

on hold to commit herself again to the long hard job of bringing this bill to the floor this year. Jeanne Ireland with Senator DODD and Linda DeGutis, a fellow with Senator WELLSTONE also provided invaluable assistance.

Of course I would like to thank the Labor and Human Resources Committee majority and minority staffs who did the most work on this. In particular, I want to recognize Susan Hattan who stayed on with the committee after Senator Kassebaum's retirement.

She, and another Senator Kassebaum staffer, Jane Williams, who is now on the staff of Representative FRED UPON, worked long hours last year to put FDA reform on the Senate agenda and brought a bill to successful committee markup in the last Congress—we stand here today in large part due to their hard work.

On the minority staff, I would like to thank Nick Littlefield and David Nexon and two minority fellows Diane Robertson and Debbie Kochever. Finally, I would like to thank the majority staff director Mark Powden, Jay Hawkins, and majority fellow Sean Donohue.

I want to take a moment to elaborate on my comments regarding one of the majority staff who has worked so diligently on this measure—Jay Hawkins. Jay joined my staff in January—literally hit the ground running—and I don't think he has stopped moving since.

He has set a new standard of dedication for professional staff to find the best solution in a difficult and controversial policy arena. He has been saluted by other Senators' staffs, from both majority and minority offices, for his willingness to include them in all aspects of this effort.

Mr. President, part of the job description for Senate staff is to take abuse. Jay unfortunately received more than his share, but it said more about his critics than him.

More recently—a little more than a month ago—Jay lost his mother to her 4-year battle with cancer. My friend, Senator HATCH, acknowledged on the floor just yesterday this hardship Jay faced and was eloquent in his praise for both Jay and for his mother—Donna Lotz Hawkins. Mrs. Hawkins was not unfamiliar with challenge and adversity. She was an experienced mountain climber and conquered some of the world's most difficult mountains in the Alaska range, the Tetons, the Alps, and the Himalayas. She was a dedicated ocean swimmer and conquered the white waters in Waikiki and Maui.

It is clear to us who know Jay that he too has the spirit of taking on the task when faced with adversity and challenge. We know the source of that sense of commitment and we cannot thank him enough for his efforts on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in typical fashion, Senator JEFFORDS has given great credit where credit is due, and as I mentioned just before, the chairman of our committee really deserves credit for the passage of this very important bill. I commend him.

If I could, I will just take a moment of the Senate's time, but I think it is important to mention on our side David Nexon and Diane Robertson, who worked so closely with us; Jim Manly, Debbie Kochevar, Meg Archdeacon, Burt Cowgill, Susan Hammersten, Jonathan Halperin, and Danielle Drissel, Carrie Coberly and Addy Schmidt; Bonnie Hogue on Senator REED's staff and Deborah Walker on Senator BINGAMAN's staff; Sabrina Corlette with Senator HARKIN and Anne-Marie Murphy with Senator DURBIN.

I would like to believe the staffs have been helpful to all of us and don't work so much in a partisan way as in a common spirit, to try to advance the common interests. That has been, certainly, true on this legislation.

I think all of those, and the majority staff as well, for all of their courtesies and for their cooperation. I think the record ought to show the dedication of, really, an outstanding group of men and women who have really served the Senate very, very well. I thank the chairman.

Mr. JEFFORDS. Mr. President, I thank the ranking minority member on my committee for his words. I commend him, also. We disagreed rather strongly on one issue here, but 19 out of 20 we were together and worked together, and certainly that's a pretty good average.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate now turn to consideration of Calendar No. 155, S. 1156, the District of Columbia appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senator from North Carolina.

#### PRIVILEGE OF THE FLOOR

Mr. FAIRCLOTH. Mr. President, I send to the desk a list of staff. I ask

unanimous consent they be allowed full privilege of the floor during the consideration of S. 1156, the D.C. appropriations bill.

The list follows:

Mary Beth Nethercutt; Jay Kimmitt; Terry Sauvain; Neyla Arnas; Kate O'Malley; David Landers; Liz Tankersley; Quinn Dodd; and Jim Hyland.

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

Mr. FAIRCLOTH. Mr. President, I am pleased to present the fiscal year 1998 District of Columbia appropriations bill to the Senate.

This budget is the first I have had the opportunity to present to the Senate since becoming the chairman of the District of Columbia Appropriations Subcommittee. This is essentially a clean bill, with no new policy riders.

I am very pleased that this budget was reported favorably by the full Appropriations Committee by a vote of 27 to 1. This is a bipartisan bill, and a bill that reflects the consensus of both the Financial Control Board established by Congress and the city's elected leadership.

This budget of \$4.2 billion is a smaller budget than last year's \$5.1 billion budget for two reasons.

First, the Federal Government is providing the city with fewer Federal dollars. This past July, Congress enacted landmark legislation restructuring the city's budget, transferring some city functions to the Federal Government, and in exchange, cutting the Federal payment to the District.

That legislation also added some important management reforms at my urging. I'll have more to say about these structural changes and management reforms in a moment.

