

financing. Therefore under S. 1216, such ships would have to be delivered no later than January 1, 2004. S. 1216, like the Bateman Amendment, allows for further extending the delivery date in the case of "unusual circumstances" (defined the same as the Bateman Amendment).

S. 1216 includes a provision not in the Bateman Amendment that allows the U.S. to make the current favorable terms of the Title XI program available to U.S. shipyards when competing against bids of subsidized yards in countries that are not signatories to the OECD Agreement. This provision: (1) provides an incentive for such nations to join the OECD Shipbuilding Agreement and, (2) protects U.S. shipyards from unfair competition from subsidized yards in nations that fail to join the Agreement.

#### JONES ACT

S. 1216 provides extraordinary protections for the Jones Act that fully meet the objectives of the Bateman Amendment.

S. 1216 states unequivocally that US coastwise laws are completely unaffected by this Agreement. This provision is virtually identical to the Bateman Amendment.

S. 1216 states that nothing in this Agreement shall undermine "the operation or administration of our coastwise laws". This provision provides a stronger statement of protection for the Jones Act than the Bateman Amendment.

S. 1216 provides a legislative procedure (Joint Resolution) for Congress to initiate US withdrawal from the Agreement if, "responsive measures" to U.S. Jones Act construction are taken. This process provides an equivalent alternative to the Bateman Amendment prohibition against countermeasures being filed against the US and which is consistent with the agreement.

Responsive countermeasures against the Jones Act are a highly theoretical event. Under the agreement, responsive countermeasures are authorized only when relevant Jones Act construction "significantly upsets the balance of rights and obligations of the agreement." Even the most optimistic projections indicate that relevant U.S. Jones Act construction will represent only a fraction of 1% of the global shipbuilding market. Furthermore, the withdrawal provision in S. 1216 provides a disincentive for a nation to pursue a countermeasure against the U.S. since a successful action would result in U.S. withdrawal from the Agreement. U.S. withdrawal from the Agreement would not only moot the countermeasure, it would terminate the Agreement altogether.

Finally in a worst case scenario, even if a Jones Act countermeasure were to be authorized and for some reason the US did not withdraw from the agreement, there would still be no real consequence to the U.S. Jones Act shipbuilding industry. Under the agreement, the only countermeasure allowable without the consent of the US would be to offset an equivalent portion of the complaining party's "Jones Act" market from US bidding. Because the global market is so vast (2000 commercial ship starts annually), providing so many alternative contracts to U.S. yards, the relatively tiny number of contracts that might be restricted by a countermeasure would not significantly affect U.S. yards. Additionally, the bill would prevent any countermeasures from being taken against other WTO sectors.

#### PROTECTION OF NATIONAL SECURITY INTERESTS

S. 1216 provides virtually identical language to that in the Bateman Amendment for the purposes of protecting our essential security interests.

S. 1216 preserves the prerogatives of the Secretary of Defense to exempt from the Agreement—"military vessels", "military

reserve vessels" and anything he deems to be in the "essential security interests" of the United States.

S. 1216 allows the Secretary of Defense to exempt all or part of a ship on which National Defense Features are installed, on a case by case basis.

The bill would not enable other OECD party nations to question U.S. authority to protect its essential security interests.

In a May 29, 1996, letter to the Chairman of the House Committee on National Security, the Department of Defense stated definitively; "The Agreement will not adversely effect our national security."

#### OTHER PROVISIONS

S. 1216 includes the same conditions for US withdrawal from the Agreement, and the same provisions for the snap-back of US laws changed by this legislation, as the Bateman Amendment.

Just like the Bateman Amendment, S. 1216 provides an effective mechanism for "third party" dumping petitions. The provision in S. 1216 conforms to the existing US anti-dumping code. S.1216 requires that anti-dumping actions be "consistent with the terms of the Shipbuilding Agreement".

S. 1216 includes several provisions that would substantially strengthen our monitoring and enforcement capabilities under the Agreement. USTR would be directed to establish a comprehensive interagency compliance monitoring program in conjunction with the U.S. shipbuilding industry and the maritime labor community, and to report to Congress annually.

S. 1216 further directs the US Government to vigorously pursue enforcement against noncompliance by other nations. These improvements are beyond the scope of the Bateman Amendment.

S. 1216 includes provisions that substantially enhance our ability to secure the accession to the Agreement of other shipbuilding countries including, specifically, Australia, Brazil, India, the Peoples Republic of China, Poland, Romania, Singapore the Russian Federation, and Ukraine. This improvement goes beyond the scope of the Bateman Amendment.●

#### CONFERENCE REPORT ACCOMPANYING H.R. 2107, THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998

● Mr. DOMENICI. Mr. President, I rise to address the conference report accompanying H.R. 2107, the fiscal year 1998 Interior and Related Agencies appropriations bill.

