



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143

WASHINGTON, WEDNESDAY, OCTOBER 1, 1997

No. 134

Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Creator of the world, Ruler over all, our Adonai, Sovereign Lord of our life, we join with our Jewish friends in celebrating Rosh Hashanah, "the head of the year," the beginning of the days of awe and repentance, a time of reconciliation with You and one another. We thank You that we are all united in our need to repent, to return to our real selves for an honest inventory, and then to return to You with a humble and contrite heart. Forgive our sins of omission: the words and deeds You called us to do and we neglected, our bland condoning of prejudice and hatred, and our toleration of injustice in our society. Forgive our sins of commission: the times we turned away from Your clear and specific guidance, and the times we knowingly rebelled against Your management of our lives and Your righteousness in our Nation. Sound the shofar in our souls, blow the trumpets, and wake our somnolent spirits. Arouse us and call us to spiritual regeneration. Awaken us to our accountability to You for our lives, and our leadership of this Nation. We thank You for Your atoning grace and for the opportunity for a new beginning.

Help the Jews and Christians called to serve in this Senate, the Senators' staffs, and the whole support team of the Senate to celebrate our unity under Your sovereignty and exemplify to our Nation the oneness of a shared commitment to You. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Colorado, is recognized.

Mr. CAMPBELL. Thank you, Mr. President.

SCHEDULE

Mr. CAMPBELL. Mr. President, this morning the Senate will consider the Treasury-Postal appropriations conference report. Under the order, there will be 60 minutes of debate followed by a vote on the adoption of the conference report. Therefore, Senators can expect a rollcall vote at approximately 11 a.m. or earlier if debate time is yielded back.

Following that vote, the Senate will resume consideration of the D.C. appropriations bill. It is the intention of the majority leader to finish action on this measure today.

As a reminder to all Members, in observance of Rosh Hashanah, no rollcall votes will occur this week after 1 p.m. today. All Senators' cooperation will be appreciated in allowing the Senate to conclude action on the D.C. appropriations bill and any available appropriations conference reports.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the leadership time is reserved.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998 CONFERENCE REPORT

Mr. CAMPBELL. Mr. President, I submit a report of the committee of conference on H.R. 2378 making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of the conference report accompanying H.R. 2378 which the clerk will report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2378) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 29, 1997.)

PRIVILEGE OF THE FLOOR

Mr. CAMPBELL. Mr. President, before proceeding with my statement, I ask unanimous consent that the following staff be allowed floor privileges during the consideration of the conference report on H.R. 2378. That will be Pat Raymond, Barbara Retzlaff, Tammy Perrin, Lula Edwards, and Frank Larkin.

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

Mr. CAMPBELL. Mr. President, my colleague and I, Senator KOHL, are bringing before the Senate today the fiscal year 1998 appropriations bill of the Department of the Treasury, the U.S. Postal Service, and the Executive Office of the President, and certain independent agencies.

This bill contains \$25.6 billion in mandatory and discretionary funding for fiscal year 1998. Reaching this level of funding has not been an easy task, and I would like at this time to publicly thank the ranking member, Senator KOHL, for his cooperation and continued effort in supporting this bill. We have tried our best to be supportive of the requests of individual Senators, and I think our bill reflects that.

This bill funds 40 percent of all Federal law enforcement. Adequate funding for this activity has been a top priority for both Senator KOHL and myself. In addition to providing sufficient funding for law enforcement, this bill goes a long way in encouraging the IRS to stay on track with modernization while at the same time addressing

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper containing 100% post consumer waste

S10245

their needs for the year 2000 computer program.

Also, this bill provides for a new \$195 million antidrug campaign for the Office of National Drug Control Policy targeted at our Nation's youth. This is \$20 million above what the administration has requested.

In addition, this bill provides \$10 million for the Drug Free Communities Act, a program which 27 Members of the Senate cosponsored. These funds will be used for the establishment of local counterdrug efforts focusing on successful local initiatives.

The bill also includes \$159 million for the high intensity drug trafficking areas, or HIDTA's, as they are known. This provides funding for the existing HIDTA's, which are in Houston, Los Angeles, Miami, New York, the southwest border, Washington/Baltimore, Puerto Rico/Virgin Islands, Atlanta, Chicago, Philadelphia/Camden, Cascade, the gulf coast, Lake County, the Midwest, the Rocky Mountains, San Francisco, and Detroit. In addition, funding is provided for the new HIDTA's in West Virginia, Tennessee, Kentucky, central Florida and Wisconsin.

The bill also provides \$10 million for the ATF's Gang Resistance Education And Training Program, or GREAT, as it is known, which many of my colleagues also support. This program provides grants to local law enforcement agencies.

There is also \$13 million for an anti-drug technology transfer program targeted at State and local law enforcement. This new program aims at getting much-needed counterdrug technology currently used by Federal law enforcement out to those in the State and local communities in their efforts to help them in their efforts in fighting the drug war.

These are just a few of the items funded in this bill, Mr. President. This bill has taken lots of very, very hard work to stay within the budget agreement and still fund many important programs within the jurisdiction of the bill. I think this bill takes a strong stand for law enforcement while at the same time meeting the needs of many non-law enforcement agencies within the bill.

Therefore, I urge my Senate colleagues to support this bill. I believe it goes a long way in supporting what we all believe is important, primarily to continue to do what we can to reduce crime in the Nation.