Second, this is a smaller budget because it is the first balanced budget submitted to the Congress by city officials since 1993. That one proved very unbalanced. This one will be balanced.

As many of my colleagues know, the law enacted by Congress in 1995 creating a Financial Control Board included a timetable requiring the city of Washington, DC to submit a balanced budget to Congress by next year.

Fortunately, the Control Board and the D.C. Council managed to agree on enough spending cuts to submit a balanced budget to Congress 1 year ahead of schedule. That is essentially the budget before the Senate today.

This balanced budget cuts roughly \$85 million from last year's operating budget, not to mention a reduction of over \$500 million in the direct Federal contribution to the city, from \$712 million last year down to \$190 million this year.

Most agencies in the District of Columbia government have been cut. One exception is the police department, which received a modest increase reflecting a citywide effort—and I might say a nationwide effort—to crack down on crime within the city.

Perhaps the most important point is that both the Control Board and the D.C. Council have agreed to these cuts.

The Control Board and the D.C. Council worked together to craft a consensus budget. That consensus has been incorporated into this bill.

I do not think it is necessary for the U.S. Senate to revisit every spending decision that has been agreed upon by both the council and the control board, especially since we have achieved a balanced budget 1 year ahead of time.

Such decisions are long overdue even if it took some prodding from the Congress to get. I think it is the responsibility of the Senate to ratify those decisions once they have been made.

In addition to being the first balanced budget in several years, this budget pays for many of the structural changes and management reforms, including the District of Columbia Revitalization Act, signed into law on August 5, 1997.

For example, the Revitalization Act transferred the city's prison system, the courts, and a huge unfunded pension liability of \$5 billion to the Federal Government. In exchange, the Congress will no longer provide an annual Federal payment of \$660 million or a \$52 million annual payment on the pension liability. Instead, this bill provides a one-time Federal contribution of \$190 million as authorized by the Revitalization Act. Of that \$190 million, the bill directs that \$30 million be applied to pay down on the city's debt.

The Revitalization Act has been called a rescue plan for the District of Columbia. I feel strongly that any rescue plan must first rescue the city from terrible mismanagement, waste, and unresponsive and irresponsible local government.

I insisted that the rescue plan, and the majority leader with me insisted that the rescue plan include the Management Reform Act of 1997 to begin the process of cleaning house in each of the major city agencies.

The Management Reform Act authorized the control board to hire professional consultants to conduct a top-to-bottom review of nine major city agencies to map out a plan for improving the quality of services.

This District of Columbia appropriations bill provides \$8 million to pay for the consultants to go into the various city agencies.

The structural changes in the Revitalization Act provide the city with a one-time windfall of \$200 million. I am pleased that the mayor, the council, and the Control Board agreed that this windfall should not be used for a spending spree and that none of the funds should go toward increasing the operating costs of the city.

Of the \$200 million available, \$160 million will be applied to pay down the city's accumulated deficit. The remaining \$40 million will be used to make infrastructure repairs and the management changes and productivity improvements suggested by the management consultants. The infrastructure of the city is in dire need of much improvement.

The Management Reform Act also called for the immediate dismissal of the heads of nine major city agencies and called on the Mayor to either nominate new officials or renominate the current officials to head each of the agencies, with each nomination subject to the consent and approval of the Control Board. In other words, a final decision rests with the Control Board.

In order to preserve the checks and balances between the executive and the legislative branches and the District of Columbia, section 133 of this appropriations bill makes clear that the D.C. Council does have official responsibility for confirming the Mayor's nominations to head those agencies. But then again, I reiterate, the final decision rests with the Control Board.

Some Members expressed concern to me that funding for the homeless may be reduced by a consequence of this very tight budget. Section 146 of the bill directs the District government to maintain homeless services at the same level for fiscal year 1998 as the level for fiscal year 1997. I think this can be accomplished in a manner that is consistent with the spending restraints needed to maintain a balanced budget.

Perhaps no issue received more attention in recent weeks than the inability of the District's public schools to open on time. It was a local and a national embarrassment. As the new chairman of the D.C. subcommittee, I am going to make sure that such a delay does not happen again.

Section 147 of this bill directs the Control Board and General Becton, the CEO of the D.C. public schools, to report to the House and Senate appropriations and authorizing committees for the District of Columbia no later than April 1, 1998, of any and all necessary measures to ensure that the schools open on time in the fall of 1998.

Mr. President, I thank my colleagues on the subcommittee, Senator BOXER, the ranking member, and Senator HUTCHISON of Texas.

I also thank the chairman of the Committee on Appropriations, Senator STEVENS, and our distinguished ranking member, Senator BYRD, for their leadership and assistance on this bill.

In summary, as I said, this is a consensus bill and the first balanced budget the District has seen in some time. This one truly is balanced. This bill funds the tough medicine of management reforms as well as restructuring of courts and corrections enacted by the Congress and signed into law by the President. It is a good bill and it is a bipartisan bill.

