That number jumped to one in three in high crime neighborhoods.

The effects of guns in schools stretches across this Nation. Schools and districts with particularly bad gun problems sink deeper and deeper into despair. They have difficulty procuring Federal aid or grants from national foundations. People will not move from out-of-state to that school area because they do not want their children in dangerous schools. Businesses will not relocate or establish themselves in areas with dangerous school zones.

Finally, and perhaps most tragically, the children in those schools are prevented from learning their ABC's. All they learn is to live in terror. Children from Maine to Wisconsin to Alabama to Oregon go to school in fear—fear that they may be shot, that their school day will consist of nothing but dodging from one perilously dangerous situation to another. These children cannot learn and the educational system cannot teach. Our national economy is crippled.

The Federal Government has a role to play in combating this national problem. We must put the full weight and investigative abilities of the Federal Government behind the drive to keep guns out of school. No State should be forced to stand alone in confronting this problem.

Although many States have their own laws, we need a Federal law for two reasons: first, many of these State laws are inadequate; and second, a Federal law will serve as a critical support and backup system for state law enforcement officials.

But before dealing with these reasons, I want to point out that the measure we pass today will not hamper, preempt, or harm the enforcement of those laws in any way whatsoever.

Although State laws can help address this national problem, not every State has a law. And not every State law is adequately drafted to do the job. Moreover, in many of these States, people do not serve any time for violating the law. In Federal cases, they do. With a Federal law, we can fill in loopholes and put violators behind bars for up to 5 years. In short, the Gun-Free School Zones Act gives prosecutors the flexibility to bring violators to justice under either State or Federal statutes, whichever is appropriate—or tougher.

Some States do not have laws which deal with guns in schoolyards. In addition, of the forty-plus States that have laws, almost half of them simply make it a misdemeanor to bring a gun into school. Unfortunately, that has almost no effect on a juvenile who knows that a juvenile misdemeanor record is virtually meaningless. A stiff Federal penalty means a lot more.

Some of the States also have weak laws. Take, for example, Alabama. Alabama requires that the person charged have brought the gun to school with intent to do bodily harm. So you can bring a gun to school, disrupt and frighten all of the students but still get off because you did not intend to actually shoot anyone. That is unacceptable. Alabama's statute also only applies to guns on public school grounds. Private schools are uncovered, so anyone can walk into a parochial or private school with a gun and without a fear of prosecution.

And there is still another reason why a Federal law is needed. We need Federal and State cooperation to deal with this problem. The States need our help. Sometimes they are overwhelmed and need backup. Other times, they want to use stiffer Federal penalties. This Gun-Free School Zones Act will not preempt a single state law. And after decades of dealing with complimentary Federal-State laws, good State and Federal prosecutors know how to coordinate their efforts—and Federal prosecutors know to step aside when the State has a stiffer law. Just ask Bob Wortham, the former Texas U.S. attorney nominated by Senator GRAMM. Mr. Wortham prosecuted more people under the Gun-Free School Zones Act than anyone else. And he did it while getting rave reviews from State police, prosecutors, and teachers. This act is a modest but useful measure that surely cannot threaten our State governments.

You will not hear State officials complaining about meddling Federal officials. Instead, State officials welcome Federal assistance in this area. The Gun-Free School Zones Act assures a Federal-State joint venture.

Mr. President, our measure is clearly constitutional. The original Gun-Free School Zones Act was struck down in United States versus Lopez. But in drafting this proposal, we consulted with the Justice Department and a variety of legal experts who carefully scrutinized this bill and concluded it would easily pass the Lopez test.

In fact, the very provision that has been inserted into the bill to make it constitutional was suggested by a section in the Chief Justice's opinion in Lopez. In a portion of that opinion, the

Chief Justice noted that if the law ''contain[ed] * * * [a] jurisdictional element which would ensure, through case-by-case inquiry, that the firearm possession in question affects interstate commerce,'' then the law would probably be constitutional.

By requiring an explicit connection with or effect on interstate commerce, as our new law will require, Congress will be clearly regulating interstate commerce pursuant to its constitutional commerce clause power. There are many known instances of gangs traveling to other States to equip themselves with guns which they then bring into schools. That is what this bill seeks to regulate: the travel of guns through interstate commerce to our schoolhouse steps.