Mr. President, this bill is the result of lots of hard work on behalf of Members and staff, too. I wish to thank all of them for that effort. I believe it deserves our support.

I now yield to Senator KOHL, our ranking minority member.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. Chairman.

Mr. President, I rise in support of this bill which provides funding for the

Department of the Treasury, Executive Offices of the President, General Services Administration, and related agency programs. We have tried to be as critical and constructive as we can be. And I believe we have provided a strong funding bill.

Throughout this year we have had to grapple with a number of difficult issues, such as: accusations of IRS staff browsing at taxpayer files; IRS modernization efforts going awry; unidentified century date change requirements; and the appropriate funding level of the Office of National Drug Control Policy, ONDCP, media campaign.

These are issues we will continue to review and examine in 1998. And I hope we see some real progress occur as a result of the funding that we have provided.

In addition, we continue to be concerned with the level of crime throughout our country. We realize that the money that is available through illegal drug and gun trafficking is enormous. As long as this kind of profit is available by doing illegal things our job will be more difficult in providing the necessary funding and technology required to deter that.

As a result, we have worked vigorously to fund the law enforcement agencies' priorities. And I hope that we can continue to work together to continue to fully fund much needed crime prevention programs such as GREAT, the Youth Crime Gun Interdiction Initiative, the Drug Free Prison Zone demonstration project and others.

I have enjoyed reviewing the diverse and complex issues of the agencies funded through this bill. I look forward to continuing to work with the subcommittee members and these agencies. Only through a constructive dialog, in a bipartisan fashion can we continue to build and maintain the agencies contained in this bill.

Finally, I want to say that I have enjoyed working with you, Mr. Chairman, and with your staff.

Thank you, Mr. President. I reserve the balance of my time.

I yield the floor.

OIRA

Mr. NICKLES. Mr. President, I ask the Chairman, is it correct that it is Congress' intent that the budget appropriated for the Office of Management and Budget includes sufficient funds for the Office of Information and Regulatory Affairs, OIRA, to coordinate and implement the Congressional Review Act?

Mr. CAMPBELL. That is correct.

Mr. NICKLES. I thank the Chairman. It has become evident that OIRA has not been implementing and coordinating the Congressional Review Act despite its organizing statute and President Clinton's Executive order. To make the Congressional Review Act work, Congress and the agencies need OIRA's expertise to coordinate agency input to the General Accounting Office on the new rules they promulgate. The General Accounting Office has reported

to us that they have been frustrated by OIRA's refusal to work with them in their role of helping Congress understand the impact of each major rule.

Mr. CAMPBELL. I thank the Senator.

We have several requests for time on both sides of the aisle, Mr. President. I would be happy to have Senator KOHL yield time to Senator WELLSTONE.

Mr. KOHL. I yield to Senator WELLSTONE.

Mr. WELLSTONE. Thank you, Mr. President.

I thank both my colleagues, Senator KOHL from Wisconsin and Senator BEN NIGHORSE CAMPBELL from Colorado, for their fine work.

Let me, first of all, say, Mr. President, I understand this is a conference committee report, we will have a vote on it and there are many, many good things in this bill. I understand the good work of all Senators. I also want to express my personal gratitude to Representative BERNIE SANDERS in the House and Senator HARKIN for a provision, with the support of my colleagues, that they now have in this bill which really puts our country on the side of taking some action against coerced child labor in other countries. I think it is a terribly important provision, and I am very pleased to see this provision in this conference report, Mr. President.

So it is with a little bit of regret that I speak against this bill. I intend to vote against it, though, again, I want to make it clear why because there are a lot of good things in the bill.

When we had this bill before us in the Senate, I had sent a letter out to colleagues saying that I thought it was not appropriate for us to take a pay increase, cost-of-living increase, salary increase, whatever you want to call it, which I would raise our salaries to about \$136,000. I sent a letter to all my colleagues, and then we in the Senate voice voted for the proposition that we would delete that pay increase. So the Senate took a position when we voice voted that we are not going to have a recorded vote because there is unanimity, there is a consensus in the Senate, that this cost-of-living adjustment for Members is not the right thing to do. I regret to say that in the conference committee we did not keep this pay increase out of this legislation. So now we are here today with the pay increase.

Now, a filibuster is beside the point. There is much in this bill that is very good. It is going to pass. I understand that. But I want to go on record as a Senator from Minnesota about this pay increase, not to talk about the process, though I must say I think my colleagues have done a pretty good job of not being recorded for or against this pay increase.

To me, there is something more important. That is why I speak in the Senate this morning and why I am going to vote against this conference report. I hope other Senators will as

well. I put the cost-of-living increase or pay increase for Senators and Representatives in the context of the debate that we have had on the floor of the Senate over the last several years. I have traveled in the country and spent a lot of time in poor communities, and I cannot even begin to tell you the number of Head Start teachers who tell me how important early Head Start is, how it would make so much difference if they could have a chance to work with kids when they are 1 and 2 years of age to give them a head start. We have a pittance of funding for that. We say we do not have any more money for it, and yet we give ourselves a salary increase.

I cannot begin to describe the conversations that I have had with people all across the country about child care, affordable child care, which by the way is not just a problem for low-income people, but is a problem for middle-income and moderate-income families as well. Again, we have made precious little investment in children for child care but we give ourselves this salary increase.

