

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

The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, under the original provisions of the Senate authorization bill for intelligence, Senator SHELBY and Senator KERREY contained in the authorization a provision reasserting the right of the Congress to know the truth about activities of the intelligence agencies.

The provision directed the President to tell all Federal employees that they can inform the Congress without fear of reprisal and prosecution of activities in which the intelligence agencies were involved. It was put into a provision. Indeed, the purpose of the provision was whether or not intelligence agencies were involved in improper or illegal activities.

The provision pointed out that Members of Congress have a clear right to know such information, and, indeed, constitutionally, since they are charged with oversight responsibility, cannot meet their constitutional duties without Federal employees knowing that they not only have the right and the responsibility but, indeed, are free to provide this information without retribution.

Tragically, under the direction of some of the President's senior advisers, it was suggested that the President might veto the entire bill unless this provision were removed.

I rise today to compliment Senator SHELBY, Senator KERREY, and the Intelligence Committee, and, indeed, this entire Senate for insisting upon this provision; and, at the same time to say with regret that it has been removed from the legislation.

It is hard to exaggerate the potential impact of the removal of this provision. The secret agency of the Government is overseen by only two congressional committees—both select committees, which meet understandably in secrecy. Those committees are charged with overseeing all of the intelligence agencies of this Government. But they rely upon the fact that the leadership of the intelligence community will come to the committee with truthful testimony and report on its activities. There is no one to rely upon but the leadership of the intelligence community itself. All other committees of the Congress know about the whistle-blower statutes. Federal employees will come forward if there are illegal activities in this Government, or improper activities.

The intelligence committee has no such assurance with regard to intelligence agencies of this Government. The Congress recognized this fact. Senator SHELBY and Senator KERREY recognized this fact. They acted appropriately.

It is with great regret that in voting for this conference report today I must report and note that the provision—that simple protection to allow this Congress to meet its responsibility—is no longer contained in the bill.

I do, however, note and compliment the Intelligence Committee for they have rejected unanimously the executive branch position as unconstitutional and have inserted language in the conference report making clear that the executive branch cannot unilaterally withdraw congressional prerogatives. So, while the original language is no longer contained in the bill, it is also made clear that the Congress is insisting upon its prerogatives.

I hope, Mr. President, that President Clinton will rethink his position, and next year and in future years will return to the question of authorization of the intelligence community. We once again will be in a position to place into legislation clear and effective protections that this Congress will be assured that every employee of the Federal Government will know that they have a right and a responsibility to come to this Congress whenever they believe improper or illegal activities are taking place and that they can do so without fear of retribution.

Mr. President, I support the conference report. But I do regret that the administration has insisted upon the removal of this very worthwhile provision.

Mr. President, I yield the floor.

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

The conference report was agreed to.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

#### RECIPROCAL TRADE AGREEMENTS ACT OF 1997

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration S. 1269, for the purpose of laying down two first-degree amendments only.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1269) to establish objectives for negotiating and procedures for implementing certain trade agreements.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

#### AMENDMENT NO. 1594

(Purpose: To establish an emergency commission to end the trade deficit)

Mr. DORGAN. Mr. President, the Senator from North Dakota calls up

amendment No. 1594, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself, Mr. BYRD and Mr. SARBANES, proposes an amendment numbered 1594.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DORGAN. Mr. President, let me take just 1 minute to describe the amendment. I offer the amendment on behalf of myself, Senator BYRD from West Virginia, and Senator SARBANES from Maryland. I hope that this amendment will be agreed to at some point. It is an amendment that deals with the trade deficit. It would establish an emergency commission to end the trade deficit, a commission that would be comprised of 21 members to study and analyze and evaluate the trade deficit and, over 16 months, make recommendations to the Congress on how to grapple with this vexing trade deficit.

Mr. President, we have had 21 years of consecutive trade deficits, each of the last 3 years the highest trade deficits in the history of this country. Our trade strategy isn't working. We need to change it. The question is how do we change it so that we end these crippling trade deficits. We propose a commission to make recommendations to Congress. I hope it will be successful.

