product liability law. It took the European community about 6 years to accomplish this goal and create the European Product Liability Directive. Japan enacted its first product liability reform law almost 2 years ago. Our Nation, this Congress, and this administration should pull together and meet the challenge of our foreign competitors and enact fair and balanced product liability law.

EDUCATION SAVINGS ACCOUNTS

Mr. BURNS. Mr. President, I rise to add my name to the list of cosponsors of S. 1133, the Parent and Student Savings Account PLUS Act, introduced by Senator COVERDELL, and ask unanimous consent that my name be added. This bill will allow families to invest in education savings accounts, or A-Plus accounts, for their kids' K through 12 expenses.

Mr. President, the Taxpayer Relief Act of 1997 provides several education-related tax provisions for students and their families. Yet these provisions are mainly aimed at making higher education more affordable. While I am all for student loan interest deductions and tax credits for 2- and 4-year degrees, K through 12 education is not cheap either, and families could greatly benefit by saving up through A-Plus accounts. But for a last minute veto threat of the entire balanced budget act, families would have the option of savings accounts for their kids' future.

Why are education savings accounts a good idea? For the same reason tax credits for college expenses are a good idea: They help families afford a quality education for their kids. These A-Plus accounts can be used for public, private, and home schooling education expenses. Qualified expenses include tuition, fees, tutoring, special needs services, books, supplies, equipment, and transportation. This will mean a lot to hard-working families trying to make ends meet.

Opponents like to equate education savings accounts with vouchers, and they consistently use the terms interchangeably as if they are one and the same. This is a red herring. Unlike vouchers, education savings accounts would not redirect State or local funds otherwise available for public education. To the contrary, I believe public school students will greatly benefit by saving money for general school expenses. And from what I'm hearing, families across the country agree with me. Let me reiterate: We are talking here about using one's own hard-earned money for education expenses, not diverting public funds that would otherwise be spent on public schools.

Now, I do not support the use of vouchers in Montana because I believe they would disrupt public school financing and the costs to our public schools would outweigh the benefits to our students. But this is a separate issue, and one better left to the Montana Legislature.

Opponents have also claimed that education savings accounts would violate the establishment clause of the Constitution because Federal dollars would indirectly benefit religious schools. I'll simply respond by saying that under that reasoning, any federal financial aid to students attending Marquette, Georgetown, or Brigham Young would also violate the Constitution. We all know that is not the case.

Although we were blocked from including education savings accounts in the Taxpayer Relief Act, thanks to the efforts of Senator COVERDELL we will have another chance to send this bill to the President. At that time we will have the chance to show our support for America's families by making education more affordable.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2266. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 1015) to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes (Rept. 105–90).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 1223. A bill to protect personal employment information reported to the National Directory of New Hires; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. WYDEN):

S. 1224. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to ensure full Federal compliance with that Act; to the Committee on Environment and Public Works.

By Mr. HUTCHINSON:

S. 1225. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. BROWNBACK, Mr. KYL, Mr. HAGEL, Mr. ALLARD, Mr. FAIRCLOTH, Mr. HUTCHINSON, Mr. NICKLES, and Mr. GRAMM):

S. 1226. A bill to dismantle the Department of Commerce; to the Committee on Governmental Affairs.

By Mr. JEFFORDS (for himself, Mr. D'AMATO, Mr. SARBANES, Mr. GRAMM, Mr. DODD, Mr. BOND, Mr. KENNEDY, and Mr. BINGAMAN):

S. 1227. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title; considered and passed.

By Mr. CHAFEE (for himself and Mr. D'AMATO):

S. 1228. A bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL:

S. 1229. A bill to provide for the conduct of a clinical trial concerning digital mammography; to the Committee on Labor and Human Resources.

By Mr. CRAIG:

S. 1230. A bill to amend the Small Reclamation Projects of 1956 to provide for Federal cooperation in non-Federal reclamation projects and for participation by non-Federal agencies in Federal projects; to the Committee on Energy and Natural Resources.

By Mr. FRIST (for himself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. ROCKEFELLER):

S. 1231. A bill to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 1232. A bill to provide for the declassification of the journal kept by Glenn T. Seaborg while serving as Chairman of the Atomic Energy Commission; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. KYL, Mr. SESSIONS, and Mr. DEWINE):

S. Res. 128. A resolution expressing the sense of the Senate that sections 3345 through 3349 of title 5, United States Code (commonly referred to as the ''Vacancies Act''), relating to the appointment of certain officers to fill vacant positions in Executive agencies, apply to all Executive agencies, including the Department of Justice; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 1223. A bill to protect personal employment information reported to the National Directory of New Hires; to the Committee on Finance.

THE EMPLOYEE INFORMATION PROTECTION ACT OF 1997

Mr. BURNS. Mr. President, I rise to introduce the Employee Information Protection Act of 1997. This bill will correct a serious problem with the 1996 welfare reform law that threatens the privacy of every American.

I do not know how many of my colleagues are aware of the fact that the new welfare reform law created a national new hire directory, which requires States to collect the name, address, and Social Security number of all newly hired employees and send this information to Washington, DC. This new hire directory will be housed at the Social Security Administration, under agreement with the Office of Child Support Enforcement, and the data will be checked against a registry of child support cases to detect overdue payments.

Concerns with this new hire directory nearly killed the welfare reform bill in the Montana Legislature and in several other State legislatures, but folks inside the Beltway do not seem too concerned. But I am concerned, and I will tell you why.

I am all for tracking down deadbeat parents and recovering overdue child support. But this new directory covers every new hire in every State and does not distinguish between deadbeats and nondeadbeats. What's more, the new law puts no limits on how long employee data may remain in the national new hire directory, and the Office of Child Support Enforcement has not developed any limits. It is especially alarming to me that in addition to the Office of Child Support Enforcement and the Social Security Administration, the Treasury Department has access to the directory and the Secretary of Health and Human Services has the discretion to provide researchers access to the directory. With the revelations this week at the Finance Committee hearings of abuse of taxpayer information at the IRS, it is urgent that we take measures to protect personal information from abuse.

The Employee Information Protection Act is simple—in fact it is only one sentence long, not counting the findings. That sentence reads: ''Information entered into such database shall be deleted 6 months after the date of entry.'' That is it. This 6-month limit on retention of new hire data would give the Child Support Office sufficient time to check employee data against the child support case registry and start collection efforts on the deadbeats. At the same time, it will provide some protection for the personal information of the vast majority of Americans who do not owe child support.

I urge my colleagues to take a good look at this situation and if you have concerns as I do, join me in sponsoring the Employee Information Protection Act of 1997. I ask unanimous consent that Monday's New York Times article on the new hire directory be inserted into the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1223

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Employee Information Protection Act of 1997''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) requires Federal and State child support enforcement agencies to implement new programs to collect overdue child support payment, thereby reducing the burden on taxpayers by lowering welfare payments.

(2) Among the new programs created under such Act and the amendments made by such Act, is the National Directory of New Hires, to be administered by the Social Security Administration, under agreement with the Office of Child Support Enforcement of the Department of Health and Human Services. Under this program, States are required to develop a reporting system whereby employers must report to their respective States the name, address, and social security number of all newly hired employees. States must forward the new hire data within 3 days of receipt to the National Directory of New Hires, where the data will be checked against the Federal Case Registry of Child Support Orders to detect overdue child support.

(3) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 does not limit how long employee data may remain in the National Directory of New Hires, and the Office of Child Support Enforcement of the Department of Health and Human Services has not developed any such limits as of September 15, 1997. In addition to the Office of Child Support Enforcement of the Department of Health and Human Services and the Social Security Administration, the Department of the Treasury has access to the directory and the Secretary of Health and Human Services has the discretion to provide researchers access to the directory.

(4) The overwhelming majority of newly hired individuals do not have child support orders entered against them, yet their personal data can be viewed by Federal agencies without such individuals' knowledge or consent.

(5) Recent disclosures of unauthorized viewing of taxpayer information by officials of the Internal Revenue Service highlight the potential for abuse of such information and the need for safeguarding measures.

(6) Several States with new hire reporting programs have time limits on data retention ranging from 6 to 9 months.

(7) A 6-month limit on retention of new hire data in the National Directory of New Hires, from the date such data is entered, would allow sufficient time to check the data against the Federal Case Registry of Child Support Orders and to initiate action against individuals with overdue child support, and would reduce the potential for abuse and misuse of the data.

(b) PURPOSE.—The purpose of this Act is to safeguard personal information concerning employees who do not have child support orders pending against them by placing a reasonable time limit on the retention of new hire data reported to the National Directory of New Hires.

SEC. 3. LIMIT ON NEW HIRE DATA RETENTION.

(a) REQUIREMENT TO DELETE DATA AFTER 6 MONTHS.—Section 453(i)(2) of the Social Security Act (42 U.S.C. 653(i)(2)) is amended by adding at the end the following: ''Information entered into such database shall be deleted 6 months after the date of entry.''.

[(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of title III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2198).]

[From the New York Times, Sept. 22, 1997]

U.S. INAUGURATING A VAST DATABASE OF ALL NEW HIRES

(By Robert Pear)

WASHINGTON, Sept. 20.—Enforcement of child support obligations enters a new era on Oct. 1, when the Federal Government will start operating a computerized directory showing every person newly hired by every employer in the country so Federal and state investigators can track down parents who owe money to their children.

States will be able to use the directory to locate parents and dun them, typically by securing court orders to employers to deduct child support from wages and salaries.

Keeping track of parents who move from state to state is one of the most difficult tasks in collecting child support, officials say. More than 30 percent of the 19 million child support cases involve parents who do not live in the same state as their children.

President Clinton will soon announce the National Directory of New Hires, which is required by the 1996 welfare law. But the director is not just for welfare recipients. It will record basic information, including names, addresses, Social Security numbers and wages, for everyone hired after Oct. 1 for a full- or part-time job by an employer of any size.

It will be one of the largest, most up-to-date files of personal information kept by the Government. Michael Kharfen, a spokesman for the Department of Health and Human Services, said the Government expected to receive data on 60 million newly hired employees a year. Wages must be reported every three months; the Government expects to receive 160 million wage reports each quarter.

The size and scope of the database have raised concerns about the potential for intrusions on privacy.