I was at the University of Iowa on Monday and there I found a focus on Pell grants. I can't tell you how many people in the higher education communities say, "Look, by doing so little by way of expanding Pell grants—yes, you did the tax deductions and tax credits—you are still not dealing with the students most in need." Expansion of the Pell grant is by far the most effective way to do this. We say we cannot do it, but we give ourselves a salary increase.

Mr. President, most poignantly of all, or at least most poignantly to me, we voted not long ago for some \$50 billion in deficit reduction, and the two major programs that we targeted were, first, the Food Stamp Program, which is the major safety net program in this country when it comes to nutrition for children; and second, benefits for legal immigrants. Now, we have restored some of the benefits, though, again, we still have eliminated food and nutrition assistance for legal immigrants, and by the year 2002 there will be a 20 percent cut in food assistance for children.

Over 50 percent of the cuts we have made come from the Food Stamp Program, which is the major food nutrition program in this country and is our major safety net program. This is the program that has led to a significant reduction in malnutrition and hunger among children, and yet we said that in the name of sacrifice and in the name of deficit reduction and in the name of tightening our belt that we would cut the major nutrition programs for children in America, and at the same time we are now about to vote for a conference report that gives ourselves a salary increase, putting our salaries over \$136,000 a year.

I don't think a salary increase is appropriate, Mr. President. I just don't think it is appropriate. That is my own view. I have had a chance to come to

the floor of the Senate and express that view honestly, openly and directly. I expressed that view in the letter I sent to my colleagues before this ever came out of the Senate. I sent another letter to conferees saying, please stick to the Senate position. We had a unanimous vote in the Senate to stop this pay increase and yet we still now have the increase in this piece of legislation.

I just don't see the justice of it, colleagues. I don't see how we can cut basic benefits to the most needy and vulnerable citizens in this country—food and nutrition benefits for children in the name of belt tightening, sacrifice and deficit reduction—and at the same time give ourselves a salary increase, putting our salary over \$136,000 a year. I don't think it is appropriate. I don't think it is the right thing to do.

As good a job as both colleagues have done on this piece of legislation, I will vote against this bill and I hope other colleagues will as well.

I yield the floor.

Mr. CAMPBELL. Mr. President, before I yield 2 minutes to my friend from Kansas, Senator BROWNBACK, I commend Senator WELLSTONE for personally taking the lead on many of our children's issues in the U.S. Senate. I have always admired him for that. He knows my background from a home for orphans as a youngster, and I have always really appreciated his willingness to fight the battles for so many children in Congress who do not have a voice themselves.

In this bill there are many dollars, in fact, many tens of thousands of dollars, that are going to eventually help youngsters. The GREAT Program is a good example, the Youth Crime Awareness Program is a good example. Just because we fund money through the Federal agencies doesn't mean that some of it has not gone to help reduce gang violence or trying to get youngsters away from a life of crime.

I point out that I think in the other bills that have come before the Senate we have tried to at least keep the baseline steady, in fact, increased funding for many children programs in other areas of the national budget.

Mr. WELLSTONE. Will the Senator yield?

Mr. CAMPBELL. I am happy to yield to the Senator.

Mr. WELLSTONE. This is less in the spirit of a question, but I want to make it clear to my colleague, because I appreciate what he said, I have no objection to increases for other programs for children in the Government, and I understand full well some of the important programs in this piece of legislation.

That is not my quarrel. My quarrel is the proposition that we did not eliminate the pay increase for ourselves. And I think we should have included increases for the other programs I spoke about.

Mr. CAMPBELL. I yield 2 minutes to the Senator from Kansas [Mr. BROWNBACK].

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Colorado for yielding.

I want to express my appreciation and congratulations to the conferees on the bill and what they put together. Overall, it is a good bill. There is a provision in this that I disagree with, and I will join my colleague from Minnesota in voting and stating my position against this bill because it does contain the COLA for Members of Congress.

That amendment was offered by myself and the senior Senator from Minnesota and was a bipartisan amendment which prohibited the Congress from receiving a cost-of-living adjustment in fiscal year 1998. Mr. President, I strongly believe that Congress should not receive a COLA until we balance the budget. The Senator from Minnesota and I have different reasons for doing this but the same objective, which is to object to the COLA for Members of Congress. I note, as well, that Members of Congress have not received a COLA for several years to date. I have been involved in those fights when I was in the House. The problem for me is that I think while we are moving to balance the budget and we are asking everyone to sacrifice in getting that done, that we should not be receiving a COLA during that period of time. While we have passed legislation to balance the budget, we are not quite there yet. But we are close.

Mr. President, it has never been my purpose in this debate to cast aspersions upon any of my colleagues or the institution of the Congress. I have great respect for the Senate and the people with whom I have the privilege to serve—all of the people in the Senate and all the people in this body. But I continue to believe that we should not receive a COLA while we are still running deficits. We should lead by example and not raise our COLA while we are still getting the Government's fiscal house in order.

Therefore, I oppose this conference report and call on my colleagues to do the same. I believe this is the kind of leadership that is necessary to finish the work of balancing the budget and beginning to pay down our massive public debt. I think our children deserve no less. For that reason, I do oppose overall the conference report. For that reason, even though I think it has many, many, very good features and I congratulate my colleagues for putting it together, I cannot support the COLA at this point in time.

I yield the floor.

Mr. CAMPBELL. I thank my colleagues from Kansas and Minnesota.