With that, Mr. President, I yield to our ranking member, my good friend, Senator BOXER.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

I thank the chairman of the D.C. Appropriations Subcommittee, Senator

FAIRCLOTH. I thank him for the hard work he has put into this bill. I thank his staff, and I thank the staff on our side. I think it is very fair to say they worked beautifully together.

We do have basically a consensus bill here. There are a couple of provisions that I am sure Senator FAIRCLOTH isn't enamored with and I am sure there are a couple of provisions that this Senator isn't enamored with. I do believe in local control—that cities and counties should be able to make their own policies in terms of how they spend their own health funds, how they spend funds that they raise.

There are a couple of problems in this bill. But Senator FAIRCLOTH is correct, there are no new riders here. The problems that I have with this bill this year were in this bill last year. So I just hope that as we take up this last appropriations bill—this is the 13th one—that we will have a relatively easy time of it.

I hope that any amendments that are offered here will be noncontroversial amendments that both sides can agree to. Unfortunately, I am hearing that may not be the case, that this bill may become the vehicle for some very controversial amendments.

If that happens, so be it. Senator FAIRCLOTH and I will be on our feet, and we will manage that in the best way we can with the cooperation of colleagues. But I really do hope that Senators from both sides would refrain from those kinds of amendments, because this bill was a long time in coming. This kind of consensus over the District of Columbia was a long time in coming. We put so much work into it, particularly the chairman.

I see that Congresswoman ELEANOR HOLMES NORTON has joined us to sit in on this debate. There was a tremendous amount of work on her part in getting us to reach this consensus.

I have heard that it is possible we are going to have an amendment on vouchers. I want to make the point right here as the minority ranking member that I have discussed this amendment with my colleagues on this side. We are not going to look kindly upon any amendment that would look at helping 2 to 3 percent of the children in Washington, DC, while leaving 97 to 98 percent of those children without anything at all.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

Mrs. BOXER. I will yield in a moment so I do not lose this track. I will absolutely yield.

I say to my colleagues who may or may not be listening to the opening of the debate, should we be faced with that, we will have an alternative that will help 100 percent of the children—that will help 100 percent of the children. We are working on that because we are here talking about people's lives, not about philosophy of education, not about trying somebody's pet idea. We should not be doing that. We should be in fact reaching out to all the children.

Again, I say to my colleagues, I could offer a number of amendments here that would be controversial. I do not really want to do that. I know other colleagues could as well. I know that I feel as strongly as any colleague on certain of these matters. But this is an appropriations bill. This isn't an authorization bill. This isn't the education authorization bill where we can debate, from morning till night, what helps kids most—making sure that our public schools are the best in the world or taking a small segment of children and saying, Well, if you draw the lucky straw, you can run away from a public school, instead of making that public school the greatest it could be.

I have to say that I went to public schools from kindergarten through college. Some of the people who like me could say, Well, look what great things public schools can do, and some who do not, could say, You see, those public schools aren't very good. But the bottom line is, whatever you think of an individual who did get that chance, we do know that we have the education in this country that we can give to our children so they can be the future Senators, they can be the future leaders of the world.

When we lose that because we decide we are going to abandon our children because of some political theory, I think it is a sad state for us. So I am very much hoping that we do not get into that debate. But if we do, as you can see, we are prepared for it.

I will be glad to yield to my friend from Illinois.

Ms. MOSELEY-BRAUN. Thank you.

I actually was prepared to put a question to the Senator from California.

I want to commend the Senator for her stewardship and working with the Senator from North Carolina on this issue because getting this appropriations passed for the District of Columbia is not only important but long overdue. It is unfortunate that the District winds up being a guinea pig of sorts for every kind of experiment that we have.

I just commend the Senator from California for the poignancy of her statement and her plea that amendments not be brought to this bill that would delay its passage.

It is kind of open knowledge that the schools in the District of Columbia, many of them, have been closed because they were crumbling and falling down. The courts would not allow children to attend schools in that kind of condition. And they have just recently reopened.

In fact, we had working in my office two young high schoolers from the District of Columbia. Pursuant to a project that Congresswoman ELEANOR HOLMES NORTON put together for all the displaced children of the District, we took two of them into our office as interns while the schools were closed down.

The schools have now reopened and those children are back where they

ought to be, in a classroom, but it just seems to me to further displace all of those children because of a filibuster or an argument around an experiment with the District of Columbia schools would be cruel to say the least, and certainly an unfortunate development.

So I commend my colleague for her plea in the first instance that we not have this battle because there is so much at stake, but also to put the question to her whether or not it is her opinion that the District can afford to delay further to wait for this appropriation to be finalized?

Mrs. BOXER. I say to my friend, clearly, all the work that the chairman has done, along with Congresswoman NORTON, Senator HUTCHISON, myself, all of our staffs, this has been hard. As Senator FAIRCLOTH has said, we have a balanced budget submitted here. As a part of the agreement on the balanced budget plan of 1997, signed into law, the President forwarded to Congress a series of budget amendments to implement the Revitalization Act for Washington, DC.