Federal and state officials predict that the new Federal directory, combined with similar directories in all states, will produce billions of dollars in new child support payments. States like New York, Virginia, Texas and Missouri, which have required the reporting of newly hired workers in the last few years, say the procedure has been extremely helpful in locating absent parents.

In New York, Daniel D. Hogan, a spokesman for the state's Department of Family Assistance, said that three million people had been hired in the last year and that more than 5 percent of them had been found, through matching of computer files, to owe child support.

When people change jobs, Mr. Hogan said, New York officials inform the new employers of any child support obligations so the money can immediately be withheld from wages.

''We don't give them an opportunity to become deadbeats,'' Mr. Hogan said. ''The biggest problem facing us in child support enforcement is people who move out of state. The best part of the Federal reform is that it will allow us to break down barriers state to state.''

Health and Human Services will maintain a separate register listing everyone who

owes or is owed child support. It will check each new employee against the list of child support orders to see if the worker owes any money.

Thomas D. Neal, a child support specialist in the Texas Attorney General's office, said: ''The national directory will tremendously enhance our ability to locate absent parents and collect child support. Before now, we did not have a good mechanism to know that another state was looking for an individual who might be working in Texas.''

Virginia has required the reporting of all newly hired employees since 1993. Patricia Addison, manager of operations for the state's child support program, said, ''We've found it an invaluable tool.''

The State of Virginia is routinely informed whenever a person takes a new job. By contrast, Ms. Addison said, in the past, ''the only way we found out that the father had changed jobs is that the child support payments stopped.''

Despite the enthusiasm of state officials, Robert M. Gellman, an expert on privacy and information policy, expressed concern that the new data would be misused.

''The Government is creating a gigantic new database with very broad uses and very little attention paid to the protection of personal privacy,'' he said. ''Private detectives will find a friend in the police department or a child welfare office to give them access to information in the directory of new hires. That already happens with criminal, medical and credit records.''

Mr. Gellman predicted that Congress would increase the number of people authorized to use the new directory, just as it has expanded the list of officials with access to Federal tax return information over the years.

Under Federal law, state welfare and child support officials will have access to the new national directory. The Internal Revenue Service, the Social Security Administration and the Justice Department will also have access for some purposes.

A parent living with a child will be able to use the directory to get information about an absent parent who owes child support. For example, a mother with custody of a child will be able to ascertain the father's home address, the name and address of his employer and the amount of the father's income, assets and debts. Using such information, the mother may ask a local court to modify the child's support order if the father's earnings have increased.

In Missouri, child support collections rose 17 percent, to $279 million, in 1996 after the state required reporting of newly hired workers. Teresa L. Kaiser, director of the Missouri program, said, ''We had a big increase in collections from 'job jumpers,' parents who want work in one place for a few months, then move to another job before we could get a wage-withholding order.''

States say the reporting of new employees not only increases child support collections, but also saves money in other programs. State officials can often reduce or eliminate payments for welfare, food stamps, unemployment insurance and Medicaid after learning that the recipients of such aid have been hired.

Under Federal law, the hiring of a new employee must be reported within 20 days to state authorities, who then have 8 days to send the data to Washington. States may establish tighter deadlines for employers, and many have done so.

Collections through the Federal child support program increased last year by 50 percent, to $12 billion, from $8 billion in 1992. But nationwide, only half of the families with child support orders receive the full amount due, and millions get nothing.

Here is how the new program will work:

Employers may file information by mail or magnetic tape. States may also take the information over the telephone, by fax or through the Internet.

An employer who fails to report new employees may be fined $25 for each newly hired worker. An employer who conspires with an employee to flout the reporting requirements may be fined $500.

A multistate employer may file a report with one state listing all of its hiring across the country. Or, it may file a separate report for each new employee in the state where the person works.

The Federal Government will require only six items of information: the name, address and Social Security number of each newly hired employee, the employer's name and address and the identification number assigned to the employer by the Government.

But many states are requiring employers to file additional information, like telephone numbers, dates of birth, driver's license number and details of health insurance coverage provided to new employers.

By Mr. ALLARD (for himself and Mr. WYDEN):

S. 1224. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to ensure full Federal compliance with that Act; to the Committee on Environment and Public Works.

THE FACILITY SUPERFUND COMPLIANCE ACT OF 1997

Mr. ALLARD. Madam President, today, I am introducing, with the Senator from Oregon, RON WYDEN, legislation to ensure that Federal agencies comply with the Comprehensive Environmental Response, Compensation, and Liability Act.

This same legislation has been introduced in the House of Representatives for several years by my home State colleague, DAN SCHAEFER. His leadership in this area has been very important.

This legislation is very important to the country, but particularly to Colorado, where we have had several problems with the Federal Government applying one standard for themselves, and a different higher standard on private parties. I think this is unfair and should be changed. I've always believed that Superfund reform would be easier if all parties were in the same bathtub with the same scrub brush.

I've tried to address Colorado's problems with EPA, but unfortunately I've had little success in getting their attention. One example I have brought to their attention was a former research institute at the Colorado School of Mines in Golden, CO. The research institute at Golden was shut down in the late 1980's after years of research had been done by the School of Mines, private entities, and several agencies of the Federal Government, including the Environmental Protection Agency [EPA].

After the site ceased doing research various environmental contaminants were found at the site and in 1992 there was an accident that resulted in the contents of a holding pond spilling into Clear Creek. While there was no contamination found in Clear Creek, the EPA had an emergency response cleanup contractor remove approximately 22,000 cubic yards of material from the pond and had it placed in a temporary stockpile. The EPA then issued a unilateral administrative order [UAO] for its disposal. Despite the fact that EPA, the Department of Energy, the Department of Defense, and the Bureau of Mines did research at the site none of them were the subject of the UAO, even though the Bureau of Mines was identified as a potentially responsible party [PRP]. Only the State of Colorado, the Colorado School of Mines, and the private parties were subject to the UAO. To put it plainly, the EPA stuck everyone but their sister agencies with a bill for millions on cleanup.

In the case of the State of Colorado, they have appropriated a total of $7.465 million for cleanup to cover their costs and the costs the Federal Government should be paying. It's my view that this money could be spent much better, or not spent at all. However, to have the State spend it because EPA won't enforce and Federal agencies won't be responsible is unacceptable. There is also another case in Colorado involving a Superfund site in Leadville. Leadville is a small town that was the home of Baby Doe Tabor and formerly was the site of a large amount of mining. While there is still some mining that occurs in Leadville, they are also beginning to rely more on tourism dollars.

Unfortunately, the city has a stigma attached to it; it is a Superfund site. All the homes are a Superfund site, all the schools are a Superfund site, all the restaurants are a Superfund site, all the businesses on the main street are a Superfund site. They've been told that because of various mounds of old tailings laying around, the entire city has to be on the national priority list. It's interesting to note though, that the safety concerns of EPA seem to stop short when it comes to Federal responsibility. This story is one of two water treatment plants, one Federal, one private. The private plant, because it's on the Superfund site was built at much greater cost than the Federal plant, which is conveniently just outside the Superfund site. This is despite the fact that the level of contamination is basically equal at both locations. While the EPA disputes this claim, the people who live in Leadville and work at the cleanup site know the difference.

In case I'm accused of relying on anecdotes for this legislation let me describe two documents that found their way into my office. Let me describe them in reverse chronological order, the first is an August 2, 1996, memorandum which subject is, ''Documentation of Reason(s) for Not Issuing CERCLA 106 UAO's to All Identified PRP's.'' I want to quote a footnote in this document; it states that, ''Pursuant to the applicable procedures, DOJ must concur with any EPA decision to issue a UAO under CERCLA section 106

to a Federal agency.'' So if DOJ doesn't concur EPA won't act. So it is revealing to note that a December 15, 1994, letter from a region VIII attorney stated that, ''It is my understanding, however, that DOJ has never approved of the issuance of a unilateral order to a Federal agency.''

By the Federal Government's own admission they will not enforce against a sister agency. Since there is no environmental ''cop on the beat'' for Federal agencies, the Federal Government should be relieved of their immunity against lawsuits and be treated the same as any private party. That includes having to comply with laws that elected State legislatures enact. This is what this legislation does. It is my intention to see it enacted into law as quickly as possible.

I want to thank the Senator from Oregon for joining me in this effort.

Mr. WYDEN. Madam President, in 1992, Congress enacted the Federal Facilities Compliance Act, which requires Federal facilities to obey key environmental laws including the Resource Conservation and Recovery Act and State hazardous waste laws.

However, subsequent Federal court decisions threaten to undermine the important principle that Federal Government facilities must comply with the same environmental laws that govern the private sector. In fact, one court decision that covers the Hanford Nuclear Reservation would allow Hanford to poison the water, pollute the air and contaminate the soil for decades, and be immunized for any violations that occur before the Hanford cleanup is completed sometime in the next century.

This court ruling allowed the interagency agreement among the Energy Department, the Environmental Protection Agency and the Washington Department of Ecology that governs the Hanford cleanup to be used as a shield to block an enforcement action against the Energy Department for violations of the Clean Water Act.

The Energy Department's use of interagency agreement to bar enforcement of environmental laws not only undermines the Federal Facilities Compliance Act but also puts at risk the health of citizens who live downstream or downwind from Hanford, and near other Federal facilities around the country.

Madam President, we also have a double standard here. The Superfund law only authorizes interagency agreements for Federal facilities; there is no comparable provision and no comparable immunity from enforcement for private sector sites.

Today, Senator ALLARD and I are introducing the Federal Facilities Superfund Compliance Act to put an end to this double standard. Our legislation makes clear that Federal Government facilities are subject to the same environmental cleanup laws that apply to the private sector. And they are subject to the law now, not sometime off in the future.

Under this legislation, an interagency agreement, such as the Hanford Tri-Party Agreement, can no longer be used as a means to evade other environmental requirements.

Our legislation also makes clear that if Federal facilities fail to meet their obligations, States and affected citizens will be able to enforce against the Federal Government for these violations just as they would be able to enforce against private parties for violations of environmental laws at a private sector Superfund site.

Our citizens who live in the shadow of contaminated Federal facilities should not have to wait years or decades to obtain the health and environmental protections our laws are supposed to provide. I urge all our colleagues to support this important legislation to provide citizens who live downwind or downstream from Federal facilities equal protection under our environmental laws.