I point out a couple of things: It has been 5 years in which most of the Members voted down a cost-of-living increase for themselves; also, as they both remember when we were here on the floor with this bill a month or so ago, it was Senator BROWNBACK's

amendment and cosponsored by Senator WELLSTONE and me to delete that COLA increase from the original bill.

So I think I have a pretty strong record. In fact, I have never voted for a pay increase in the U.S. Senate. And in fact when we did go to conference, as the Senator probably knows, both Senators probably know, there was a vote. It was a tie vote. It was not deleted. But Senator KOHL and I both voted against a pay raise in conference, if you want to use that phrase, but some people have a disagreement. However, we lost.

The question here is, should we sink a \$26 billion bill because we didn't get our way in conference or we didn't get our way on the floor? I have been torn with this myself, too. It is a difficult decision for all of us, but frankly I just think there is so much good in this bill that there are other options. Certainly we can return it to the Treasury. If Members do not want it, certainly they can give it to charity as I have done in the past. They can give it to scholarships.

From my perspective, Mr. President, this bill is extremely important. Today is the date that funding runs out. It seems to me we need to pass the bill even if we don't agree with the various parts of it.

Mr. BROWBACK. Will the Senator yield?

Mr. CAMPBELL. I am happy to yield to the Senator.

Mr. BROWBACK. I say to the Senator from Colorado he has been a leader in this effort on Members of Congress not receiving a COLA, and did put this in the bill that came from the Senate. That was the Senate provision, that there would not be a COLA for Members of Congress. That was the Senate provision. It was the House that put in otherwise.

I recognize the work that the Senator has done, and I appreciate that very much. I also recognize the totality of the bill and the excellent qualities within it. I just want to note that because it had that provision I could not support it, but by no means question you or other Members of the Senate. Our provision did not have the COLA in it.

Mr. BAUCUS. Mr. President, I rise today in opposition to the Treasury, Postal, and general Government appropriations bill. I do so with respect for the managers of the bill, my good friends Senator CAMPBELL of Colorado and Senator KOHL of Wisconsin. They have done a fine job of bringing divergent interests together, crafting a bill that takes care of essential Government functions. Clearly, there is much that is right with this bill.

One thing that is right is funding for the Global Trade and Research Program at the Montana World Trade Center in Missoula, MT. This vital program is the only world trade center housed in a university. This important link will allow new global business markets to be identified and targeted to create new jobs in Montana.

But, Mr. President, I will vote against this bill because it contains a pay raise for Members of Congress. Look, I'm not against pay raises. Who couldn't use a few extra dollars in every paycheck. The question is: who needs the raise. Clearly, Montanans do. And I think with this bill we are missing the point and sending the wrong message.

The message this bill sends is simply "we are going to protect ourselves instead of creating an economy that protects average families." That just doesn't make sense.

A vote to raise Members' pay is the wrong priority for Congress. This is not the kind of leadership the Congress needs. I believe that we will be as effective as leaders as the level of confidence vested in us. Clearly, voting to raise our pay will undermine public confidence in Congress. Particularly when we have an economy that isn't protecting average Americans.

It is clear that income for the average Montanan is not rising. Just Monday, the Census Bureau released consumer income statistics for 1994 to 1996. The numbers are startling and, I hope, a call to action for this Congress. Let's look at Montana. Median household income in Montana from 1994 to 1996 was \$28,838. That's household income, money that an entire family has to spend for the year on bills, groceries, education, health care, and all the other expenses that take a bite out of their wallets. Montana's median income for those 3 years is over \$6,000 lower than the national average and ranks 43d in the Nation.

And, compared to our regional neighbors, our median income ranks as the lowest. Now, we have all seen the stock market rise over the last few years. And clearly, a healthy percentage of Americans are making significant money. But it hasn't trickled down, to borrow a phrase, to the average Montanan.

I grew up on a ranch where it was a day's work for a day's pay. Americans work hard. And we in Congress work hard, but let's not lose sight of who we work for. We work for the citizens of our States and our country. We have a responsibility to protect them and to advance their ability to get a fair wage for a fair day's work. That should be the job of this Congress, not whether we in this Chamber are getting a raise.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, I am sorry to say that I cannot support the legislation before the Senate today. While this bill contains many good provisions, I have never supported any legislation to raise the pay of Members of Congress, and I will not support this bill.

Yes, the Republican Congress has accomplished much this year. We have passed legislation which puts us on track toward balancing the Federal budget and providing much-needed tax relief for Americans. We have reformed the welfare system, our nation's immi-

gration policies, ensured our national security, and many other laudable accomplishments.

But there are many tasks the American people expect us to complete that we have yet to accomplish.

We still face a \$5.4 trillion national debt, which will increase by hundreds of millions of dollars for several more years. In fact, current predictions are that we will not eliminate annual deficits until 2001 or 2002, and our national debt will have increased to nearly \$6 trillion by that time. We have a long way to go before we can claim to have ended the fiscal irresponsibility that has saddled our children and grandchildren with this staggering debt.

We still face the daunting tasks of ensuring the future viability of the Medicare and Social Security systems, improving access to and affordability of health care for all Americans, reducing the size and intrusiveness of our Federal Government in people's lives, and ensuring the continued economic health of our Nation.

Members of Congress already rank in the top 1 percent of wage earners in this country. Public service in the Congress should not be a means to becoming wealthy, but an opportunity to serve our country.