So we are moving along. It has not been easy. I think every Member of the Senate—at least it is my feeling—would like to see us turn this Capital around. I think we have great pride in this Capital. We are very concerned about some of its problems. I think we are on the road to addressing them.

So my colleague, in asking her question, is implying that a delay would send the wrong signal to Washington, DC, residents, would send the wrong signal, frankly, to the whole country, that we are backing off, and here they go again, adding extraneous matters to a DC appropriations bill.

What I hear around is not very promising. I hear that these controversial amendments are coming. I make this plea to whoever might be listening to this opening debate on both sides: That we refrain from controversial amendments. This is the last bill we are getting together here. We should move it forward, keep it free of this controversy, move forward, do our business, do our work and get on with the Senate's business.

Mr. President, the fiscal year 1998 District of Columbia appropriations bill was reported by the Senate Appropriations Committee on September 9, 1997, by a vote of 26 to 1. I commend the chairman of the subcommittee, Mr. FAIRCLOTH, for his efforts to produce a bipartisan appropriations bill for the District of Columbia. While the bill contains a few provisions I do not support, in most respects, I think we succeeded in producing a consensus bill.

I will speak briefly about the three principal aspects of this bill: Federal funds in the bill; District of Columbia funds in the bill; and general provisions in the bill.

#### FEDERAL FUNDS

The bill includes \$820 million in budget authority in Federal funds for the District of Columbia. These funds are to be used to implement the provi-

sions of the National Capital Revitalization and Self-Government Improvement Act of 1997, which was incorporated into the Balanced Budget Act of 1997, and enacted into law on August 5, 1997.

Subsequently, on August 14, 1997, the President forwarded to Congress a series of budget amendments to implement the provisions of the Revitalization Act. The bill fully funds the President's revised budget and, in addition, provides \$8 million for management reforms, \$30 million for the full authorization of \$190 million for the Federal contribution and \$5 million for a reimbursement to the National Park Service for Park Police services.

#### DISTRICT OF COLUMBIA FUNDS

In response to the Revitalization Act, the District government, including the mayor and the city council, and the control board, submitted to Congress a consensus and balanced budget, incorporating the changes made by the Revitalization Act.

The revised District budget for fiscal year 1998 is \$4,693,637,000. The committee adopted the consensus balanced budget without change.

#### GENERAL PROVISIONS

Most of the general provisions included in the bill have been included in previous years and restate existing law.

With regard to section 134, which restricts the use of funds for abortions, the bill states that no funds—Federal or local—may be used for this purpose.

As I said during committee markup, I believe this provision to be an unwarranted intrusion in the affairs of the District of Columbia and I may offer an amendment at the appropriate time to allow the District of Columbia to use its own funds to pay for abortions for poor women.

Another general provision prohibits funds being used by the District to implement its domestic partners law. Again, I believe this is an unwarranted and inappropriate intrusion by the Federal Government into matters under local control.

One general provision was included in the bill at my request. It would provide that the D.C. initiative homeless services in the District of Columbia be maintained in fiscal year 1998 at the fiscal year 1997 level.

My amendment prevents a reduction in services to the homeless which had been recommended in the consensus budget from the District.

Again, I commend the chairman of the subcommittee, Senator FAIRCLOTH, for his efforts to produce a bipartisan bill. I would also like to express my thanks to the Appropriations Committee staff—Terry Sauvain of the Democratic staff and Mary Beth Nethercutt of the majority—for their assistance in helping us bring this bill to the floor today.

Finally, Mr. President, with respect to amendments that may be offered to this bill, I hope my colleagues will refrain from proposing amendments that

are not germane to this measure. The new fiscal year begins in only a few days, and the District of Columbia desperately needs to have its new budget in place. So I hope we can quickly pass a bill with broad bipartisan support and send it to the President for signature.

Mr. DOMENICI. Mr. President, the pending measure is S. 1156, the fiscal year 1998 District of Columbia appropriations bill.

This appropriations bill provides Federal payments to the District of Columbia totaling \$820.0 million. The bill provides \$190 million for the Federal contribution to the District of Columbia, \$169 million to operate the District's correctional facilities for felons, \$302 million to build new correctional facilities to replace the Lorton facility, \$146 million to operate the District Court System, \$8 million to implement management reform initiatives, and \$5 million to the National Park Service to support U.S. Park Police operations in the District.

This appropriation is in addition to the resources allocated to the District by the Balanced Budget Act and the Taxpayer Relief Act of 1997. Combined, the two laws provide tax breaks and mandatory spending worth \$4.5 billion over 10 years. Because the cost of taking over the District's \$5.8-billion pension liability is largely delayed until after this period, the total bailout is worth substantially more to the District.