By Mr. ABRAHAM (for himself, Mr. BROWNBACK, Mr. KYL, Mr. HAGEL, Mr. ALLARD, Mr. FAIRCLOTH, Mr. HUTCHINSON, Mr. NICKLES, and Mr. GRAMM):

THE DEPARTMENT OF COMMERCE DISMANTLING ACT

Mr. ABRAHAM. Mr. President, for 3 years now, the Department of Commerce has been the target of critics in Congress and around the country. With the completion of the Balanced Budget Act and the tight discretionary budgets mandated by that law, I believe it is time once again to raise the question of Commerce's ongoing existence.

Is it necessary to have our Nation's weather and mapping services housed in the same department as our trade promotion activities, or would the American people be better served by smaller, tighter agencies with more clearly defined objectives? I suggest that through comprehensive restructuring we can both better serve the American people and help keep the budget within the spending targets that are now law.

Why terminate the Department of Commerce? The debate over the past 3 years has provided us with a simple answer: It's the least defensible department in a Government littered with wasteful, unnecessary departments. Its bureaucracy is bloated, its infrastructure is in disrepair, and its resources are strained to encompass numerous activities that have absolutely nothing to do with commerce or trade. Former Commerce Department officials, the General Accounting Office, and the inspector general have repeatedly testified before Congress that the Department of Commerce suffers from mismanagement, duplication, and a general lack of accountability. Confronted with this weight of evidence, I believe that the Commerce Department cannot be reinvented. Instead, the only responsible action is dismantle the Department to better serve the Congress and the American people.

Today, I am introducing a bill along with Senators BROWNBACK, KYL, FAIRCLOTH, GRAMM, NICKLES, ALLARD, HUTCHINSON, and HAGEL which targets this waste and duplication. It transfers those functions that can be better served elsewhere, consolidates duplicative agencies, and eliminates the remaining unnecessary or wasteful programs. Preliminary estimates indicate the bill will save about $2.5 billion over the next 5 years. How does it achieve these savings?

First, it eliminates unnecessary, duplicative and wasteful programs such as the Minority Business Development Agency, the U.S. Travel and Tourism Administration, the Technology Administration, and the National Telecommunications and Information Administration.

Second, it takes NOAA—which comprises the lion's share of the Department's activities—out from under the Department umbrella. Many of the functions under NOAA, including the Nation's weather service, are vital activities that all observers agree should be carried on. As an independent agency, NOAA will have the opportunity to focus on these core functions, free to achieve the savings necessary to fulfill its responsibilities.

Third, it rationalizes U.S. trade policy by consolidating the International Trade Administration, the Bureau of Export Administration, and the Office of the U.S. Trade Representative within the U.S. Trade Administration. Currently, 19 Federal agencies are charged with promoting trade, but only 8 percent of total Federal spending on trade promotion is directed by Commerce. The bill before us takes a dramatic step toward consolidating our existing trade activities, achieving the administrative savings necessary to rationalize our trade promotion efforts and make them more effective.

Finally, the bill establishes a new Federal Statistical Service by combining the Bureau of the Census and the Bureau of Economic Analysis with the Bureau of Labor Statistics from the Department of Labor. It also creates within the service a Federal Council on Statistical Policy to advise the service and Congress on statistical issues. Once again, the goal is to consolidate functions of the Federal Government that have been dispersed across the Federal Government. It's a more rational, efficient means of accomplishing these tasks.

Mr. President, some have argued that this effort will handicap American businesses by depriving them of their chief advocate in Washington. That's nonsense. Businessmen and women across this country understand what's necessary to promote economic growth and jobs—and it's not another Government handout.

As Jim Barrett, president of the Michigan Chamber of Commerce stated: ''Of all the priorities that the Congress can set to assist Michigan business, keeping the Commerce Department is not even on the radar screen.

* * * A balanced budget with lower interest rates will do much more than the Department of Commerce as it is presently structured ever could.''

A poll conducted by the Greater Detroit Chamber of Commerce indicates Mr. Barrett wasn't just speaking for himself. Forty-seven percent of those polled support eliminating the Department of Commerce—while only 6 percent were opposed. That is a ratio of almost 8 to 1 in favor of eliminating the Department of Commerce.

The lesson of the Commerce Department is simple. Absent clearly defined responsibilities and goals, the Department has become the resting place for the odds and ends of the Federal Government. In the process, it has provided shelter for numerous programs that do not serve the American people well.

This legislation targets those programs, unburdening the taxpayer from being forced to continue their subsidy, while freeing the more worthy programs to better accomplish their jobs. This legislation is an exercise in good government, and I hope my colleagues will support it.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

THE DEPARTMENT OF COMMERCE DISMANTLING ACT—HIGHLIGHTS

Terminates unnecessary department agencies: Eliminates the Technology Administration, the Minority Business Development Administration, the National Telecommunications and Information Administration, and the Economic Development Administration.

Eliminates wasteful department programs: Eliminates the Office of Technology Policy, the Advanced Technology Program, the Manufacturing Extension Partnership Program, the Federal Laboratory Consortium for Technology Transfer, the Metric Program, the NOAA Corps, the NOAA Fleet, grant programs under the National Telecommunications and Information Administration, and ocean and atmospheric grant programs.

Consolidates trade functions: Rationalizes U.S. trade policy by consolidating the International Trade Administration, the Bureau of Export Administration, the Office of the United States Trade Representative, and spectrum management within the United States Trade Administration.

Consolidates oceanographic, atmospheric and scientific functions within a newly independent National Oceanic and Atmospheric Administration: Consolidates the National Oceanic and Atmospheric Administration, the National Bureau of Standards (formerly the National Institute of Standards and Technology), spectrum research and analysis functions of the National Telecommunications and Information Administration, and the Office of Space Commerce. Core functions of NOAA, such as fisheries management and the National Weather Service, are preserved.

Consolidates statistical functions: Establishes a new Federal Statistical Service by combining the Bureau of the Census and the Bureau of Economic Analysis with the Bureau of Labor Statistics from the Department of Labor. Also creates within the Service a Federal Council on Statistical Policy to advise the Service and Congress on statistical issues.

Corporatizes the Patent and Trademark Office: Establishes a fee-funded, wholly owned government corporation, based on legislation reported out of the Senate Judiciary Committee this year.

SUMMARY

The terminations, transfers and consolidations called for by this bill are to be completed over a thirty-six month period under the direction of the Office of Management and Budget.

Administrative functions

The office of the Secretary, General Counsel, Inspector General, and other administrative functions are terminated six months after enactment of this bill.

Economic Development Administration

The EDA provides grants and assistance to loosely-defined ''economically depressed'' regions. EDA's functions are duplicated by numerous other federal agencies including the Departments of Agriculture, HUD, and Interior, the Small Business Administration, the Tennessee Valley Authority and the Appalachian Regional Commission. The parochial nature of the program often targets EDA grants to locations with healthy economies which do not need federal assistance. The EDA is terminated within this bill.

National Technical Information Service

The National Technical Information Service is transferred to the Office of Budget and Management for privatization. If an appropriate arrangement for the privatization of functions of the NTIS is not made within 18 months, then the Service is transferred to the National Oceanic and Atmospheric Administration and OMB is directed to provide legislation to Congress that would transform NTIS into a government-owned corporation.

Bureaus of the Census and economic analysis

The Census Bureau and the Bureau of Economic Analysis would be transferred, along with the Bureau of Labor Statistics to the newly created Federal Statistical Service, beginning the process of consolidating the federal government's statistical functions. The bill then requires the President to study and propose legislation to further the consolidation of these functions.

Minority Business Development Agency

Although MBDA has spent hundreds of millions on management assistance—not capital assistance—since 1971, the program has never been formally authorized by Congress. The MBDA's stated mission, to help minority-owned businesses get government contracts, is duplicated by such agencies and programs as the Small Business Administration, and Small Business Development Centers, along with the private sector. The MBDA would be terminated.

Technology Administration

The Technology Administration currently works with industry to promote the use and development of new technology. The federal government is poorly equipped to ''pick winners and losers'' in the marketplace. This agency is terminated, including the Offices of Technology Policy, Technology Commercialization, and Technology Evaluation and Assessment.

National Institute of Standards and Technology

The National Institute of Standards and Technology is redesignated as the National Bureau of Standards and transferred to the newly independent NOAA. The Advanced Technology Program (ATP) and the Manufacturing Extension Partnerships are terminated; these programs are often cited as prime examples of corporate welfare, wherein the federal government invests in applied research and product development programs which should be conducted in the private sector.

National Telecommunications and Information Administration

The NTIA, an advisory body on national telecommunications policy, would be terminated, including its grant programs. Federal spectrum research and analysis functions would be transferred to the National Bureau of Standards while federal spectrum management functions would be made an independent arm of the Federal Communications Commission. Finally, NTIA's laboratories would be moved to the OMB for privatization. If a suitable arrangement is not made within 18 months, they would be moved to NOAA.

Patent and Trademark Office

Providing for patents and trademarks is a constitutionally-mandated government function. This bill would establish the PTO as a government-owned corporation and require the PTO to be supported completely through fee collection. This text is the same as S. 507 reported by the Senate Committee on the Judiciary earlier this year.

National Oceanic and Atmospheric Administration

The bill establishes the National Oceanic and Atmospheric Administration as an independent agency. Consolidated within the newly independent National Oceanic and Atmospheric Administration are the National Bureau of Standards (formerly the National Institute of Standards and Technology), spectrum research and analysis functions of the National Telecommunications and Information Administration, and the Office of Space Commerce.

Core functions of NOAA, such as fisheries management and the National Weather Service, are preserved, while outdated programs like the NOAA Corps, NOAA Fleet, and 30 other atmospheric programs are terminated.

United States Trade Administration

The Department of Commerce claims to be the lead in U.S. Trade policy, but actually only plays a small part. Five percent of Commerce's budget is dedicated to trade promotion, and it comprises only 8 percent of total federal spending on trade promotion. Furthermore, nineteen different federal agencies have trade responsibilities.