Mr. President, with that I intend to come back to the floor and speak at greater length, but at this point I yield the floor.

Mr. INHOFE. Mr. President, I ask unanimous consent the Dorgan amendment be set aside.

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

#### AMENDMENT NO. 1602

(Purpose: To establish a research and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act)

Mr. INHOFE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1602.

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

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

The amendment is as follows:

At the end of the bill, add the following:

#### TITLE —OZONE AND PARTICULATE MATTER RESEARCH

##### SEC. 01. SHORT TITLE.

This title may be cited as the "Ozone and Particulate Matter Research Act of 1997".

**SEC. 02. FINDINGS.**

Congress finds that—

(1) implementation of the national ambient air quality standards published in the Federal Register on July 18, 1997 (62 Fed. Reg. 38856), would damage the international competitiveness of the United States manufacturing industry and effectively subsidize imports, penalize exports, and add to an already large United States trade deficit;

(2) Public Law 101-549 (commonly known as the "Clean Air Act Amendments of 1990") (104 Stat. 2399) established a number of measures and programs that address ozone and particulate matter pollution and the precursors to ozone and particulate matter pollution;

(3) as of the date of enactment of this Act, most of the measures and programs are continuing or have yet to be implemented;

(4) the United States has made significant progress in reducing atmospheric levels of ozone and particulate matter since the enactment of Public Law 101-549 and will continue to make significant progress in reducing atmospheric levels of ozone and particulate matter through continued implementation of that Act during the 5-year period beginning on the date of enactment of this Act;

(5)(A) the national ambient air quality standards for ozone that were in effect on July 15, 1997, are explicitly incorporated into part D of title I of the Clean Air Act (42 U.S.C. 7501 et seq.); and

(B) the changes to those standards published in the Federal Register on July 18, 1997 (62 Fed. Reg. 38856), could nullify many of the ozone provisions in Public Law 101-549 and lead to disruptions and delays in the reduction of ozone and the precursors to ozone;

(6) the Administrator of the Environmental Protection Agency and the Clean Air Scientific Advisory Committee have recommended that additional research be conducted to determine any adverse health effects of fine particles (including research on the biological mechanism for adverse health effects, toxicity and dose response levels, and the specification of the size and type of particle that might have adverse health effects); and

(7) available atmospheric data regarding fine particle levels in the United States are inadequate to provide an understanding of any adverse health effects of fine particles or a basis for designating areas under title I of the Clean Air Act (42 U.S.C. 7401 et seq.).

**SEC. 03. PARTICULATE MATTER RESEARCH PROGRAM.**

(a) INDEPENDENT PANEL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this title as the "Administrator") shall request the National Academy of Sciences to convene an independent panel of scientists with expertise in the health effects of air pollution to establish priorities for research on the health effects of particulate matter.

(2) REPORT.—Not later than February 1, 1998, the Administrator shall report to Congress on the recommendations of the independent panel.

(b) RESEARCH PRIORITIES.—At a minimum, the independent panel shall consider—

(1) the sizes and physical-chemical characteristics of the constituents of particulate matter;

(2) the health effects of individual exposure to concentrations of fine particulate matter at ambient levels versus indoor levels;

(3) the identification and evaluation of biological mechanisms for fine particulate matter as related to shortening of lives, acute mortality, and morbidity;

(4) controlled inhalation exposure as a determinant of dose-response relationships; and

(5) long-term health effect evaluations that examine individual exposure to fine particulate matter, other particulate indicators, and other copollutants and airborne allergens.

(c) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the President shall establish a committee to be known as the "Particulate Matter Interagency Committee" (referred to in this title as the "Interagency Committee").

(2) PURPOSES.—The Interagency Committee shall—

(A) not later than 180 days after the date of enactment of this Act, develop recommendations for a program to coordinate the activities of Federal agencies engaged in research on human health effects of particulate matter that ensures that the research advances the prioritized agenda of the independent panel; and

(B) monitor, review, and periodically evaluate the program.