This measure does not, as a few opponents have argued, pave the way to Federal regulation of State education. Education is first and last the business of the State governments, and so it will remain. This law does not get the Federal Government in the business of regulating schools. It simply keeps the Government in the business of controlling the interstate commerce in guns. Since this bill rests on the Federal Government's power to regulate interstate gun commerce, it cannot be used to justify Federal regulation of State education.

It does not make much sense to treat a modest and sensible proposal as a major threat to the Federal-State balance. Our Founding Fathers were concerned with common sense, not with alarmist predictions about the fate of Federal-State relations.

Mr. President, no one claims that our legislation is a panacea. No one claims that the violence will go away if we pass it, just as the violence did not go away when the original law was passed. But a Federal law can help. The Federal Government can step in and assist State prosecutors when they do not have the resources they need. The Federal Government can take on particularly bad offenders who will receive stiffer penalties in a Federal prosecution. Today, we have lived up to our obligation to help.

Mr. LOTT. Mr. President, I do not want to delay the vote very much because I know there are a number of commitments involved. I am prepared to use some leader time to wrap up if the former chairman and the ranking member would like to go first.

Mr. BYRD. Mr. President, I have about 3 minutes. I wish to take just a few minutes to commend the work of several key people. I commend the House Democratic leader, Mr. GEPHARDT, who played a very important role in the negotiations that took place during last week. He led the House and Senate Democrats in that historic budget agreement in 1990, and proved himself to be very knowledgeable and capable in matters of the Federal budget and, again, confirmed my judgment of his capabilities.

In addition, Mr. President, I applaud the efforts of the Speaker of the House, Mr. GINGRICH. Congressman GINGRICH is one of the most interesting personalities that has appeared on the political stage in the last quarter century, and his participation in the negotiating process was key to the success of this agreement.

On the Senate side, the tireless work of our two leaders is also to be commended. For the Democrats, Senator DASCHLE has proved to be a very effective minority leader. As a former leader, I know well the difficult tasks he faces in leading the Senate Democrats, but he has been diligent in his efforts to protect Senators' interests while at the same time trying to reach consensus as the Senate seeks to complete its work.

The Republican leader, Senator LOTT, since assuming his responsibilities upon the departure of Senator Dole, has carried out his responsibilities very capably.

He has worked well with the minority leader and Senators on both sides of the aisle in moving the Senate's business, and particularly in relation to the resolution just agreed to, he was deeply involved and most helpful in reaching this agreement. Several thorny issues were presented to the Senate majority leader and to the other leaders for their final resolution. And they comported themselves admirably and well.

I commend all of the staff who were involved in this very difficult negotiations on this omnibus appropriation bill. For the majority leader, David Hoppe, and for the minority leader, Larry Stein, were involved at every stage of the process and helped resolve many difficult issues as they arose. I also commend the full committee staff of the Appropriations Committee for their tireless efforts and dedicated work: Keith Kennedy, Mark Van de Water, and Dona Pate for the majority and Jim English, Terry Sauvain, Dick D'Amato, and Mary Dewald for the minority, as well as my chief of staff Barbara Videnieks. Most especially, Mr. President, I congratulate and thank the professional staff on both sides of the aisle of each subcommittee, without whom we would not have been able to have reached this agreement as successfully and effectively as we have. As I have said many times in the past, the staff of the Senate Appropriations Committee is one of the finest staff on Capitol Hill, and they have proved themselves so to be, once again, throughout this entire session and, in particular, during the last week.

Last, Mr. President, I note with regret that this is the last appropriation bill to be managed by the very able and distinguished Senator from Oregon, my colleague and friend, Senator HATFIELD. He is a most remarkable public servant, and a man of great integrity and independence, who has always striven throughout his public career to do what is right for the people of the State of Oregon and the Nation, rather than what may be politically popular at any given point in time. I compliment MARK HATFIELD on an outstanding Senate career and, particularly, for his outstanding service on the Appropriations Committee and for the extraordinary manner in which he has led that committee during his 8 years as its chairman.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I, too, want to take just a few moments to thank a few people who worked to achieve this final product.

It is unlike any appropriations bill I ever saw. It may not be perfect, but this one is large. It has been involved in a long process.

I think the result is good, and we are going to get our work done. There is not going to be the threat of having to go with the extra continuing resolutions, dragging it out, and the threats of potential Government shutdowns or any of that sort of thing. We got the work done. That is a very important feature.