Our legislation would begin the process of consolidating and rationalizing federal trade policy by combining the Bureau of Export Administration, the International Trade Administration, and the United States Trade Representative under the same roof, the United States Trade Administration. The U.S. Trade Representative would retain its current Cabinet and Ambassador status.

In an additional attempt to make our trade policies more coherent, the USTR would serve as a member of the Board of Directors of the Export-Import Bank and the Overseas Private Investment Corporation. Finally, the bill requires the President to transmit a plan to Congress to consolidate other federal export promotion activities and export financing activities and how to transfer those functions to the USTA.

Mr. HAGEL. Mr. President, I rise today in support of the Department of Commerce Dismantling Act as an original cosponsor. This legislation continues the battle to do away with unneeded government and wasteful spending. Over a 3-year period the Department of Commerce would be dismantled. Certain programs would be transferred or consolidated into agencies or departments that are better suited to handle them. Other programs and agencies would be terminated altogether. Unnecessary agencies and several tiers of bureaucracy would be

eliminated. According to the Congressional Budget Office, the abolishment of the Department of Commerce would save taxpayers more than $2 billion over 4 years. I commend Senator BROWNBACK for his leadership in crafting this legislation to abolish the Department of Commerce.

Today the Department of Commerce is a 31,000 person department costing American taxpayers $4 billion annually. Sixty of these employees have the rank of deputy assistant secretary or higher and have annual salaries of at least $96,000 each.

During my campaign, I ran on the ideals of less government, lower taxes, fewer Federal regulations and more personal responsibility. To obtain such goals, I called for the abolishment of four Federal departments including the Departments of Commerce, and Energy. Earlier this year I signed on as an original cosponsor to legislation to abolish the Department of Energy, sponsored by Senator ROD GRAMS.

The Department of Commerce, as we know it today, was created in 1913 during the Woodrow Wilson administration to help promote American businesses around the world. Today, only 5 percent of the Department's nearly $4 billion budget is dedicated to trade promotion. By comparison $2 billion is spent annually out of the Department's budget on the National Oceanic and Atmospheric Administration. Additionally, there are 19 other Federal agencies that hold some jurisdiction over trade. Trade is now a small part of the Department of Commerce.

America's future lies in trade, but the Department of Commerce's bureaucracy is a relic of the past. This legislation attempts to correct that by consolidating trade functions under a single agency, the United States Trade Administration, and eliminating the waste, bureaucracy, and duplication we have today in the Department of Commerce.

The time has come to abolish the Department of Commerce. We cannot continue to waste tax payers' dollars on outdated inefficient, and redundant programs. Taxpayers deserve better.

Mr. BROWNBACK. Mr. President, I rise today to join Senator ABRAHAM in introducing the Department of Commerce Dismantling Act. This legislation was completed after months of research and hearings in which we investigated the many costly structural, managerial, and programmatic problems confronting the Department. We have concluded that these problems are so severe and systemic that the department cannot be reinvented. To provide American taxpayers with the services they require at the level of efficiency and quality they demand, the Department of Commerce must be dismantled.

The Department of Commerce is a hodgepodge of unrelated functions and missions ranging from antidumping investigations to zebra mussel research. It is comprised of 11 unrelated agencies, overseeing more than 100 programs, catering to more than 1,000 customer bases, and overlapping the work of 71 other Government offices and agencies. This entire agglomeration is unmanageable, and diminishes the quality of those Commerce functions which must be provided by the Federal Government.

For example, historically, Secretaries of Commerce have focused their attention almost exclusively on the Department's trade functions. However, trade activities only account for 8 percent of the Department's budget, and Commerce accounts for less than 6 percent of total Federal spending on trade. Commerce is just one of 19 Federal agencies involved in trade issues, and isn't even regarded as the lead trade agency—the Office of the U.S. Trade Representative is.

However, while Secretaries of Commerce travel abroad on foreign trade missions, serious management problems have languished at Commerce headquarters. For example, in 1992 the General Accounting Office indicated that the National Weather Service modernization program and the Decennial Census—two important functions—were both experiencing severe management failures. Today, 5 years later, both of these programs remain on GAO's list of high-risk government management problems. This year, before the Governmental Affairs Committee, Subcommittee on Government Management, which I chair, the Department of Commerce's inspector general testified ''I think it is fair to say that there is little Departmental leadership or oversight in key administrative areas.''

Mr. President, in part as a result of this lack of leadership, the Department has also initiated or continued to perform functions which are not just mismanaged, but are unnecessary. In fact, in many instances, the Department which professes to be the advocate for America's business has gone into competition with them. In testimony before the Subcommittee on Government Management, representatives from the private mapping, weather forecasting and venture capital industries stated that the Department of Commerce routinely competes with companies in their fields. Because taxpayers unknowingly subsidize the Departments commercial ventures, Commerce is a formidable competitor for small businesses. By going into business, Commerce also misuses taxpayer resources that should be devoted to truly governmental functions.

Other functions performed in the Department of Commerce are just a waste of taxpayer dollars. For example, the Advanced Technology Program provides handouts to America's largest and wealthiest corporations to do product development research. This program is corporate welfare, plain and simple, and should be terminated. The Economic Development Administration duplicates the efforts of dozens of other economic development programs around the Federal Government.

And finally, the Department of Commerce has become entirely too politicized. Most employees at Commerce are dedicated public servants. However, too many of their leaders obtained their jobs when political connections prevailed over the public good.

The Department of Commerce began in 1902 and has evolved over the past 94 years into an agency which has no clear mission or responsibility, and is too unmanageable to reform. I believe the Department of Commerce Dismantling Act is the next necessary step in that evolution. The Commerce Department Dismantling Act would retain the important functions which are performed in Commerce, it consolidates many important functions with those performed elsewhere in the Federal Government, and it eliminates the waste. I urge my colleagues to support this measure.

By Mr. CHAFEE (for himself and Mr. D'AMATO):

S. 1228. A bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE 50 STATES COMMEMORATIVE COIN PROGRAM ACT

Mr. CHAFEE. Mr. President, I am delighted to introduce legislation with Senator D'AMATO, chairman of the Banking Committee, to create a circulating commemorative quarter representing each of the 50 states. Last year, legislation was enacted which instructed the Secretary of the Treasury to study the feasibility of a circulating commemorative coin. That study found that there is considerable public interest in the circulating commemorative quarter and that collecting such coins would produce significant earnings. The bill that I am introducing today will implement this program. Identical legislation has been introduced in the House.

As we all know, the circulating quarters in use today are Washington/Eagle quarters, that is they have a bust of George Washington on one side and an eagle on the reverse side. Under this legislation, beginning in 1999, the Mint would strike only statehood quarters until all 50 states were represented. Only the design on the back of quarters would change. There would be no changes whatsoever to the physical size, weight, or other specifications of quarters. This uniformity is necessary to ensure that these new quarters will continue to work in vending machines, telephones, parking meters, and for other similar transactions.

This program would operate for 10 years, with the Mint producing five different statehood coins per year. The order in which States will be represented is based on the order in which States ratified the Constitution and

joined the Union. If a new state joins the Union during the life of the program, it will be extended in order to ensure that the new State is represented.

The design for each State will be selected by the Secretary of the Treasury in consultation with the Governor, the Commission on Fine Arts, and the Citizens Commemorative Coin Advisory Committee. Each State will nominate a design to the Secretary.

It is my hope that this proposal will spark interest in every State across our Nation. I hope that school children begin to study the history of their States in search of an appropriate individual or emblem to represent their States on the reverse side of these quarters. I hope that artists, coin collectors, historians, and scholars debate and ultimately join together to suggest an appropriate representation for their State.

I know that there are a wide range of appealing options for my own State of Rhode Island. Of course there is the founder of Rhode Island, Roger Williams or Anne Hutchinson, who, like Roger Williams, dedicated her life to the principle of religious freedom and tolerance. There is the Anchor of Hope, which is our State motto and is represented on our flag. Rhode Island is the Ocean State, so a seascape would be an interesting proposal, as would be a lighthouse or a gull.

I am delighted to have Senator D'AMATO's support in introducing this bill. I am sure that he agrees that the point of this new program is to honor all 50 States, and to encourage an interest in the unique history of each State. This program creates a program through which we can celebrate our diverse heritage.

I send a bill to the desk and ask for its appropriate referral.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1228

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''50 States Commemorative Coin Program Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is appropriate and timely—

(A) to honor the unique Federal republic of 50 States that comprise the United States; and

(B) to promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography, and the rich diversity of the national heritage;

(2) the circulating coinage of the United States has not been modernized during the 25-year period preceding the date of enactment of this Act;

(3) a circulating commemorative 25-cent coin program could produce earnings of $110,000,000 from the sale of silver proof coins and sets over the 10-year period of issuance, and would produce indirect earnings of an estimated $2,600,000,000 to $5,100,000,000 to the United States Treasury, money that will replace borrowing to fund the national debt to at least that extent; and

(4) it is appropriate to launch a commemorative circulating coin program that encourages young people and their families to collect memorable tokens of all of the States for the face value of the coins.

SEC. 3. ISSUANCE OF REDESIGNED QUARTER DOLLARS OVER 10-YEAR PERIOD COMMEMORATING EACH OF THE 50 STATES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (k) the following new subsection:

''(l) REDESIGN AND ISSUANCE OF QUARTER DOLLAR IN COMMEMORATION OF EACH OF THE 50 STATES.—

''(1) REDESIGN BEGINNING IN 1999.—

''(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), quarter dollar coins issued during the 10-year period beginning in 1999, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the 50 States.

''(B) TRANSITION PROVISION.—Notwithstanding subparagraph (A), the Secretary may continue to mint and issue quarter dollars in 1999 which bear the design in effect before the redesign required under this subsection and an inscription of the year '1998' as required to ensure a smooth transition into the 10-year program under this subsection.

''(2) SINGLE STATE DESIGNS.—The design on the reverse side of each quarter dollar issued during the 10-year period referred to in paragraph (1) shall be emblematic of 1 of the 50 States.

''(3) ISSUANCE OF COINS COMMEMORATING 5 STATES DURING EACH OF THE 10 YEARS.—

''(A) IN GENERAL.—The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States selected in the order in which such States ratified the Constitution of the United States or were admitted into the Union, as the case may be.

''(B) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1), the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the 5 designs selected for such year.