The conference report was adopted by the Senate on October 28. At the time the bill was called up, the Budget Committee had not received CBO's scoring of the final bill. This was due to the significant changes to the bill made by the conferees. I have received CBO's information and now address the budgetary scoring of the bill.

Mr. President, the conference agreement provides \$13.8 billion in new budget authority and \$9.1 billion in new outlays to fund the programs of the Department of Interior, the Forest Service of the Department of Agriculture, the Energy Conservation and Fossil Energy Research and Development Programs of the Department of Energy, the Indian Health Service, and arts-related agencies.

When outlays from prior-year budget authority and other completed actions

are taken into account, the bill provides a total of \$13.9 billion in budget authority and \$13.8 billion in outlays for these programs for fiscal year 1998.

Mr. President, final action on the conference agreement necessitated a reallocation of funding authority for this bill. I regret that this reallocation was necessary because it was avoidable.

Section 205 of the fiscal year 1998 budget resolution provided for the allocation of \$700 million in budget authority for Federal land acquisition and to finalize priority land exchanges upon the reporting of a bill that included such funding.

The distinguished chairman of the Senate Interior Subcommittee included these funds in title V of the bill as originally reported. As Chairman of the Budget Committee, I allocated these funds to the Appropriations Committee, which in turn provided them to the Interior Subcommittee.

If the conferees had adopted the Senate language, I would not have been in the position of withdrawing this funding allocation. However, the conferees modified the Senate language to provide only \$699 million for land acquisition, and to expand the use of these funds for additional purposes: Critical maintenance activities are added as an allowable activity under this title V funding; \$10 million is provided for a payment to Humboldt County, CA, as part of the headwaters land acquisition; and \$12 million is provided for the repair and maintenance of the Beartooth Highway as part of the Crown Butte/New World Mine Land acquisition.

I was a conferee on the bill. The Senate Budget Committee provided clarifying language to the conferees on the Interior appropriations bill during their meeting on September 30. This language simply restated that moneys provided in title V, when combined with moneys provided by other titles of the bill for Federal land acquisition, shall provide at least \$700 million for Federal land acquisition and to finalize priority land exchanges.

This language, which I urged be included throughout the 2-week period when final language was drafted, would have ensured that the section 205 allocation remained in place for this bill.

However, the Chairman decided not to incorporate the Senate language, and in fact, included language which attempts to trigger the additional \$700 million by amending the budget resolution. The language in the conference report is directed scorekeeping, which causes a violation under section 306 of the Budget Act because it affects matters within the jurisdiction of the Budget Committee that were not reported by the Budget Committee.

Mr. President, I object to the inclusion of this directed scorekeeping language in this bill, or any other bill. If the Senate took language amending the budget resolution into account for determining budgetary levels, the

budget resolution levels and our efforts to enforce a balanced budget plan would become meaningless.

Instead of making the choices necessary to live within the budget resolution levels, committees could simply rely on a precedent to assert, or "Deem," that they had complied with the budgetary limits, even though they hadn't.

Such action would undermine the budget discipline of the Senate.

Since the directed scorekeeping language will not become effective until the bill is signed into law, and the conferees did not clarify that \$700 million is included in the bill for land acquisition and priority land exchanges, I had no choice but to withdraw the additional allocation of funding provided in section 205 of the budget resolution for land acquisition and exchanges.

Mr. President, I ask that a table displaying the Budget Committee's scoring of the conference agreement accompanying the Interior and Related Agencies appropriations bill for fiscal year 1998 be placed in the RECORD at this point.

The Senate Appropriations Committee has filed a revised 302(b) allocation to reduce the Interior Subcommittee by the amounts withdrawn.

The final bill is therefore \$698 million in budget authority and \$235 million in outlays above the subcommittee's revised 302(b) allocation as filed by the Appropriations Committee.

The table follows:

H.R. 2107, INTERIOR APPROPRIATIONS, 1998—SPENDING COMPARISONS—CONFERENCE REPORT  
(Fiscal year 1998, in millions of dollars)

	De- fense	Non- defense	Crime	Manda- tory	Total
Conference report:					
Budget authority .....	13,798			55	13,853
Outlays .....	13,707			50	13,757
Senate 302(b) allocation:					
Budget authority .....	13,100			55	13,155
Outlays .....	13,472			50	13,522
President's request:					
Budget authority .....	13,747			55	13,802
Outlays .....	13,771			50	13,821
House-passed bill:					
Budget authority .....	12,980			55	13,035
Outlays .....	13,382			50	13,432
Senate-passed bill:					
Budget authority .....	13,699			55	13,754
Outlays .....	13,687			50	13,737
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority .....	698				698
Outlays .....	235				235
President's request:					
Budget authority .....	51				51
Outlays .....	-64				-64
House-passed bill:					
Budget authority .....	818				818
Outlays .....	325				325
Senate-passed bill:					
Budget authority .....	99				99
Outlays .....	20				20

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

#### DENNIS AND PHYLLIS WASHINGTON

• Mr. BAUCUS. Mr. President, I rise today to recognize the achievements and accomplishments of my fellow Montanans and good friends, Dennis and Phyllis Washington.