This appropriation bill is at the subcommittee's revised 302(b) allocation for both budget authority and outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

D.C. APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 1998, in millions of dollars)

	De- fense	Non- defense	Crime	Manda- tory	Total
Senate-reported bill:					
Budget authority .....		820			820
Outlays .....		500			500
Senate 302(b) allocation:					
Budget authority .....		820			820
Outlays .....		500			500
President's request:					
Budget authority .....		777			777
Outlays .....		479			479
House-passed bill:					
Budget authority .....					
Outlays .....					
Senate-Reported bill compared to:					
Senate 302(b) allocation:					
Budget authority .....					
Outlays .....					
President's request:					
Budget authority .....		43			43
Outlays .....		21			21
House-passed bill:					
Budget authority .....		820			820
Outlays .....		500			500

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

AMENDMENT NO. 1248

(Purpose: Technical amendments on the part of the managers of the bill)

Mr. FAIRCLOTH. Mr. President, I send an amendment to the desk, which

is a series of technical amendments, on behalf of myself and Senator BOXER, and I ask they be considered en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH], for himself and Mrs. BOXER, proposes an amendment numbered 1248.

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

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

The amendment is as follows:

On page 2, strike all after the word "Authority" on line 11, to the end of line 12.

On page 2, line 22, before the colon, insert: "which shall be deposited into an escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority, which shall allocate the funds to the Mayor at such intervals and in accordance with such terms and conditions as it considers appropriate to implement the financial plan for the year".

On page 4, line 4, strike "\$116,000,000" and insert in lieu thereof "\$103,000,000".

On page 4, line 15, strike "\$30,000,000" and insert in lieu thereof "\$43,000,000".

On page 29, strike all after "the" on line 16, to the end of line 25, and insert: "District of Columbia Financial Responsibility and Management Assistance Authority (Authority). Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans."

On page 33, strike all after "Financial" on line 19, and insert: "Responsibility and Management".

On page 41, strike all after "(B)" on line 24, through "\$129,946,000" on line 25, and insert: "\$4,811,906,000 (of which \$118,269,000)".

On page 42, line 16, after "Assistance," insert: "Authority".

On page 17, after the period on line 25, insert:

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), \$3,332,000 from other funds.

Mrs. BOXER. Mr. President, this amendment has been cleared, and I ask for its immediate adoption.

Mr. FAIRCLOTH. This has been cleared. We urge adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1248) was agreed to.

Mr. FAIRCLOTH. Mr. President, we were expecting some other people to offer amendments and I assume they are coming down.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent at 5:45 p.m. tonight the Senate proceed to the legislative branch appropriation conference report and at that time a vote occur on adoption of the conference report.

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

Mr. FAIRCLOTH. I ask that it be in order now to ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1249

(Purpose: To provide scholarship assistance for District of Columbia elementary and secondary school students)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ASHCROFT, Mr. COVERDELL and Mr. GREGG, proposes an amendment numbered 1249.

Mr. COATS. Mr. President, I ask unanimous consent 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. COATS. Mr. President, I know the Senator from Oregon is waiting to bring forward an amendment and I will not take but just a few minutes. We have sent the amendment to the desk as the pending business. It will be debated tomorrow. Senator LIEBERMAN and I are joining as cosponsors in offering this amendment. I have a number of Senators, I think on both sides of the aisle, that wish to speak to it. There will be ample time for them to speak tomorrow on the amendments. They do not need to be concerned about rushing over here now. We did, however, want to have the amendment introduced so it is the pending business when we begin tomorrow.

In brief summary, the amendment provides opportunity scholarships for children in the District of Columbia in grades K through 12 whose family income is 185 percent or below the poverty level. The scholarships can be used for tuition costs of public or private scholarships in the District of Columbia, and adjacent counties in Virginia and Maryland. Scholarships are available for tutoring of students who attend public schools in the District.

The legislation creates a District of Columbia Scholarship Commission, a seven-member private, nonprofit corporation, to administer the scholarship program and certify institutions that will be eligible to participate in the scholarship program. One board member will be appointed by the mayor of

Washington, DC, and the remaining six are to be appointed by the President, three from the list of nominees provided by the Speaker of the House of Representatives and three by a list of nominees provided by the majority leader of the Senate, both in consultation with the minority. Members must be residents of the District of Columbia and may not be Federal Government employees.

Students whose family incomes are below the poverty line may receive a scholarship of up to \$3,200. Students whose family incomes are above the poverty line but below 185 percent of that level may receive the lesser of 75 percent of the cost of tuition, and mandatory fees for and transportation to attend an eligible institution, or \$2,400. Students receiving tutoring assistance are eligible for up to \$500. Both of these figures are indexed for inflation.

If there are not sufficient funds available for all of the eligible applicants, scholarships are to be awarded on a random basis by a lottery selection. The lottery is required to the extent practical to award an equal number of tuition scholarships and scholarships for fees. In other words, there will be no skimming of the green, there will be no biasing of the selection. If there are more scholarships than students, then, of course, every student would receive a scholarship that requested one. It is on a voluntary basis. If there are more students than scholarships, they will be awarded on a random basis. The amendment authorizes \$7 million for spending in fiscal 1998 out of the Federal contribution earmarked to repay the cumulative Federal fund deficit for the District of Columbia. This total is \$30 million. This \$7 million earmark would leave \$23 million remaining for that specific purpose of deficit fund reduction.