''(4) SELECTION OF DESIGN.—

''(A) IN GENERAL.—Each of the 50 designs required under this subsection for quarter dollars shall be—

''(i) selected by the Secretary after consultation with—

''(I) the Governor of the State being commemorated, or such other State officials or group as the State may designate for such purpose; and

''(II) the Commission of Fine Arts; and

''(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

''(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

''(C) PARTICIPATION.—The Secretary may include participation by State officials, artists from the States, engravers of the United States Mint, and members of the general public.

''(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

''(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

''(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(6) ISSUANCE.—

''(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

''(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

''(7) APPLICATION IN EVENT OF THE ADMISSION OF ADDITIONAL STATES.—If any additional State is admitted into the Union before the end of the 10-year period referred to in paragraph (1), the Secretary of the Treasury may issue quarter dollar coins, in accordance with this subsection, with a design which is emblematic of such State during any 1 year of such 10-year period, in addition to the quarter dollar coins issued during such year in accordance with paragraph (3)(A).''.

Mr. D'AMATO. Mr. President, today I join my colleague from Rhode Island, Senator CHAFEE, to introduce a bill which will authorize the 50 States Circulating Commemorative Coin Program.

This program, which allows for a temporary change to the reverse side of our quarters starting in the year 1999, has my complete and enthusiastic support.

Mr. President, I feel it is appropriate as we enter the new millennium to embark on a decade-long celebration honoring each of our 50 States in the order in which they ratified the Constitution and joined the Union. All States shall submit, for final selection by the Secretary of the Treasury, a design befitting the motto or symbol of each State.

The benefits of this program in promoting State pride on a national level and educating our citizens about our States' unique character and history are substantial.

In the year 1999, our Nation will be 223 years old. Before our next big celebration marking the tricentennial in the year 2076, we should take time to commemorate the attributes of every State in this Union.

Through this circulating coin program, we will be giving American youth an opportunity to cultivate an interest in the rich history that formed these United States. These coins will provide our teachers with a tangible tool to instill this interest.

The educational advantage for our children will not only be achieved in classrooms, but on playgrounds and in homes around the Nation.

In addition, Mr. President, I feel that the excitement and anticipation of the different coins in this program will also capture the interest of adults. Just imagine, receiving a collectible memento when you are handed your change.

And may I point out, Mr. President, while the entire set of 50 circulating quarters will cost only $12.50, this very affordable collection will generate a minimum of $2.6 billion and conceivably as much as $5 billion in additional earnings for the Treasury. These off-budget earnings will be applied directly to reduce borrowing to fund the national debt.

Mr. President, I would like to take this opportunity to thank my colleague, Congressman MICHAEL CASTLE, who has worked tirelessly to promote this great program. Identical legislation MIKE CASTLE sponsored passed the House on a record vote of 413 to 6. I am pleased that his efforts to create this commemorative coin are about to be realized. His outstanding leadership and dedication on this matter has been an inspiration to all who have committed their support.

As chairman of the Banking Committee, I intend to press for prompt passage of this broadly supported bill and I am pleased to be a cosponsor.

By Mr. CAMPBELL:

S. 1229. A bill to provide for the conduct of a clinical trial concerning digital mammography; to the Committee on Labor and Human Resources.

THE DIGITAL MAMMOGRAPHY CLINICAL TRIAL CONDUCT ACT OF 1997

Mr. CAMPBELL. Mr. President, today I am introducing a bill that will provide for a much needed clinical trial for the benefit of women's health. My bill would provide $20 million to the Nation's Office of Women's Health to conduct a large-scale clinical trial of digital mammography, involving 50,000 women and 20 sites, which could yield hard data in as little as a year regarding the potential of this technology.

Digital mammography is our best bet for bringing the fight against breast cancer into the 21st century. This technology could answer the question of what age a woman should begin seeking annual mammograms. It could prevent unnecessary biopsies, as well as catch the countless breast masses undetected by conventional mammography. Dr. Martin Yaffe, a senior cancer-imaging researcher from Canada, is quoted in the Wall Street Journal of March 20, 1997, as drawing this comparison, ''Using a conventional x ray mammography to find a tumor in dense breast tissue is like trying to find a cotton ball in a cloud. Digital technology allows us to improve the quality of the image and avoid missing the cancer.''

While conventional mammography invokes the usual procedure for x rays, which views the film of a breast image on a light box, digital mammography takes advantage of an advanced x ray source for digital image capture, allowing image enhancement, feature recognition, and the ability to adjust the display contrast to highlight shadows and otherwise undetected signs of breast cancer. Mammography is the only means for detecting breast microcalcifications, typically the earliest indicator of nonpalpable breast cancers.

Many of my Senate colleagues have taken a personal and avid interest in combating breast cancer. With good reason. More than 40,000 women will lose their battle with breast cancer this year alone, while another 2.6 million will continue to live with the disease. Further, the rate of diagnosis has been steadily increasing for the last 50 years. For women aged 40 to 45, breast cancer is the leading cause of death. Given these staggering statistics and the fact that women are literally defenseless against this disease, it is imperative that we do everything possible to promote early detection and treatment.

On June 3 of this year, 62 U.S. Senators sent a letter to the Appropriations Committee, urging funding for the Department of Defense Peer Reviewed Breast Cancer Research Program. This program is world renowned and responsible for many of the most important advances in breast cancer research. It has even facilitated several small-scale trials in digital mammography.

However, this program has, to date, proven unable to conduct a large-scale clinical trial of digital mammography. And yet, it is only a large-scale trial that can determine definitively the efficacy of this technology in saving women's lives. There are two bottom lines here. First, the trial would tell women at what age and with what frequency they should receive mammograms. Second, the trial would provide the Health Care Financing Administration with the data it needs to set a reasonable and appropriate cost for a digital mammography. We are all familiar with the role HCFA plays in setting not just rates of reimbursement but standards for reimbursement of healthcare services; the private sector takes its lead from HCFA. Once HCFA acts to make digital mammographies available to women, private pay insurers will follow suit. Therefore, in the interest of public health, the onus is on us to move these trials forward.

The NIH has an appropriation from the Senate for next year that reflects almost a billion dollar boost. Rightly so. But despite that, the National Cancer Institute simply does not have the resources to fund a clinical trial of this size. Grant dollars are still scarce relative to the number of compelling grant applications. The reality that NCI is simply unable to dedicate the necessary resources to conduct a large-scale trial of digital mammography is unfortunate yet understandable. The Senate is aware of this dilemma, and shares the frustration of the Nation's breast cancer victims. In explaining its fiscal year 1998 allocation for the National Cancer Institute, the Appropriations Committee report for Labor, Health and Human Services and Education noted that ''the national investment in cancer research remains the key to bringing down spiraling heath care costs, as treatment, cures, and prevention remain much cheaper than chronic and catastrophic diseases, like cancer.''

As Congress is well aware, the financial cost of breast cancer is indeed staggering. We spend over $5 billion annually on healthcare for women fighting breast cancer, a figure that is matched in the cost of lost productivity to our overall economy. Further, the human cost of this disease is felt tenfold by the families and communities whose lives it touches.

I realize this bill breaks with convention, to a certain degree. I am not assuming a level of scientific expertise that supplants that of the true experts at NIH. I am a firm believer in letting science drive where our research dollars are spent. However, I am willing to force the issue for the sake of women's health. We have available to us cutting edge technology that could yield us a remarkable return in the form of women's lives. My bill provides a modest sum to ensure that a large-scale clinical trial of digital mammography does not go unfunded any longer.

By Mr. CRAIG:

S. 1230. A bill to amend the Small Reclamation Projects of 1956 to provide for Federal cooperation in non-Federal reclamation projects and for participation by non-Federal agencies in Federal projects; to the Committee on Energy and Natural Resources.

THE SMALL RECLAMATION PROJECTS ACT OF 1956

Mr. CRAIG. Mr. President. I send to the desk for appropriate reference a measure to expand the use and availability of the Small Reclamation Projects Act of 1956.

The Small Reclamation Projects Act has provided important benefits throughout the Reclamation West in the 40 years since it was first established. Over the past several years there have been various discussions on ways to expand the benefits of the program. Last Congress I introduced two measures that included some of the suggestions that have been made. Neither of the measures would have affected ongoing projects.

One of the measures, S. 1564, dealt with financing. At the present time, the Secretary is limited to grants and loans to fulfill the objectives of the act. That legislation would have expanded the authority of the Secretary to include the use of loan guarantees as a way of stretching the limited federal resources. The other measure, S. 1565,

revised existing law to expand the purposes for which assistance can be received from the Federal Government. Irrigation would have remained an authorized purpose, but it would no longer be a required component. The purposes would now include the augmentation and management of local water supplies, conservation of water and energy, fish and wildlife conservation, supplemental water for existing supplies, water quality improvements, and flood control. The legislation would have limited the application of interest on any loans to those features which are currently reimbursable with interest under reclamation law.

On September 5, 1996, I conducted a hearing on these, and several other reclamation measures, as chairman of the Subcommittee on Forests and Public Land Management. Based on the comments that I received at the hearing, and subsequent conversations that I have had with individuals and groups interested in the potential of the Small Reclamation Program, I have combined the two measures and made several changes in the sustance. I am introducing the measure today and plan to request that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources add this measure to its scheduled hearing on October 7, 1997.

Mr. President, I sincerely hope that once the administration has the opportunity to read this measure and reflect on our hearing last year, they will change their minds and support this legislation. Quite frankly, I do not understand the reasons for the almost knee-jerk opposition of the administration to this proposal or their persistent efforts to terminate not only the Small Reclamation Project Act, but programs such as the Rehabilitation and Betterment loan activity. An administration that trumpets its concern for the environment should understand that one of the best ways of providing additional water supplies for instream uses, as well as for additional consumptive uses, is to repair old leaky systems. It may simple be that these programs either directly or indirectly help farmers, but I would submit, Mr. President, that they also benefit the environment and the economy.

By Mr. FRIST (for himself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. ROCKEFELLER):

S. 1231. A bill to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE U.S. FIRE ADMINISTRATION AUTHORIZATION FOR FISCAL YEARS 1998 AND 1999

Mr. FRIST. Mr. President, I rise to introduce the authorization bill for the U.S. Fire Administration for fiscal years 1998 and 1999. I would like to thank the cosponsors of this bill, Senator MCCAIN, Senator HOLLINGS, and Senator ROCKEFELLER, for their hard work and dedication to making this bill a possibility.