I intend to vote against this legislation. And if it passes, I will not accept a pay raise. I have donated to charity every pay raise Congress has approved for itself since I have been in office, and I will do the same with this raise.

Mr. President, I find it quite ironic that, at the same time the Congress is proposing to raise pay for Members, we are also wasting more millions of taxpayer dollars on unnecessary, wasteful programs.

Mr. President, this bill contains the usual earmarks and set-asides requested by Members of Congress for their home States or districts.

I am particularly disappointed to note that the conferees retained all but one of the provisions to which I had objected in the Senate bill. And that one provision that was not retained in the conference bill—an earmark of \$4 million each for repair work at the Truman and Johnson Presidential Libraries—has, instead, been clearly earmarked in the conference report language.

I would like to list for my colleagues the Senate bill language, retained in this conference agreement, that are earmarks for unnecessary or low-priority spending or that are protectionist in nature.

There is \$1.25 million earmarked for the Global Trade and Research Program at the Montana World Trade Center, which the report indicates is a one-time set-aside to support research and dissemination of information on exploration, definition, and measurement of contributions to economic globalization. I should note that the Senate had allocated \$2.5 million for this program, and the conferees very frugally cut this earmark in half.

Section 107—Prohibition on reorganizing the Aberdeen, SD, office of the IRS until toll-free phone line assistance reaches an 80-percent service level. We all know the difficulties experienced by all taxpayers in getting accurate, timely information from the IRS. But why should the taxpayers in Aberdeen, SD, be guaranteed continued access to an area IRS office? What about taxpayers in North Dakota? Or rural Ohio? And what if it makes sense to save money by closing some IRS offices in order to devote more resources to achieving the 80 percent service level for IRS telephone assistance?

Section 108—Prohibition on reorganizing the IRS Criminal Investigative Division if the result is a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level. Again, I question whether the Congress is the right body to decide whether the IRS' criminal investigative resources should be concentrated.

Section 123—Requirement to establish the port of Kodiak, AK, as a port of entry requiring U.S. Customs Service personnel in Anchorage to serve that port. Neither the Senate report nor the conference report offer any particular rationale for this directive.

Earmark of \$3 million for the Rocky Mountain High Intensity Drug Trafficking Area, plus \$1.5 million earmarked for methamphetamine reduction efforts at the facility. I ask my colleagues, do we know whether the Rocky Mountain area is most needful of this extra money?

Sections 507 and 508—Provisions requiring compliance with Buy America trade restrictions. I have long sought to remove all protectionist restrictions on free trade, and having made some progress, I guess the conferees wanted to ensure that nothing would change in the global marketplace.

Not surprisingly, the conferees also added several provisions from the House bill that are the same type of wasteful spending:

Earmark of \$10 million for three newly designated High Intensity Drug Trafficking Areas—one in the three-State area of Kentucky, Tennessee, and West Virginia; one in central Florida; and one in Milwaukee, WI that was not included in either bill. We all support heightened efforts to combat drug trafficking throughout the United States, but I wonder how the Appropriations Committee determined that these three locations were the highest priority areas for funding for antidrug efforts?

Section 410—Earmark of "such sums as may be necessary" to repay debts to the U.S. Treasury incurred by the Pennsylvania Avenue Development Corporation. How much is "necessary"? And what sense does it make to appropriate Federal tax dollars to repay the Federal Treasury?

Section 412—Directed sale of the Bakersfield Federal Building at 800 Truxton Avenue in Bakersfield, CA, including all land and improvements. It

is unclear from the conference agreement or the House report language whether the Federal Government wants to dispose of this property, or if the Congress has unilaterally decided to demand that it be sold.

Mr. President, these are just the provisions that are included in the bill. The report language of this conference agreement contains numerous other earmarks and set-asides. Let me note just a few:

Three Hundred thousand dollars to staff a dedicated commuter lane in El Paso, TX. This was an earmark in the Senate report that is repeated in the conference report, for emphasis, I guess.

Language "encouraging" the Customs Service to provide extended hours at the Opa-locka Airport in Florida.

Language "urging" GSA to consider the needs of the U.S. Olympic Committee and to give the USOC priority in acquiring a Federal building in Colorado Springs, just in case the current occupants—the U.S. Air Force Space Command—decide to move out.

I ask unanimous consent that a list of objectionable provisions in this conference agreement be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. McCAIN. I think it is important to note for my colleagues that this conference agreement, like each of the four other conference agreements the Senate has approved in the past few days, contains a clause in the statement of managers language that specifically endorses every single earmark and set-aside in the underlying reports of the House and Senate, unless specifically stated otherwise in the conference report. Mr. President, the bottom line is that Members of Congress can use the language in these reports, which "urges" or "encourages" or "strongly supports" some action, but which falls short of an earmark or directive, to pressure agencies to act accordingly.

Mr. President, I will say once again that this practice of wasteful spending must stop.

EXHIBIT 1

OBJECTIONABLE PROVISIONS IN CONFERENCE AGREEMENT ON H.R. 2378, THE FY 1998 TREASURY/POSTAL APPROPRIATIONS BILL

BILL LANGUAGE

\$1.25 million earmarked for the Global Trade and Research Program at the World Trade Center, which the report indicates is a one-time set-aside to support research and dissemination of information on exploration, definition, and measurement of contributions to economic globalization.