I point out that that is above the amount recommended by the administration. The administration requested a total Federal contribution for the District of Columbia of \$160 million, and the bill before us, the D.C. Appropriations bill, contains \$190 million.

In summary, then, we are not taking a dollar or a penny away from the D.C. public schools. We are not taking any money away from the current operating requirements of the District of Columbia that we are funding. In fact, we are adding \$30 million for the purpose of reducing the general fund deficit. Of that additional \$30 million, we are earmarking \$7 million for these opportunity scholarships.

In the interest of time, I will not continue here. I will have much more to say about this tomorrow. I am looking forward to offering this amendment, together with my counterpart, Senator LIEBERMAN. This is a bipartisan effort. We are hopeful that we can begin the process of providing alternatives to students and their parents, who do not feel they are getting an adequate education. Our goal is not to undermine the school system of the District of Co-

lumbia; it is to improve it. Our goal is to move from the status quo, which is failing many, many students. We think this is an opportunity to do that. We look forward to debating this issue.

I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. FAIRCLOTH. Mr. President, if the Senator from Oregon will yield, I would like to ask for a time agreement of 30 minutes for the discussion of the amendment Senator WYDEN has. Is that agreeable?

The PRESIDING OFFICER. The Senator from North Carolina is proposing a 30-minute time agreement.

Mr. WYDEN. Mr. President, I need 30 minutes on my side.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that we have 30 minutes on each side.

The PRESIDING OFFICER. Is there objection to a 1-hour time limit equally divided?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask that the pending amendment be temporarily set aside.

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

#### AMENDMENT NO. 1250

(Purpose: To eliminate secret Senate "holds")

Mr. WYDEN. 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 Oregon [Mr. WYDEN], for himself and Mr. GRASSLEY, proposes an amendment numbered 1250.

The amendment is as follows:

At the appropriate place, insert:

#### SEC. . ELIMINATING SECRET SENATE "HOLDS."

(a) STANDING ORDER.—It is a standing order of the Senate that a Senator who provides notice to leadership of his or her intention to object to proceeding to a motion or matter shall disclose the objection (hold) in the Congressional Record not later than 2 session days after the date of said notice.

Mr. WYDEN. Mr. President, I offer this amendment today on behalf of myself and Senator GRASSLEY of Iowa. Mr. President, one of the most significant personal powers of a U.S. Senator is the power to effectively block the consideration of a bill or nomination from coming to the floor of the U.S. Senate. This power has become known as putting a "hold" on a measure or bill that a Senator opposes. It is a power that a U.S. Senator can exercise in secret. The name of the Senator placing a hold on Senate business is now held confidentially by party leadership.

This extraordinary power was once used rarely by Senators, usually as a matter of common courtesy. In the last 20 years, however, the hold has become a special tool for influence and leverage. It is especially valuable at this time—at a time when we are moving toward the end of the session—because it allows a Senator, secretly, to exer-

cise an enormous amount of clout over a matter when time is short.

Mr. President, the record is replete with statements of Members of this body who have indicated that there have been abuses of the hold, and that this is a procedure that has completely gotten out of hand. Let me read from the words of Senator JOHN GLENN during the final hours of the 101st Congress. Senator GLENN said:

I find it deplorable that, suddenly, anonymously, a Senator or a combination of Senators on the Republican side can stand against the strong desire of the President and the Office of Management and Budget for this legislation.

Lest anyone think that this be a partisan matter, Senator THURMOND said:

I think abuse does arise out of that.

Senator HATCH said:

We get victimized by holds, especially at the end of a session.

Senator LEAHY of Vermont, another senior Member said:

There should not be any holds at all.

He said we just should not have any holds.

Well, I am not proposing anything like that. But I do think that every Member of the U.S. Senate ought to be held publicly accountable. I think when one Member of the U.S. Senate moves to effectively block the consideration of a bill or a nomination, they ought to make it clear to their constituents that they are the individual blocking this matter.

Mr. President, as I have worked on this issue with Senator GRASSLEY, on a bipartisan basis, for a year and a half, I have found that very few Senators are aware of how extensive some of these abuses are until it happens to them. For example, I learned last year that, often, a member of the staff places a hold on a measure and the Senator whose name in which the hold is placed isn't even aware of it. So what you have are secret holds, not just by someone with an election certificate, but by someone who doesn't have an election certificate at all—a member of the staff.

So I believe that it is time to ensure that the rights of Senators and the rights under the Senate rules afford substantial opportunities for Senators to make sure that they are heard and, to represent their folks, are accompanied by responsibilities. I want to make it clear to each and every Senator that I, in no way, would limit the right to filibuster. I would, in no way, limit the right to ensure that they can speak at length on a motion to proceed. And, in fact, I am not even going so far as to put any limits on the right to place a hold on a measure or a matter, other than that a U.S. Senator be public about what they are doing.