The mission of the U.S. Fire Administration is to enhance the Nation's fire prevention and control activities and thereby significantly reduce the Nation's loss of life from fire while also achieving a reduction in property loss and nonfatal injury due to fire.

The bill, which authorizes the Fire Administration for $29.6 million in fiscal year 1998 and $30.5 million for fiscal year 1999, provides for collection, analysis, and dissemination of fire incidence and loss data; development and dissemination of public fire education materials; development and dissemination of better hazardous materials response information for first responders; and support for research and development for fire safety technologies.

With this authorization, our local and State firefighters will continue to have assess to the training from the National Fire Academy necessary to allow them to better perform their jobs of saving lives and protecting property.

Additionally, a number of amendments have been proposed to the legislation that established the National Fallen Firefighters Foundation. The Foundation was created by Congress in 1992 to assist their families. These proposed amendments offer some major changes to the structure of the Foundation. In order to allow for a more thorough evaluation of the issues surrounding these amendments, we plan to continue our review of these changes along with an examination of the Foundation's relationships with the U.S. Fire Administration and the Federal Emergency Management Agency next year.

Therefore, I along with my cosponsors, urge the Members of this body to support this bill and allow the U.S. Fire Administration to continue the fine job it has been performing for so many years.

I ask unanimous consent that the full text of this legislation be printed in the RECORD.

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

S. 1231

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Fire Administration Authorization Act for Fiscal Years 1998 and 1999''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

''(G) $29,664,000 for the fiscal year ending September 30, 1998; and

''(H) $30,554,000 for the fiscal year ending September 30, 1999.''.

SEC. 3. SUCCESSOR FIRE SAFETY STANDARDS.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(1) in section 29(a)(1), by inserting ''or any successor standard to that standard'' after ''Association Standard 74'';

(2) in section 29(a)(2), by inserting '', or any successor standard to that standard'' before '', whichever is appropriate,'';

(3) in section 29(b)(2), by inserting '', or any successor standard to that standard'' after ''Association Standard 13 or 13–R'';

(4) in section 31(c)(2)(B)(i), by inserting ''or any successor standard to that standard'' after ''Life Safety Code)''; and

(5) in section 31(c)(2)(B)(ii), by inserting ''or any successor standard to that standard'' after ''Association Standard 101''.

SEC. 4. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

(a) IN GENERAL.—Not later than 60 days before the termination or transfer to a private sector person or entity of any significant function of the United States Fire Administration, as described in subsection (b), the Administrator of the United States Fire Administration shall transmit to Congress a report providing notice of that termination or transfer.

(b) COVERED TERMINATIONS AND TRANSFERS.—For purposes of subsection (a), a termination or transfer to a person or entity described in that subsection shall be considered to be a termination or transfer of a significant function of the United States Fire Administration if the termination or transfer—

(1) relates to a function of the Administration that requires the expenditure of more than 5 percent of the total amount of funds made available by appropriations to the Administration; or

(2) involves the termination of more than 5 percent of the employees of the Administration.

SEC. 5. NOTICE.

(a) MAJOR REORGANIZATION DEFINED.—With respect to the United States Fire Administration, the term ''major reorganization'' means any reorganization of the Administration that involves the reassignment of more than 25 percent of the employees of the Administration.

(b) NOTICE OF REPROGRAMMING.—If any funds appropriated pursuant to the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(c) NOTICE OF REORGANIZATION.—Not later than 15 days before any major reorganization of any program, project, or activity of the United States Fire Administration, the Administrator of the United States Fire Administration shall provide notice to the Committees on Science and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

SEC. 6. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 rapidly approaching, it is the sense of Congress that the Administrator of the United States Fire Administration should—

(1) give high priority to correcting all 2-digit date-related problems in the computer systems of the United States Fire Administration to ensure that those systems continue to operate effectively in the year 2000 and in subsequent years;

(2) as soon as practicable after the date of enactment of this Act, assess the extent of the risk to the operations of the United

States Fire Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving compliance for all of the mission-critical systems of the system by the year 2000; and

(3) develop contingency plans for those systems that the United States Fire Administration is unable to correct by the year 2000.

SEC. 7. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Fire Administration.

(2) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term ''educationally useful Federal equipment'' means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(3) SCHOOL.—The term ''school'' means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the Administrator should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to the President a report that meets the requirements of this paragraph. The President shall submit that report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Administrator under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 8. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the United States Fire Administration (referred to in this section as the ''Administrator'') shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this section.

(b) CONTENTS OF REPORT.—The report under this section shall—

(1) examine the risks to firefighters in suppressing fires caused by burning tires;

(2) address any risks that are uniquely attributable to fires described in paragraph (1), including any risks relating to—

(A) exposure to toxic substances (as that term is defined by the Administrator);

(B) personal protection;

(C) the duration of those fires; and

(D) site hazards associated with those fires;

(3) identify any special training that may be necessary for firefighters to suppress those fires; and

(4) assess how the training referred to in paragraph (3) may be provided by the United States Fire Administration.

Mr. MCCAIN. Mr. President, I rise in support of Senator FRIST's authorization bill for the U.S. Fire Administration for fiscal years 1997 and 1998. I would also like to thank the additional cosponsors, Senator HOLLINGS and Senator ROCKEFELLER, for their support of this very important legislation.

As chairman of the Commerce, Science and Transportation Committee, I am very pleased to see that the bill represents the bipartisan support that is so necessary to move this and other science and technology bills before the committee. It would be my hope that this bipartisan support would be continued for the many actions before this body, the U.S. Senate.

The United States has one of the highest fire death rates in the industrialized world. Fires account for approximately 4,500 deaths and 30,000 injuries annually. The extent of this problem covers all sectors of society and costs American taxpayers approximately $50 billion per year.

With these huge losses, the work of the U.S. Fire Administration plays a key role in reducing these numbers. Their work with the firefighters, those who are on the front lines in fighting these problems, should be commended. Their efforts in collecting data and other relevant information play a key role in the prevention of future fires.

The U.S. Fire Administration should continue to educate the public against the dangers of fire and how to safely protect ourselves and our property against such dangers.

I, along with my cosponsors, urge the Members of this body to support this bill.

Mr. HOLLINGS. Mr. President, I rise today to join my colleague, Senator FRIST, in introducing legislation to reauthorize the programs of the U.S. Fire Administration [USFA].

The United States currently has one of the worst fire records of any country in the industrial world. More than 2 million fires are reported in the United States every year. Annually, these fires result in approximately 4,500 deaths, 30,000 civilian injuries, more than $8 billion in direct property losses, and more than $50 billion in costs to taxpayers. In my State of South Carolina, in 1995, the most recent year in which data are available, 12,776 fires were reported resulting in 12 deaths, 103 injuries, and over $40 million in property losses. Even more disheartening is the fact that over 80 percent of the annual deaths and injuries from fires occur in residential fires. In South Carolina, while only 3,196 of the fires were residential, those fires claimed 8 lives and caused 74 injuries.

As terrible as these statistics are, they would reflect a far more tragic picture were it not for the USFA. The USFA was created under the 1974 act, pursuant to the recommendation of the National Commission on Fire and Control. The USFA is a part of the Federal Emergency Management Agency, and its responsibilities are to administer programs, research, and applied engineering projects to assist State and local governments in fire prevention and control. The USFA works with State and local governments specifically to educate the public in fire safety and prevention, control arson, collect and analyze data related to fire, conduct research and development in fire suppression, promote firefighter health and safety, and conduct fire service training.

The USFA assists our Nation's fire service which comprises of approximately 1.2 million members, 80 percent of whom are volunteers. The fire service is one of the most hazardous professions in the country. Firefighters not only confront daily the dangers of fire; they also are required to respond to other natural disasters, such as earthquakes, floods, medical emergencies, and hazardous materials spills. The USFA administers the National Fire Academy, which sponsors off-campus and on-campus training and management programs for members of the fire and rescue services, and allied professionals.

The effort of the USFA is focused in four areas: First, public education and awareness and arson control; second, data collection and analysis; third, fire service training; and fourth, technology and research and firefighter health and safety.

Through public education and awareness the USFA seeks to identify and educate the groups for whom fire presents the greatest menace. Efforts are focused to increase safety and reduce losses. For example, whether by accident or on purpose, children start over 100,000 fires per years. About 25 percent of the fires that kill young children are started by children playing with fire. The USFA through public-private partnerships had educated children with initiatives such as the ''Sesame Street Fire Safety Activity Book for Preschoolers,'' National Safe Kids, and various guides for parents and teachers.

Senior citizens are at the highest risk of being killed in a fire. The USFA has targeted this group through public service announcements with added focus on the importance of buying and maintaining residential smoke detectors.

Arsonists are responsible for over 500,000 fires every year. Arson is the No. 1 cause of all fires. Even though it is the leading cause of fire, only 15 percent of arson cases result in arrests with juveniles accounting for 55 percent of arrests, and only 2 percent result in convictions. It is the second leading cause of fire deaths in residences and the leading cause of dollar loss due to fire. In 1994, the most recent year for which comprehensive data is available, the total number of arson fires in the United States was estimated at 548,500—accounting for an estimated 560 fire deaths, 3,440 fire injuries, and $3.6 billion in property damage.

Of greater concern are investigators reports that more people are choosing to use fire as a weapon. According to the USFA's ''Arson in the United

States'' report, ''Investigators are becoming more aware of Molotov cocktails and pipe bombs being used as incendiary devices. Fires caused by explosives or motivated by spite and revenge tend to be more deadly because they often target residential structures, in keeping with the desire to inflict personal harm.'' In my own State of South Carolina, we suffer from the worst record for church burnings—over 30 since 1991. I visited with Rev. Lester Grant of Shiloh Baptist Church in Townville, SC, last month, and we discussed the recent trend of targeting churches with this new weapon of hatred and violence. I was impressed with how our church communities are rallying and growing stronger in the rubble of fires. Church burnings, whether acts of hatred or vandalism, have to stop.