Section 107—Prohibition on reorganizing the Aberdeen, South Dakota, office of the IRS until toll-free phone line assistance reaches an 80 percent service level.

Section 108—Prohibition on reorganizing the IRS Criminal Investigative Division if the result is a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.

Section 123—Requirement to establish the port of Kodiak, Alaska, as a port of entry requiring U.S. Customs Service personnel in Anchorage to serve that port.

Earmark of \$10 million for three newly designated High Intensity Drug Trafficking Areas—in Milwaukee, Wisconsin; in the three State area of Kentucky, Tennessee, and West Virginia; and in central Florida.

Earmark of \$3 million for the Rocky Mountain High Intensity Drug Trafficking Area, plus \$1.5 million earmarked for methamphetamine reduction efforts at the facility.

Section 410—Earmark of "such sums as may be necessary" to repay debts to the U.S. Treasury incurred by the Pennsylvania Avenue Development Corporation.

Section 412—Directed sale of the Bakersfield Federal Building at 800 Truxton Avenue in Bakersfield, California, including all land and improvements.

Sections 507 and 508—Provisions requiring compliance with "Buy America" trade restrictions.

REPORT LANGUAGE

[NOTE: Conferees explicitly endorse all earmarks and set-asides included in either the House and Senate reports, unless specifically addressed in the conference report statement of managers. The following listing includes only those objectionable provisions specifically included in the conference report language; additional items can be found in the underlying House and Senate reports on the bill.]

Earmarks

\$500,000 earmarked for contract awards to the National Law Center for Inter-American Free Trade to support federal government efforts to conduct legal research specific to relevant trade issues.

\$500,000 to support the Global TransPark Network Customs Information Project.

\$300,000 to staff a dedicated commuter lane in El Paso, Texas.

\$2 million add-on for Customs Service monitoring and enforcement of the U.S./Canada Softwood Lumber Agreement, and language stating the conferees' "expectation" that the Customs Service will cease to enforce any interpretive ruling "that would have the effect of undermining enforcement of the Lumber Agreement, including any ruling that would have the effect of classifying lumber that would otherwise be classified under the heading of 4407 of the Harmonized Tariff Schedule in a different classification because it has been drilled or otherwise subject to minor processing, until Congress can address this issue".

\$2 million of GSA funds directed to be spent in accordance with House report, which earmarks the funds to initiate a pilot project in the development, demonstration, and continuous research of emerging digital learning technologies.

\$1 million of GSA funds earmarked for a digital medical education project.

Directive language that GSA provide funding in FY 1999 for protection and maintenance of Governor's Island in New York, as necessary to ensure no undue deterioration of the property prior to disposal.

\$4 million earmarked for repair and restoration of the Truman Library, and another \$4 million for similar work on the Roosevelt Library.

Words of encouragement:

Language "encouraging" the Customs Service to provide customs service at Opa-locka Airport in Dade County from 9:00 a.m. to 10:00 p.m. daily, instead of the current 9:00 a.m. to 5:00 p.m. daily schedule, because the conferees believe the diversion of aircraft after 5:00 p.m. to Miami International Airport creates unnecessary congestion at the nation's busiest cargo airport.

Language "urging" GSA to strongly consider the U.S. Olympic Committee's need for additional space and to give priority to the USOC request to gain title to or otherwise acquire a building in Colorado Springs currently occupied by the U.S. Air Force Space Command and owned by GSA.

Mr. FAIRCLOTH. Mr. President, I rise to make a few remarks concerning the fiscal year 1998 Treasury appropriations conference report. First, I would like to thank the chairman of the Senate Treasury Appropriations Subcommittee, and my good friend, Senator CAMPBELL. He and his staff have been most gracious in working with me on a range of issues of concern to North Carolina, including funding in the budget of the Bureau of Alcohol, Tobacco and Firearms for two new data acquisition stations [DAS] for the Cumberland County sheriff's office and the Guilford County sheriff's office. These two stations will allow law enforcement in both western and eastern North Carolina access to sophisticated technology to examine bullets and bullet fragments found at crime scenes. These DAS stations will be powerful crime-fighting tools, and I want to thank the chairman for helping to make this possible.

I also want to thank the chairman for his inclusion of language I requested to repeal section 1555 of the Federal Acquisition Streamlining Act [FASA]. As many of my colleagues in the Senate know, this language was originally passed in 1994 without any hearings, and without any debate in Congress.

It was intended to give State and local governments access to the General Services Administration [GSA] purchasing schedule. GSA sells everything from office supplies to cars and law enforcement equipment.

The problem is this—if every State and local government purchases their supplies directly through the Federal Government, thousands of small businesses who currently provide those supplies will go out of business.

Section 1555 has not yet been implemented—a temporary moratorium was enacted in 1995, and most recently extended until the end of this session of Congress as part of the Emergency Supplemental Appropriations Act for fiscal year 1997.

If section 1555 were not repealed, most businesses would no longer be able to sell products to their local governments, but would be driven out by unfair competition. Perhaps a select few would be included in the General Services Administration's purchasing schedules, but heaven help the small business man or woman who must come to Washington, DC, for permission every time he or she wants to sell office supplies to their local city council or county commission. Tragically, this is the kind of result that section 1555 would bring about, and it would devastate small businesses across the country.