I want to say that it could not have happened without the extraordinary leadership, the calmness, the demeanor, and the knowledge of the chairman of the committee, Senator MARK HATFIELD. This is, obviously, the last appropriations bill he will handle in his career. I have said this about him before, but I think it is certainly true here tonight. He has certainly fought the good fight, he has finished the race with this monumental achievement here, and he has kept the faith with himself, his constituents, and with the Senate. I thank you very much for the great work that you have done on this bill and some other bills, Mr. Chairman.

Also, to the ranking member, Senator BYRD. I have found that he has always unfailingly been available, cooperative, and helpful in this and all matters. He is in many ways the conscience of the Senate. He reminds us of things we need to do and the way we should act, and he knows so much about what is in this bill, as in every bill. We appreciate the very fine cooperation from the ranking member of the Appropriations Committee.

And to the very fine staff—Keith Kennedy, Jim English. It just wouldn't have been possible without all the many long hours that they have put in. They have to be exhausted. I don't know how many nights they went without much sleep, or any sleep. I know that sort of thing has happened before, but I have never seen it to the degree that I have this time up close. They did great work, and we thank you very much for that work.

I just have to mention the subcommittee chairman and ranking member who worked so hard. They have had to make compromises, and they are not very happy with some of it. But the chairman of the Subcommittee on Commerce, Justice, and State, Senator JUDD GREGG, and the

ranking member, Senator FRITZ HOLLINGS, and the chairman of the Subcommittee on Defense, TED STEVENS, did a great job.

This is one of the best parts of this whole effort, in my opinion. The defense bill provides what is needed for the defense of our country. TED STEVENS really stayed with it, and, also, of course, his partner in managing this legislation, the Senator from Hawaii, Senator INOUYE.

Senator MITCH MCCONNELL on the Foreign Operations Subcommittee had two of the thorniest issues of all to work out. Yet, we came to an agreement with regard to the funding and with regard to the language concerning the Mexico City issue. Without Senator MCCONNELL's efforts and without the long hours, it would not have happened; and the ranking member there, Senator PAT LEAHY.

The Interior Committee, Senator SLADE GORTON and the distinguished Senator from West Virginia had a very important part in getting that package together. There was a lot of language that was controversial there.

Senator SPECTER and Senator HARKIN on the very large subcommittee portion—Labor, Health and Human Services.

And, finally, the Treasury-Postal Service, Senator SHELBY and Senator KERREY. Senator SHELBY was there with us at about 1 a.m. on Saturday morning because there were some unresolved issues.

There are many members of my own staff that I would like to have their names put in the RECORD because of the long hours that they put into working with different sections of this bill: My chief of staff, David Hoppe, and Alison Carroll, my deputy chief of staff, who is here with me today. Also, Bill Gribbin, Susan Connell, Mike Solon, Susan Irby, Randy Scheunemann, Rolf Lundberg, and Kyle McSlarrow.

I emphasize this point: We came to an agreement. We have a very large bill to keep the Government operating. We did add $6.5 billion more than what had come out of committees, but it was paid for.

We had some very important additions that were put in because of disasters, particularly the effort that we made to provide assistance in the Western States and for the damage from Hurricane Fran. We added $350 million to amounts already appropriated, guaranteeing at least $500 million would be available for relief of victims of Hurricane Fran. That is thanks to Senator HELMS, because he knew what the people of North Carolina needed and what would be necessary to repair the damage from that tremendous storm.

When you go through the places where additions were made, many of them are the right things to do to stand up for what should be done for this country.

For the National Institutes of Health, we provided a total of $12.7 billion, which is over the President's request.

A variety of education programs, including Head Start and the Safe and Drug-Free Schools program had increases.

Title I is now at $7.7 billion.

We added additional funding for college education, for loans and for grants.

We added additional funding to the Justice Department to implement the Violence Against Women Act and programs to fight crime.

When you go through this list, there are many, many programs where the additions will serve the American people well. It is the right thing to do. I am pleased to be able to support this legislation.

I think it has the right mood about it, the right tone about it, and it has been bipartisan. It will, I think, serve us well as we go into the session next year.

Mr. President, I am inclined to look upon this legislation, H.R. 4278, the omnibus consolidated appropriations bill, like an expected father who is suddenly presented with quadruplets. It is an awful lot to take at one time.