As I have talked about it with my constituents, they raise serious questions about whether one Member of the U.S. Senate should be able to effectively block consideration of Senate business at all. So I think that the

American people will consider this a very modest reform. I see no evidence that citizens want this kind of information held confidential, held secret. So I want to make clear to my colleagues that what I am against is the secrecy. It is the secrecy that is wrong, not the question of whether a Senator wants to exercise their rights.

Let me also say that I think it is particularly appropriate for the Senate to move now. I have discussed this, over the last 15 months, on a number of occasions with the majority leader, Senator LOTT. Senator LOTT, to his credit, has taken several steps to improve the procedures of the Senate and in dealing with the holds that I think are very constructive. But what has not been done is there has been no change in the Senate rules to deal with the issue that I bring up today. A hold can still be kept secret. A hold can still be kept confidential with the party leadership.

So, in my view, Senator LOTT's proposal and the proposal that he made on January 27 of this year is a constructive one. It puts in place a number of sensible changes, such as disallowing what are known as "block holds," where a Senator would put a hold on a block of bills. But it still keeps this procedure and the use of one of the most extensive personal powers a U.S. Senator has secret. So I hope that as the Senate considers this legislation—and it is only one sentence long, it is not a complicated amendment; it is only one sentence long. I hope that the Senators will see this for what it is, which is to bring sunlight to the debate over the Senate's rules.

I will be speaking for a few additional minutes, Mr. President, but I understand that the chairman of the subcommittee has asked to make a change in the time for the vote that he had arranged earlier. I am happy to yield to him at this time.

The PRESIDING OFFICER. The Senator from North Carolina.

UNANIMOUS CONSENT AGREEMENT—LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. FAIRCLOTH. Mr. President, speaking for the leader, I ask unanimous consent that the vote on the legislative branch appropriations conference report now occur at 6 o'clock today, rather than 5:45.

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

The Senator from Oregon.

AMENDMENT NO. 1250

Mr. WYDEN. Mr. President, this effort that Senator GRASSLEY and I have pursued for many months has been endorsed by a number of groups that are seeking to try to make the U.S. Senate more open in the way it conducts its business. Common Cause, for example, is an organization that has sought to have public disclosure of this particular procedure.

What we are talking about here is if a Member of the U.S. Senate is going to exercise this extraordinary, unilateral power, there should be sunshine;

sunshine, we all know, is the very best disinfectant. It is an opportunity for all Members of the U.S. Senate to have a chance to be part of the debate because at least they will know who they are debating with. What is the most ironic part of the use of the hold is that the Senate, in which every Member takes pride, an institution to foster debate about important issues, doesn't in many instances allow for a Member of the U.S. Senate to even know who they are debating with because one Member of the Senate has anonymously blocked the issue. So let me be clear with respect to what this legislation does. This applies to a Senator who is digging in and making it clear that they object to a measure or a nomination.

This is not an individual who perhaps needs to know when an amendment is coming up, or perhaps have an opportunity to come over to the Senate floor to speak on a measure or matter. That is not what is being discussed here. What is being discussed here is making sure that when there is a full court press to oppose a bill or a nomination that that kind of opposition be brought to light.

We had some recent experience with how influential polls can be. For example, we saw that in the last Congress, to quote USA Today on the matter, "A skulk of faceless Senators is using a series of parliamentary holds to dry gulch legislation extending health insurance to millions of Americans."

That wasn't 20 years ago. That wasn't 30 years ago. That was an anonymous hold that was used to influence an important piece of health care legislation in the last session of the U.S. Congress. The fact is, Mr. President, that this procedure, which was once a matter of common courtesy, is now so widely used that it has become one of the most frequent ways to prevent any public disclosure of Senate business.

I hope that as we look to these last few days of this session—I bring this to the floor now because I believe that the abuse of the hold is most likely during these last few days of the session—that we take this opportunity to make the U.S. Senate more open and more accountable.

Right now, if a Senator seeks to personally block a measure or matter, there is no cost to them. They face no disapproval because no one would know who they were disapproving of. The fact is that this is a process and a power, an enormous power, held by the U.S. Senate that is exercised in the dark. It seems to me that it carries the odor of back room deals, abuse of privilege, and a body that cares more about individual personal desires than those of the American people.

This isn't cutting off the right of any Member of the U.S. Senate. Every Senator can still filibuster. Every Senator can still exercise their rights with respect to a motion to proceed. It simply says that it has to be done publicly.

Let me also say that it has been the experience of Senator GRASSLEY and

myself that you can do this, and, as Senator GRASSLEY has told me, it doesn't hurt. For example, just a week ago Senator SMITH and I felt strongly, on a bipartisan basis, about issues with respect to a C-130 crash that carried Oregonians who were reservists. At that time, because we were seeking answers from the military and given the fact that the appointment of the new head of the Joint Chiefs of Staff was forthcoming, I put a hold on that nomination for a brief period of time. I made it clear on the floor and in other forums that I was the Member of the Senate who did it. I published it in the CONGRESSIONAL RECORD, just as my amendment calls for.