We must do more to assist our church communities in stopping these vile efforts. The USFA has initiated several measures to combat this crime, including: community grants in high risk areas to hire part-time law enforcement officers, and to pay for law enforcement overtime and other church arson prevention activities; National Fire Academy training courses; additional training and education for arson investigators with the Bureau of Alcohol, Tobacco, and Firearms; arson prevention information for the general public; and juvenile arson prevention workshops. Although the President's budget request for fiscal year 1997 for arson-fighting activities was reduced, this bill restores that funding at last year's level.

USFA's emphasis on data collection and analysis provides it with the necessary tools for identifying problems and forecasting trends. USFA use this data to focus efforts in the areas that will most significantly reduce casualties and property losses caused by fire. National Fire data are published through USFA's National Fire Incident Reporting System, the only centralized and uniform collection of fire data in the United States.

Regarding fire service training, Mr. President, and the National Fire Academy provides national leadership for fire and emergency medical services personnel through education and training. The Academy offers training and educational programs at the Emmitsburg campus and at other sites throughout the country. The Academy trained 83,000 students in 1996 and plans to increase this number to 300,000 per year in the future. There now are four applicants for each available slot for many of the Academy's courses.

Finally, the USFA conducts research on technology to improve the occupational health and safety of firefighters including improvements to protective clothing and equipment, lifesaving operational technologies and equipment like liquid fire extinguishing agents, and equipment used in vehicle extrication and complex rescues.

Mr. President, the efforts of our Nation's 1.2 million firefighters are invaluable; they risk their lives every day to save the lives and property of others. The USFA provides the necessary education, data analysis, training, and technology needed to ensure that these brave individuals do their job as efficiently and safely as possible. We in Congress need to do our job: We need to enact this legislation to ensure that both firefighters and the USFA get the financial resources they need to serve the public. I encourage my colleagues to support this bill.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleagues, Senator FRIST, Senator MCCAIN, and Senator HOLLINGS in introducing legislation to reauthorize the programs of the U.S. Fire Administration [USFA].

I just want to say a few quick words about this program. The USFA has a tough and rewarding mission. As I am sure my colleagues have noted, the statistics relating to fires in this country are staggering: Approximately 4,500 people die annually, and over 30,000 people are injured. In West Virginia, there were over 9,000 fires in 1995 causing 28 fatalities and 160 injuries. The fact is, Mr. President, these numbers would be worse if it were not for the brave men and women firefighters who put their lives on the line to save and protect others.

I want to take this moment to commend the 1.2 million members of the Nation's fire service of whom 80 percent are volunteers. In 1995, 163 firefighters were injured in West Virginia in the line of duty. They deserve the best training, assistance, and technology available to do their job. The USFA provides these invaluable services to these men and women in an effort to ensure their safety, their health, and to improve their ability to fight fires with the best available technology.

If there is a Federal program that is worth its value in dollars, it is this one—an ounce of prevention is clearly worth a pound of cure. In addition to the services the USFA provides firefighters, I want to commend this agency for its education and awareness programs, particularly those that target young children, and for their use of the Internet. Children start over 100,000 fires a year from just playing. The USFA has developed an interactive homepage and guide for parents clearly demonstrating their awareness of today's tools needed to reach today's youth.

In closing, Mr. President, I would like to thank my colleague, the chairman of the Science Subcommittee, Senator FRIST, for his efforts to move legislation in a bipartisan manner. This bill is a fine example of his efforts to work with Members of both parties to move good legislation that benefits the public as a whole. I encourage my colleagues to support this bill.

By Mr. MOYNIHAN:

S. 1232. A bill to provide for the declassification of the journal kept by Glenn T. Seaborg while serving as Chairman of the Atomic Energy Commission; to the Committee on Energy and Natural Resources.

DECLASSIFICATION LEGISLATION

Mr. MOYNIHAN. Mr. President, Glenn T. Seaborg is a truly great American who for 14 years has suffered outrageous treatment from bureaucrats and is in need of our assistance. Dr. Seaborg, codiscoverer of plutonium, kept a journal whilst chairman of the Atomic Energy Commission from 1961 to 1971. The journal consisted of a diary written at home each evening, correspondence, announcements, minutes, and the like. He was careful about classified matters; nothing was included that could not be made public. Even as he was chairman the portions relating to the Kennedy and Johnson administrations were microfilmed for public access in their respective Presidential libraries. Before leaving the AEC, Dr. Seaborg got it all cleared virtually without deletion. Then lunacy descended. Or rather, the Atomic Energy Commission became the Department of Energy and bureaucracy got going. Seaborg writes of all this in an article ''Secrecy Runs Amok'' published in Science in 1994. It seems that in 1983 the chief historian of the Department asked to borrow one of two sets of the journal, some 26 volumes in all, for work on a history of the Commission. By the time the author got his journal back passage after passage was redacted, much of it explicitly public information, such as the published code names of nuclear weapons tests, some of it purely personal, as for example his description of accompanying his children on a trick or treat outing on a Halloween evening. The 26 volumes, ''in expurgated form'' as Seaborg puts it, are now available in the Manuscript Division of the Library of Congress. But where does one go for sanity? Seaborg writes: ''With the beginning of the Reagan administration, the government had begun to take a much more severe and rigid position with regard to secrecy.'' The balance between the ''right of the public to know'' and the ''right of the nation to protect itself'' was simply lost as, often apologetic, investigators poured over the papers of the great Americans of the time.

Dr. Seaborg recently came to my office seeking assistance in cutting through the bureaucracy. At this stage in his career he should not be forced to expend valuable time and energy trying to get back what he lent the Department of Energy. I immediately agreed to offer what assistance I could, having had experience of such matters as chairman of the Commission on Protecting and Reducing Government Secrecy.

Last week, with the energy and water appropriations bill nearly ready for conference, I thought there might be a chance to include a provision that would require the return of the unedited journal to Dr. Seaborg. I wrote to

the chairman and ranking members of the subcommittee, asking for their help. On Tuesday, September 23, the clerk for Senator REID, the ranking member of the subcommittee, reported to my staff that there had been a long staff discussion on the matter, that it was agreed the Department of Energy had acted inappropriately, that the journal was a valuable historical document, and that things looked promising for including the provision in the conference report.

The report was filed today with no mention of the Seaborg journal. This afternoon the clerk for Senator DOMENICI, the chairman, reported that the Department of Energy had been consulted and that they had raised objections to the return of the unexpurgated journal. And so, absent the opportunity for a hearing, the provision was dropped. I suppose doing the right thing for Dr. Seaborg in a simple, expedient manner was too much to expect. I suppose it was wishful thinking that the Department would do its part to rectify the situation. So, Mr. President, I am introducing the same provision as a freestanding bill. I look forward to a hearing on the matter, which the appropriations staff advocates, so that at least this one egregious example of the regulation and control of valuable public information can be brought to light and, I trust, remedied.

I ask unanimous consent that Dr. Seaborg's article in Science be included in the RECORD at this point. I send to the desk a bill requiring the return of Dr. Seaborg's journal in the original, unredacted form in which it was lent to the Department of Energy, and ask unanimous consent that it be printed in the RECORD and referred to the appropriate committee.

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

S. 1232

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

SECTION 1. FINDINGS.

(1) Whereas Dr. Glenn T. Seaborg is a truly great American who has made indispensable contributions in the development of nuclear energy.

(2) Whereas Dr. Seaborg is the co-discoverer of plutonium and eight other elements and as a result of these discoveries was awarded the 1951 Nobel Prize for chemistry.

(3) Whereas while serving as Chairman of the Atomic Energy Commission (AEC), Dr. Seaborg maintained a journal consisting of a diary, correspondence, announcements, minutes of meetings, and other documents of historical value.

(4) Whereas in preparing the journal, Dr. Seaborg took care to include only information which was not classified and could be made public.

(5) Whereas before leaving the Atomic Energy Commission, Dr. Seaborg submitted the journal to the AEC's Division of Classification for review.

(6) Whereas Dr. Seaborg's journal was cleared by the Division of Classification, virtually without deletion.

(7) Whereas twelve years later, in 1983, the chief historian at the Department of Energy asked to borrow a copy of Dr. Seaborg's journal in order to write a history of the AEC.

(8) Whereas when the journal was returned to Dr. Seaborg three years later, passage after passage was redacted, including explicitly public information, such as the published code names of nuclear weapons tests, and purely personal material, such as his description of accompanying his children on a ''trick or treat'' outing one Halloween evening.

SEC. 2. DECLASSIFICATION OF SEABORG JOURNAL.

The Secretary of Energy shall return to Dr. Glenn T. Seaborg his journal which he prepared while serving as Chairman of the AEC. The journal shall be returned in the original, unredacted form in which it was lent to the Department of Energy in 1983.

SECRECY RUNS AMOK

(By Glenn T. Seaborg)

Publishing information on scientific projects related to national security requires resolution of the conflicts between the ''right of the public to know'' and the ''right of the nation to protect itself.'' A recent experience of mine in regard to the declassification of historical material may illuminate the problems that can arise.

During my years as chairman of the Atomic Energy Commission (AEC) (1961 to 1971), I maintained a daily journal. The core of the journal was a diary, much of which I wrote at home each evening. (This continued a habit I had started at the age of 14.) The diary was supplemented by copies of correspondence, announcements, minutes of meetings, and other relevant documents that crossed my desk each day. Both in the diary and the supporting documents rigorous attention was given to excluding any subject matter that could be considered classified information under standards of the day. My purpose was to provide for historians and other scholars a record that might not be available elsewhere of what occurred at high levels of government regarding the AEC's important areas of activity.

Illustrative of the general recognition that my journal was unclassified was the fact that in 1965 the AEC historian microfilmed for public access in the John F. Kennedy and Lyndon B. Johnson libraries portions that correspond to those presidencies. To assure myself further that the journal contained no classified material I had it checked by the AEC Division of Classification during the summer and fall of 1971, just before my departure from the AEC. It was cleared, virtually without deletions. (Unfortunately, I received no written confirmation of this action which is perhaps understandable because of the obvious unclassified origin of the material.) A copy, which I will refer to as copy #1, was then transmitted by the AEC to my office at the University of California in Berkeley. Also, at about this time, the AEC tansferrd another copy of the journal, referred to hereinafter as copy #2, first to my Berkeley office, then to the Livermore laboratory, and, soon thereafter, to my home in Lafayette, California. It was known that neither my Berkeley office nor my home had any provision for the protection of classified material, and the fact that the AEC saws fit to ship the journal to those places is a clear indication that the AEC regarded the journal as an unclassified document.