And yet, the more familiar you become with the enormous package, the more there is to like.

First and most important, we accomplished what the American people wanted us to do: We avoided a fiscal crisis that would have led to a government shutdown at midnight tonight.

For the record, I have to note that it would have been far preferable if we had passed the various appropriation bills one by one, instead of in this huge and unwieldy package. But what was not to be.

We all know what happened to many of those bills here in the Senate, and why I had to take them down, and why it was pointless for me to even bring up some of them. All that we can leave to the historians of the Congress.

What is now before us is a bipartisan package, worked out in long—very long—face-to-face deliberations between the Republican leadership of the House and Senate and senior administration officials.

If I attempted to individually name all those who played crucial roles in its development, I might be mistaken for a Senator filibustering the FAA bill. So I will note particularly Chairman MARK HATFIELD's diligent pursuit of an acceptable outcome, knowing that he will share the credit with the other members of his committee who worked, sometimes through the night, to get this work done and well done.

Enormous as this legislation is—it spends some $600 billion, including $6.5 billion more than congressional Republicans had originally planned to spend—it is deficit neutral. It is paid for. We refused to add to the Nation's debt.

Working within that understanding, we managed to devote almost $1 billion to the fight against terrorism. We came up with $8.8 billion to combat drug abuse and the drug traffic. We allotted $650 million for fire emergencies in our western States.

And because of the relentless efforts of Senator HELMS, we added $350 million to amounts already appropriated, guaranteeing that at least $500 million will be available for relief of victims of hurricane Fran. Thanks to Senator HELMS, the people of North Carolina will have to resources to rebuild from the storm, especially in the hard-hit city of Raleigh.

For the National Institutes of Health, we provided a total of $12.7 billion—almost $400 million over the President's request.

A variety of education programs also fared well in this legislation. The Headstart program is now up to almost $4 billion. The Safe and Drug-Free Schools program is at $556 million. Title 1, our basic program of aid to schools with large numbers of poor children, now stands at $7.7 billion.

Student aid at the college level has dramatically increased by $3.3 billion to a total, in both grants and loans, of $41.6 billion. The annual Pell Grant will have its largest one-year increase ever, to a maximum of $2,700.

This is more than just a spending bill, however. It is an important anticrime bill. That is why we directed resources to the Department of Justice, with special attention to implementing the Violence Against Women Act.

Mr. President, the American people did not want us to adjourn for the year without tackling the problem of illegal immigration. This bill is our tough answer to that demand.

It tightens border enforcement by doubling the border patrol and authorizing a triple fence barrier along our southern border. It cracks down on alien smuggling. It will speed up the exclusion and deportation of illegal aliens, and it funds 2,700 detention cells. By the way, that's 2,000 more than the President wanted.

This bill includes our entire Defense appropriation, the foundation of our national security effort. And it includes funding for the international activities which are essential for the continuance of what we have won at such great cost: peace through strength.

It is not a perfect bill. But in all my years in the House and Senate, I have never yet seen a perfect appropriation bill. It is, however, a good bill, thoughtfully constructed and prudently funded. It is a necessary bill, which the American people expect us to pass without delay.

With pride in what we have accomplished, and with relief in what we have avoided, I urge all my colleagues to support this legislation.

Mr. President, I urge my colleagues to vote for this legislation.

I yield the floor, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill (H.R. 4278) was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

The result was announced—yeas 84, nays 15, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—84

Abraham	Frist	McConnell
Akaka	Glenn	Mikulski
Baucus	Gorton	Moseley-Braun
Bennett	Graham	Moynihan
Biden	Grassley	Murkowski
Bingaman	Harkin	Murray
Bond	Hatch	Nickles
Boxer	Hatfield	Nunn
Bradley	Heflin	Pell
Breaux	Helms	Pressler
Bryan	Hollings	Pryor
Bumpers	Hutchison	Reid
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Santorum
Conrad	Kempthorne	Sarbanes
Coverdell	Kennedy	Shelby
Craig	Kerrey	Simon
D'Amato	Kerry	Simpson
Daschle	Kohl	Smith
DeWine	Lautenberg	Snowe
Dodd	Leahy	Stevens
Domenici	Levin	Thompson
Dorgan	Lieberman	Thurmond
Exon	Lott	Warner
Feinstein	Lugar	Wellstone
Ford	Mack	Wyden

NAYS—15

Ashcroft	Feingold	Inhofe
Brown	Frahm	Kyl
Burns	Gramm	McCain
Coats	Grams	Specter
Faircloth	Gregg	Thomas

NOT VOTING—1

Campbell

The bill (H.R. 4278) was passed.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the conference report to accompany H.R. 3610.