I have heard from numerous small business men and women who regard

this provision to be a potential disaster, were it ever to be implemented. Thankfully, it will not be, now that language to repeal this statute has been included in this conference report. Section 1555 should never be implemented, it should be repealed as soon as possible. I strongly support the repeal language included in the bill.

CONGRESSIONAL PAY RAISE

Mr. President, there are two other matters addressed in the Treasury appropriations conference report which forces me to oppose the bill, in spite of much that I have already described which is good.

Most troubling to me is language added to this conference report which removes a Senate amendment placing a 1-year freeze on congressional pay. I am opposed to a congressional pay increase. I am deeply disappointed that Members of Congress will now receive a 2.3-percent cost-of-living adjustment [COLA], and I do not plan on accepting this increase when I receive it.

In fact, I believe that to accept this pay raise next year would be in violation of the 27th amendment to the Constitution. I know that Chairman CAMPBELL and others joined me in opposition to this pay increase, but due to some procedural shortcuts, a conference was convened late on the evening of September 29—on a day when no votes had been scheduled, and I had already made commitments to be in North Carolina—for the sole purpose of attaching this pay increase for Members of Congress.

I am also deeply disappointed that an amendment I offered to remove computer games from all Government computers was not included in the conference report. I am pleased, however, that Senator THOMPSON, chairman of the Committee on Governmental Affairs, has indicated his interest in pursuing this issue in the future. I look forward to working with Senator THOMPSON to ensure that Government employees are not wasting taxpayers' dollars playing computer games when they should be working.

Due to the inclusion of the pay raise for Members of Congress and the removal of my amendment to remove computer games from Government computers, I regret that I must vote against the Treasury appropriations conference report on final passage.

THE CONGRESSIONAL PAY INCREASE

Mrs. MURRAY. Mr. President, I rise today to express my deep concern about one provision within the bill before us today. The fiscal year 1998 Treasury-Postal Appropriations Act contains a cost-of-living adjustment—a pay raise—for Members of Congress. This increase represents a major change in policy. It has not been the subject of hearings. It has not been aired in public. The timing and merit are questionable. In light of these concerns, I intend to vote no on the pay raise, and no on the bill.

Each year I have been in the Senate, we have acted to suspend cost-of-living

adjustments for Congress. In light of our ongoing efforts to balance the Federal budget and restore people's faith in the process, I think this has been the right course. Simply stated, allowing our own pay to increase sends the wrong signal at a time when the budget is out of balance and real wages are stagnant for many workers.

Like it or not, we in Federal office have a responsibility to set an example, to set the tone for responsible dialog about the Federal budget. Accepting a pay raise at this time undermines any credibility we might have on budget issues.

In July, Congress passed a historic law that will balance the Federal budget. After years of partisan rancor, bickering, disputes, and Government shut-downs, we were able to put aside differences and agree on a compromise that makes sense, and gives the people what they have been asking for.

Now, most of us who worked on this package, and made the tough calls over the past few years understandably want to promote the compromise and take credit for finishing the job. And I think we should. But taking a pay raise on the heels of passing a balanced budget sends the wrong signal. It says to the people, "we didn't really mean it."

As a member of the Appropriations Committee, it is very difficult for me to vote against the Treasury-Postal bill. In fact, it is rare that any of us on the committee opposes one of our own bills. In this case, I have to make an exception, even though there are many worthy programs and projects funded in this bill.

I hope my colleagues will hear my reasons and listen to them. As elected leaders, we are held to a different standard. We have a responsibility to set the tone, to earn the respect of our constituents. The public will be watching this vote. To them, it is not about funding the executive branch agencies. Instead, it is about whether we are willing to live up to our own standard of fiscal responsibility in 1997.

Mr. KOHL. Mr. President, I rise today to voice my opposition to a provision within the Treasury, General Government, Civil Service Appropriations Act.

I am the ranking member of the subcommittee which crafted this legislation, and there is much to support in the bill. However, I am opposed to the provision in the bill to provide a 2.3-percent cost-of-living-adjustment to Members of Congress.

I have heard the arguments on both sides of the issue and I cannot agree that it is appropriate for Congress to receive this pay raise. While we have made progress in balancing the budget, we have not made the kind of progress which justifies this raise. The American public is rightly holding us to a higher standard, and until we meet that standard, congressional pay should remain at its current level.

Earlier this week, we had a vote in the House-Senate conference committee on whether to keep the pay raise in the bill. I was prepared to offer a motion to reject the pay raise, and, indeed, voted against the measure. As this body knows, the House voted to insist on its position, and we could not muster a majority in the Senate to similarly insist on this Chamber's position against the pay raise.

Mr. President, this bill before us also includes many provisions and important programs. If this were an up-or-down vote on the pay raise, I would again oppose the measure. But, this bill is more than that—it funds the Treasury Department, the Internal Revenue Service, the White House, and dozens of other Federal agencies.

In addition, the bill includes many anticrime programs, including those operated by "Drug Czar," the Treasury Department, and the Bureau of Alcohol, Tobacco, and Firearms. I'm pleased that the legislation includes \$3 million for the designation of a high-intensity drug trafficking area for Milwaukee, WI. Unfortunately, the drug epidemic often crosses State lines, and it is necessary for Wisconsin law enforcement agencies to coordinate with Federal authorities. If the drug czar concurs with the language in this bill, this money will help my State better combat the growing drug problem.