Dennis was born July 27, 1934, in Missoula, Montana. As a young boy, he

moved to Bremerton, Washington, where he shined shoes and sold newspapers to supplement the family income. At the tender age of 8, he was diagnosed with polio and given little chance of survival. Miraculously, he survived and went back to Missoula to recover and live with his grandmother. From this point on in his life, Dennis has fought and struggled against all odds to survive and succeed. Years later, this struggle and dedication has become Washington Corp., which, according to a recent article in USA Today, "consists of 15 businesses, employs 14,000, and generates \$2.5 billion a year in revenue."

However, Dennis has never forgotten where he came from. Dennis and Phyllis have strived to make Montana a better place. They have been instrumental in ensuring that the university of Montana maintains its "tradition of excellence." In her position as chairperson of the University's capital campaign, Phyllis led the 5-year effort to a record level of \$71 million, over \$7 million of which came from her own pocket. That will mean a higher quality of education for our students helping more of our children to find good jobs in Montana.

From his humble beginnings in a house next to the railroad tracks to his present good fortune, the drive to help others has characterized Dennis Washington's life. He is a model for America, personifying the American dream that someone with big dreams can make those dreams a reality with a little intelligence and a lot of hard work.

I have great respect and admiration for Dennis. He is a Montana original whose story provides inspiration to me and many other Montanans. He has overcome tremendous adversity to become one of the most successful businessmen in America. However, the one thing surpassing his business acumen is his generosity to his fellow man. Dennis and Phyllis Washington are true philanthropists that are deserving of our recognition.

#### TRIBUTE TO BRIGADIER GENERAL RICHARD AUGUSTUS EDWARDS, JR.

• Mr. WARNER. Mr. President, this week our nation bowed in humble appreciation and respect to all who have worn the uniforms of the U.S. military in recognition of Veterans' Day.

Today, family and friends gathered in Arlington Cemetery to give our final salute to one of those veterans—Brigadier General Richard Augustus Edwards, Jr.

Brigadier General Edwards was born in Smithfield, Virginia and graduated from the Virginia Military Institute in 1939. He joined the Army in 1940 and during World War II served in Burma, India and China with a mule-drawn artillery unit. He became an expert horseman, and competed for the Army in stadium jumping and polo.

After the war, he attended the Field Artillery School, the Command and

General Staff College, and the National War College. He served in various assignments in Japan, Southeast Asia, Europe and the Middle East. His final combat command was the First Field Force Artillery in Vietnam in 1968 and 1969. He retired from military service in 1972 after serving in the Pentagon as head of officer assignments in the Army's Office of Personnel Operations.

His honors included the Distinguished Service Medal, three Legion of Merit awards and the Bronze Star. I was honored to call him my friend.

At the Virginia Military Institute, which he loved as dearly as his family, there is an archway through which he passed daily in his formative years as a cadet. It bears this quote attributed to General Stonewall Jackson, C.S.A.: "You may be whatever you resolve to be."

General Gus Edwards resolved to be his very best for his country, and his life showed that he achieved that goal. How proud the General would have been today of his son Richard Augustus Edwards, III as he was at his very best and delivered these stirring, heartfelt remarks at his father's funeral.

"I confess I was taken aback when Dad asked me to say a few words at his funeral. His funeral wasn't something we talked about very much. He wasn't particularly enthused by the topic. But I think his request had something to do with the fact that he was unable to attend his own father's funeral. At the time my grandfather died, we were steaming across the Atlantic to an assignment in Europe. Dad felt he never really got to say goodbye, and I believe it was something that haunted him; something that he didn't want me to experience. But for my part, I was—and am—daunted by his request, especially in this company. What can I possibly say that will be adequate to encompass or define our fifty-two year relationship? How can a son try to impart, in any consequential way, the meaning of a father's lifetime of lessons and love in just a few short minutes?

I've concluded that, for now, the best thing is to be brief. I will say that my father was a man of many parts; like all of us, simple and complex at once. I think he showed us his simple side most of the time. By simple, I mean unfettered, unaffected and straightforward.

He had a simple faith. He believed deeply and unequivocally in his God.

He maintained a strong and simple belief in the rightness of truth and honor.

He placed a premium on fidelity, and insisted that loyalty is a two-way street.

He lived always by the VMI Honor Code, never to lie, cheat, or steal nor countenance those who do.

He despised expedience and had no patience with the cynicism of modern deconstructionists.

There were not many gray areas in his life.