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. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, 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 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 September 28, 1996.)

Mr. INOUYE. Mr. President, I want to take this opportunity to discuss the conference agreement for the Department of Defense appropriations bill. This is a very good agreement, one that I believe all Members should support.

The conference agreement provides $243.9 billion, an increase of $9.3 billion from the amount requested, and $500 million more than appropriated last year. The amount is nearly $1 billion less than provided by the Senate. While the total bill is lower than that passed by the Senate, the conference agreement protects the priorities of the Senate.

I believe as my colleagues review the bill they will see that the conferees, under the leadership of Senator STEVENS, forged a compromise which fulfills our constitutional requirement to provide for the common defense.

This bill in many ways improves the administration's budget request. First, the bill increases funding for operations and maintenance by $700 million to protect readiness. This includes: $600 million for facilities renovation and repair; $150 million for ship depot maintenance, to fund 95 percent of the Navy's identified requirement; $148 million for identified contingency costs for overseas operations, such as Bosnia; and $165 million for the President's counterdrug initiatives.

Second, the bill adds $590 million to fully fund health care costs identified by the surgeons general and DOD health affairs. This will allow our men and women in uniform access to the health care that they deserve.

Third, it recommends $137.5 million for breast cancer research, $45 million for prostate cancer research, and $15 million for AIDS research.

Fourth, the bill has fully provided for the pay and allowances of our military personnel, including a 3-percent pay raise and a 4 percent increase in quarters allowances.

Clearly, these few examples demonstrate that the conferees have responded to the needs of our men and women in uniform.

The bill also provides $43.8 billion for procurement of equipment, an increase of $5.6 billion above the request. This increase will provide for many of the high priority needs identified by our commanders in the field.

The administration identified several issues in the House bill that it opposes. The conferees have responded to nearly all of its concerns, rejecting restrictive legislative provisions, and funding administration priorities.

Chairman STEVENS and the managers on the part of the House have done a masterful job in keeping this bill clean. It safeguards our national defense, the priorities of the Senate, and rejects controversial riders.

In summary, Mr. President, this is a very good bill. I am strongly in favor of its recommendations and I sincerely believe it should have the bipartisan support of the Senate.

Mr. President, I signed the conference report—with reservation. I want my colleagues to understand that I have no reservations regarding the agreement on defense matters.

I do have reservations on the process by which several extraneous matters have been added to the DOD conference report. I understand that this was done in the interest of time. However, I must say that I do not think it is appropriate for entire appropriation bills—which have never been brought before the Senate—to be incorporated into a conference report.

I intend to vote for this measure because of the many worthy programs funded. I do so with some regret for certain measures which have been incorporated. And I hope that the next Congress will not follow this approach.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I am glad we have that vote behind us. I know Senators are very interested in how we will proceed and what will be the next subject we will take up.

Before I get to a unanimous consent request, I would like to inform all Senators, I know a lot are interested in what is happening with regard to the parks bill. We are still working on that. As most of you know, the House did pass a different parks bill from the omnibus bill that had been pending here. The conference report on the omnibus parks bill had been pending here, I guess, for 3 or 4 days. They moved another bill with a fewer number of parks in it, I think somewhere around 104 park projects, and then they added some heritage trails, 9 or 10 of those. So we have a bill pending here.

Still, some very important parks were not included in that list that came back from the House. Some of those are in Colorado, which is really hard to understand why they were not left in, some in Alaska, but several that really have a lot of support.

We have been working with the Senator from California and the Senator from Alaska to see if we can find a way to come to agreement of how we can get that legislation passed and address the concerns that are still out there.

That effort is still underway. We are working with the administration. Senator MURKOWSKI has been talking with White House officials in the last couple of hours. That effort is still underway. We don't know how we are going to be able to get it done or when. We are still working on it. As soon as we can get an agreement, we will make that announcement. I hope it can be done in