The legislation also includes a \$1 million increase in the Youth Gun Crime Interdiction Initiative. Milwaukee is one of a small number of cities selected last year to participate in the program which uses resources from the Federal Bureau of Alcohol, Tobacco, and Firearms to trace weapons in an attempt to track the seller. The program saw its first success in April when Milwaukee Police arrested a grocery store security guard and charged him with Federal firearms violations. Lawrence M. Shikes plead guilty to purchasing guns and reselling them to juveniles, gang members, and drug dealers in the Milwaukee area. This is an important program, and one of the reasons that I am voting for the overall bill.

Mr. President, while I am voting for this bill, I strongly oppose to the congressional pay raise provision. Because of this conviction, I will not accept any increase in my salary. Since coming to the Senate in 1989, I have not accepted any salary increase, and I will return any future pay increase to the U.S. Treasury to reduce the deficit.

Since this is one provision of a larger bill, I will vote in favor of the measure.

Mr. CAMPBELL. I suggest the absence of a quorum and ask that the time continue to be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ABRAHAM. Mr. President, I ask unanimous consent to be permitted to speak as in morning business for up to about 5 minutes.

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

SECTION 110 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT

Mr. ABRAHAM. Mr. President, today, I want to bring to the Senate's attention an issue of great concern, not only to my home State of Michigan, but also to many other Northeastern States that border Canada. Section 110, a rather small provision of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, has generated waves of controversy here in the United States and in Canada because of its unintended negative impact on trade and travel between the two countries.

Section 110 requires the Immigration and Naturalization Service to develop an automated entry and exit system to document the entry and departure of every alien arriving in and leaving the United States. The term "every alien" certainly would be interpreted to include both Canadians and American permanent residents who cross our land borders with Canada.

This interpretation conflicts with the decades-old practice of not requiring Canadians to present a passport, visa, or border crossing identification card at the border. As previously described, this interpretation was not intended by the law's authors. My former colleague, Alan Simpson, who preceded me as chairman of the Senate Immigration Subcommittee, and Representative LAMAR SMITH, who is the current chairman of the House Immigration Subcommittee, wrote in a letter last year to the Canadian Government that they did not intend to impose a new requirement for border crossing cards on Canadians who are not presently required to possess such documents.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

His Excellency RAYMOND CHRÉTIEN,
Ambassador of Canada,
Canadian Embassy, Washington, DC.

DEAR MR. AMBASSADOR: This is in reply to your letter regarding congressional intent in the implementation of Sections 104 and 110 of the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996." Ms. Strom and Mr. Day were accurate in their description of our intent regarding those provisions.

With regard to Section 104, it was not our intent to impose a new border crossing card requirement on Canadians who do not now need to possess such a card to enter the United States. With regard to Section 110, again, it was not our intent that Canadian citizens who now enter the United States without an I-94 will be required to obtain that form in the future.

Of course, any Canadians who elect to possess a border crossing card will be subject to

the requirements for an improved card; and any Canadians who are now issued an I-94 form will be subject to the new exit control provisions of the law. But, again, we did not intend to impose a new requirement for border crossing cards or I-94's on Canadians who are not presently required to possess such documents.

Respectfully yours,

ALAN K. SIMPSON,

Chairman, Subcommittee on

Immigration, U.S. Senate

LAMAR S. SMITH,

Chairman, Immigrations & Claims,

House of Representatives.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the letter from the Canadian Ambassador to Congressman SMITH to which his letter responds be printed in the RECORD.

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

Hon. LAMAR S. SMITH,

Chairman, Immigration and Claims,

House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: I wish to bring to your attention some language of the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996" which, depending on how it is interpreted, could have significant cost implications for the United States as well as affect the mobility of millions of Canadians.

Section 110 of the Act requires the Attorney General to develop an automated entry-exit control system at ports of entry. We understand that this provision was introduced to document the entry and exit and gather information on immigration violations committed by foreign nationals who are entering the United States legally either with a U.S. non-immigrant visa or through the privilege of a visa waiver pursuant to the Visa Waiver Program initiated in 1986. Officials in both the Immigration and Naturalization Service and the State Department have brought to our attention that the final language of Section 110 uses the word "alien" without any qualification. This could be interpreted as including the millions of Canadian citizens who enter the United States every year and are not issued an I-94 form.

My officials have discussed the matter informally with Ms. Cordia Strom, your Chief Counsel, and Mr. Richard Day, her counterpart, in the House immigration Subcommittee. Ms. Strom and Mr. Day confirmed our understanding of the legislative intent as stated above. They indicated that Congress did not intend to require the issuance of documentation and the control of departure for the millions of Canadians who have, since well before 1986, traditionally enjoyed the privilege of a summary inspection. Such interpretation would have a very negative impact on cross border mobility at high volume border crossings such as the Rainbow bridge in Niagara Falls or the Detroit-Windsor Tunnel. I would therefore be grateful if you could confirm that Congress did not intend to make Canadians subject to this provision.

I am also concerned about an interpretation of Section 104 of the same Act that appeared in "Interpreter Releases" in their October 7, 1996 issue. The "Section-by-Section Summary" of that publication on Section 104 suggests that all aliens must use a border crossing card with a biometric identifier by September 30, 1999.

In their efforts to facilitate mobility in the context of the Border Accord, both Canada and the United States, encourage frequent travellers to consider the benefits of using dedicated inspections lines by enrolling in