(3) COMPOSITION OF INTERAGENCY COMMITTEE.—

(A) MEMBERSHIP.—The Interagency Committee shall be composed of 8 members, of whom—

(i) 1 shall be appointed by the Administrator;

(ii) 1 shall be appointed by the Secretary of Agriculture;

(iii) 1 shall be appointed by the Secretary of Defense;

(iv) 1 shall be appointed by the Secretary of Energy;

(v) 1 shall be appointed by the Secretary of Health and Human Services;

(vi) 1 shall be appointed by the Director of the National Institute of Environmental Health Sciences;

(vii) 1 shall be appointed by the Director of the National Institute of Standards and Technology; and

(viii) 1 shall be appointed by the Director of the Office of Science and Technology Policy.

(B) CHAIRPERSON.—From among the members appointed under clauses (ii) through (viii) of subparagraph (A), the Interagency Committee shall elect a chairperson who shall be responsible for ensuring that the duties of the Interagency Committee are carried out.

(C) STAFF.—Members of the Interagency Committee shall provide appropriate staff to carry out the duties of the Interagency Committee.

(d) REPORT TO INTERAGENCY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall request the National Academy of Sciences to periodically submit to the Interagency Committee, the Clean Air Science Advisory Committee, and Congress a report that evaluates the prioritized research activities under the program described in subsection (c)(2)(A).

(2) EXPENSES.—The Administrator shall be responsible for expenses incurred by the National Academy of Sciences in carrying out paragraph (1).

**SEC. 04. SCIENCE REVIEW.**

Not earlier than 4 years after the date of enactment of this Act, the Administrator shall—

(1) complete a thorough review of the air quality criteria published under section 108 of the Clean Air Act (42 U.S.C. 7408) for ozone and fine particulate matter and a thorough review of the standards in effect under that Act for ozone and particulate matter; and

(2) determine, in accordance with sections 108 and 109 of that Act (42 U.S.C. 7408, 7409), whether to—

(A) retain the criteria and standards in effect under that Act for ozone and particulate matter;

(B) make revisions in the criteria and standards; or

(C) promulgate new criteria and standards.

**SEC. 05. PARTICULATE MONITORING PROGRAM.**

(a) IN GENERAL.—The Administrator may require State implementation plans to require ambient air quality monitoring for fine particulate matter pursuant to section 110(a)(2)(B) of the Clean Air Act (42 U.S.C. 7410(a)(2)(B)).

(b) GRANTS.—The Administrator shall make grants to States to carry out monitoring required under subsection (a).

**SEC. 06. REINSTATEMENT OF STANDARDS.**

(a) IN GENERAL.—The national ambient air quality standards for ozone and particulate matter under section 109 of the Clean Air Act (42 U.S.C. 7409), as in effect on July 15, 1997, are reinstated, and any national ambient air quality standard for ozone or particulate matter that may be promulgated after July 15, 1997, but before completion of the science review under section 4 shall be of no effect.

(b) REVISION OF STANDARDS.—The national ambient air quality standards for ozone and particulate matter reinstated under subsection (a) shall not be revised until completion of the scientific review under section 04.

**SEC. 07. ALLERGEN RESEARCH.**

The National Institutes of Health shall carry out a research program to study the health effects of allergens on asthmatics, especially asthmatics in urban inner city areas.

**SEC. 08. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for each of fiscal years 1998 through 2002—

(1) \$75,000,000 to carry out sections 01 through 06; and

(2) \$25,000,000 to carry out section 07.

Mr. INHOFE. Mr. President, I will make the same request that the Senator from North Dakota did. I will be wanting to come back and take up this amendment. I ask at this time it be set aside.

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

**MORNING BUSINESS**

Mr. INHOFE. Mr. President, I ask unanimous consent that there be a period of morning business until 5 p.m., with Senators permitted to speak for up to 15 minutes each.

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may be permitted to speak for not to exceed 10 minutes.

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

**SENATOR DASCHLE'S 50TH BIRTHDAY**

Mr. BYRD. Mr. President, South Dakota is a quiet state. Its cities are neither heralded in poetry like Carl Sandberg's "big shouldered" Chicago nor celebrated in song like New York and San Francisco. It is, nonetheless, a state of stunningly varied beauty, showcased in the wildflower-sprinkled