The office and home copies of the journal remained accessible to scholars for the ensuing 12 years. Then the problems began. In July 1983 the chief historian of the Department of Energy (DOE) asked to borrow a copy for use in the next phase of the History Division's long-term project, the writing of *A History of the United States Atomic Energy Commission*. Volume IV of the *History* was to be devoted largely to the years of my chairmanship. The historian promised to return the journal within 3 weeks as soon as copies had been made. I sent him copy #1, the one in my Berkeley office. When the University of California historian, John Heilbron, learned of this transaction, he warned me that the DOE was likely to find classified material in the journal and to hold it indefinitely pending a complete classification review. Relying on past history during which the journal had been treated by the AEC as a wholly unclassified document, I told him I was not worried that this would happen. But, as Heilbron may have been aware from his own experience, times had changed. With the beginning of the Reagan administration, the government had begun to take a new, much more severe and rigid position with regard to secrecy.

Despite my repeated entreaties, the historian's office did not return the journal in 3 weeks, nor in 3 months, nor in a year-and-a-half. Nor was any explanation ever offered to me for the delay. Finally, just as Heilbron had predicted, I was informed in February 1985 that the journal had indeed been found to contain classified information. Accordingly, DOE ordered its San Francisco Area Office to pick up copy #2, the one that I kept at home, so that it also could be subjected to a classification review. At first I said I would not allow this. But then I was told that, legally, the journal could be seized and that I could be subject to arrest if I resisted. Faced with this disagreeable prospect, I acceded to a compromise plan (the best of several unsatisfactory alternatives) whereby DOE provided me with a locked storage safe, complete with burglar alarm, so that I could continue to have access to the journal, which I was at that time preparing for publication. It was no longer, however, to be available for use by scholars.

Then in May 1985 I was contacted by DOE's San Francisco Area Manager. He said that he had been instructed by DOE headquarters to institute a classification review of copy #2 at my home. He added that the consequence of my not agreeing to this would be that the FBI would seize the papers under court order. He said that the weakness of my case, if I chose to resist, was that there was no record of the journal ever having been declassified by the AEC. Thus, I could be accused of having illegally removed classified material when I left the AEC. He noted that if legal proceedings were instituted, I could, of course, hire a lawyer to defend myself, but that he knew of no case like this where the government, with all its resources, had lost.

Under this ultimatum, I agreed to the classification review with the understanding that it would be completed within 10 days. The reviewer started work in my home on 9 May 1985, kept at it for several weeks (not the promised 10 days), and came up with 162 deletions of words, phrases, sentences, or paragraphs, affecting 137 documents.

Then in May 1986 I learned that copy #1, the one borrowed by the DOE historian, was also undergoing a classification review. This review was complete in October 1986 and led to deletions from 327 documents. In addition, 530 documents were removed from the journal entirely pending further review by DOE or by other government agencies.

At the same time as reviews of my complete journal were being undertaken in DOE and in my home, a further review was taking place in the Bethesda, Maryland, home of Benjamin S. Loeb, who was then collaborating with me in preparation of the book, Stemming the Tide: Arms Control in the Johnson Years, which was to be published in 1987 (1). Copies had been sent to Loeb of just those portions of the journal that related to

arms control. Beginning 10 July 1986, as many as six DOE Division of Classification staff members sat around his dining room table for a few days, selecting a large number of documents which they then took with them back to DOE headquarters in Germantown, Maryland. In due course, most of these were returned with deletions, except that a number of documents that required review by U.S. government agencies other than DOE, or by the United Kingdom, were not returned until August 1990.

But there was more. In October 1986 I was informed that the DOE classification people wanted to perform another review of copy #2, the one in my home, in order to ''sanitize'' it, a euphemism for a further classification review of the already reviewed journal. I was informed that the sanitization procedure would take place at Livermore, that it would last 3 to 6 weeks, and that it would involve from 8 to 12 people. Copy #2 was duly picked up at my home and delivered to Livermore on 22 October 1986. When the sanitized version was returned almost 2 months later, it had been subjected, including the prior review, to about 1000 classification actions. These included the entire removal of about 500 documents for review by other U.S. agencies or, in a few cases, by the British. Over my objection, an unsightly declassification stamp was placed on every surviving document.

Finally, the DOE sent to the Lawrence Berkeley Laboratory a team of about 12 people to begin a ''catalog,'' that is, an itemized listing, of all the personal correspondence I had brought from the AEC and of the contents of my journal and files for the prior 25 years of my working life before I became AEC chairman. Beginning on 29 April 1987, the team spent about 2 weeks at this task. In March 1988 another DOE group visited me for about a month in order to complete the catalog. The motives of DOE in undertaking this task were not clear. They may well have intended to be helpful to me. Before they finished, however, the two groups uncovered some additional ''secret'' material.

My grammar and high school and university student papers stored in another part of my home, overlooked by the DOE classification teams, have so far escaped a security review.

My journal was finally reproduced in January 1989 (2) in 25 volumes, averaging about 700 pages each, many of them defaced with classification markings and containing large gaps where deletions had been made. In June 1992 a 26th volume was added. It contained a batch of documents initially taken away for classification review and subsequently returned to me, with many deletions, after the production of the other 25 volumes in January 1989. (Many other removed documents have still not been returned.). All 26 volumes are now publicly available in the expurgated form in the Manuscript Division of the Library of Congress.

This, then, is a summary narrative of the rocky voyage of my daily journal amid the shoals of multiple classification reviews. Those interested in a more detailed account can find it among the daily entries in my journal for the period after I left the AEC. This is available in the Manuscript Division of the Library of Congress, and has fortunately not yet been subjected to classification review.

What is to be concluded about this sorry tale? One conclusion I have reached is that the security classification of information became in the 1980s an arbitrary, capricious, and frivolous process, almost devoid of objective criteria. Witness the fact that the successive reviews of my journal at different places and by different people resulted in widely varying results in the types and number of deletions made or documents removed. Furthermore, some of the individual classification actions seem utterly ludicrous. These include my description of one of the occasions when I accompanied my children on a ''trick or treat'' outing on a Halloween evening, and my account of my wife Helen's visit to the Lake Country in England. One would have to ask how publication of these bits of family lore would adversely affect the security of the United States. A particular specialty of the reviewers was to delete from the journal many items that were already part of the public record. These included material published in my 1981 book (with Benjamin S. Loeb), ''Kennedy, Khrushchev, and the Test Ban'' (3). Another example concerned the code names of previously conducted nuclear weapons tests. These were deleted almost everywhere they appeared regardless of the fact that in January 1985 the DOE had issued a report listing, with their code names, all ''Announced United States Nuclear Tests, July 1945 through December 1984'' (4). A third category of deletions concerned entries that might have been politically or personally embarrassing to individuals or groups but whose publication would not in any way threaten U.S. national security. In fact, I would go so far as to contend that hardly any of the approximately 1,000 classification actions (removals of documents or deletions within document) taken so randomly by the various reviewers could be justified on legitimate national security grounds.

Consistent with this belief, I have requested repeatedly throughout this difficult time that a copy of my journal as originally prepared, that is, before all the classification reviews, be kept on file somewhere. I had in mind that there might come a day when a more rational approach to secrecy might prevail and permit wider access, especially to historians, of the complete record. There are indications that, especially with the end of the Cold War, such an era may be at hand or rapidly approaching. While the DOE has made no commitment to honor my request. I am informed that DOE's History Division does maintain an unexpurgated copy for its own use. Perforce, it is handled as a classified document.

I would like to emphasize that I received fine and sympathetic treatment from many in the DOE who made it clear to me that they were not in agreement with the treatment accorded me and my journal during the process recounted above. In fact, more than one person in DOE has told me informally that evidence does indeed exist verifying that my journal did indeed receive a clearance before my departure from the AEC in 1971.

The problems posed by classification and declassification of sensitive materials are major ones and require wise people who must make sophisticated decisions. It requires a range of individuals who, on the one hand, have vision in regard to the whole range of scientific and national security policies, and on the other hand, have the time to read pages of detailed descriptions in a wide range of areas. Sometimes this complex goal gets derailed by those who see the trees and not the forest. Those in charge of classification should have an appreciation of the need, in our open society, to publish all scientific and political information that has no adverse national security effect (realistically defined).

Although I have in general received sympathetic treatment, I cannot help but note that this treatment has produced quite different conclusions at different periods in the country's history. Actually, the AEC, from its beginning in 1947, initiated and executed an excellent progressive program of declassification with an enlightened regard for the need of such information in an open, increasingly scientific society. By the 1960s, this program was serving our country well. Unfortunately, during the 1980s the program had retrogressed to the extent of reversing many earlier declassification actions. Fortunately, the present situation is very much improved so we can look forward to the future with considerable optimism.

REFERENCES

1. G.T. Seaborg and B.S. Loeb. Stemming the Tide: Arms Control in the Johnson Years (Free Press, New York, 1987).

2. G.T. Seaborg. Lawr. Bork, Lab. Tech. Inf. Dep. Publ. PUB–625 (1989).

3. G.T. Seaborg and B.S. Loeb. Kennedy, Khrushchev, and the Test Ban (Univ. of California Press, Berkeley, 1981).

4. U.S. Dep. Energy Rep. NVO–209 (revision 5) (1985).

ADDITIONAL COSPONSORS

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 648

At the request of Mr. GORTON, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 648, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

S. 1042

At the request of Mr. GRAHAM, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1042, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

S. 1114

At the request of Mr. JEFFORDS, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1114, a bill to impose a limitation on lifetime aggregate limits imposed by health plans.

S. 1133

At the request of Mr. BURNS, his name was added as a cosponsor of S. 1133, a bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and to increase the maximum annual amount of contributions to such accounts.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HOLLINGS, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Concurrent Resolution 52, a concurrent resolution relating to maintaining the current standard behind the ''Made in USA'' label, in order to protect consumers and jobs in the United States.