So, during that period, there was, over a short few days, an effort to have a public discussion about this matter. There were also bipartisan discussions with Senator THURMOND and Senator MCCAIN, and others were extremely helpful in the efforts that Senator SMITH and I made on this matter. And early the next week the hold that I had, which was public, I lifted. The needs of my constituents were addressed, and the American people saw a good man—a good man—General Shelton, confirmed to head the Joint Chiefs of Staff.

So, Mr. President, what we have done, Senator GRASSLEY and I, is we have practiced what we preach. We don't believe that it abridges our rights in any way. All we are saying is that there is no reasonable place for protracted ongoing anonymous delay. That is what we think is wrong. There is no place, as the New York Times recently said, for "the hold as currently practiced."

So I am not suggesting today, Mr. President and colleagues, that the hold be abolished. I am not suggesting that the filibuster be changed in any way. I am not suggesting that on the motion to proceed there be any change. All I am saying is when a hold is put on a matter so that a Senator digs in to personally effectively block the consideration of a measure or a matter, that within 2 days of that time they notify party leadership that they are the individual seeking to prevent consideration of that measure or matter on the floor of the U.S. Senate, and that they just put a little notice in the CONGRESSIONAL RECORD. No big procedure, no hassle, just a notice, just a notice identifying that Senator as the Senator who has put a hold on a measure or matter.

Mr. President, my guess is that if my amendment passes, there may be a variety of ways that Senators may still seek to vitiate the spirit of what Senator GRASSLEY and I are seeking to do. But I do think that passage of this amendment will put the U.S. Senate on record. We will be on record for sunshine. We will be on record as being opposed to secrecy, and especially we will be taking steps so that at this time of the session as the session moves into the last few weeks when history shows

that you are most likely to have abuses of the hold, we will have shown that we are willing to make changes that hold the U.S. Senate and each Member here publicly accountable for their actions.

Mr. President, none of us got here easily. Like many other Senators, my campaign and my election was something of a trial by fire. No Member of this body lacks fortitude. I think we can stand some extra added light. I think we can stand some extra added sunshine. I think that we can take the secrecy out of the hold procedure and still make sure that each and every Senator is able to exercise their rights and protect their constituents.

I believe that the passage of this amendment, at a time when millions of Americans are especially cynical and skeptical about Government, will cause citizens to say that the Senate is doing the right thing, and we will see constituents have a bit more respect for this body as a result of Senators being willing to be held publicly accountable. This amendment is not about getting rid of the hold. It is not about doing anything to a hold other than saying that a Senator has to be publicly accountable when that one Senator effectively moves to block the consideration of a bill or a nomination.

Mr. President, I have not been here as long as some, but I read the statements of Senators who have been here for quite some time—Senator GLENN, who called it deplorable; Senator THURMOND, who said that there has been an abuse; Senator HATCH, who said that every Senator has been victimized by it; and, Senator LEAHY, who went far far farther than anything I would be talking about. He said there shouldn't be any holds at all.

In fact, in my conversations with Senators, I have been told that some Senators find this procedure so abhorrent that they will not exercise it at all, and they are especially frustrated by their colleagues who do.

So, in closing, Mr. President, let me go back to just how great the abuse is.

It is one thing if Chairman FAIRCLOTH or Senator BOXER or another Member of U.S. Senate puts a hold on a matter. All of the Senators are directly responsible to their constituents. What I found is a lot of Senators didn't even know that a hold had been placed on a bill in their name.

One senior Member of the U.S. Senate came to me last session, and said, "I am for your bill. I think it is a good idea. We need some public disclosure of these holds. And the reason I am for it is a few minutes ago a Senator came up to me and said, 'Why do you have a hold on my bill?' And the person who was sympathetic to what I have been trying to do said, 'I don't have a hold on your bill.'" It turned out that a staff person had done it in their name.

So what we have is a situation where not just are holds by Senators kept anonymous and kept confidential, but now we have staff that doesn't have an

election certificate putting holds on these matters as well.

The hold started out many years ago. I gather from historians that it is well over 100 years old. It started out as a matter of common courtesy. It was something that Senators did to accommodate each other to make sure that an individual could be present to speak on an amendment, to ensure that they would have an opportunity to be heard if they had some sort of glitch in their time schedule. That is not what this amendment addresses. That is not what this amendment addresses at all.

This amendment is about ensuring that when a U.S. Senator uses all of their power, every bit of their power, to block a measure or a nomination, and they exercise those extraordinary rights that each of us has, that it be accompanied by a responsibility to the American people. That responsibility to the American people is to tell them, tell your constituents, when you exercise this extraordinary power that you are the one who did it. You are the one who blocked a bill or a nomination.

Let's bring some sunshine here. I will tell leadership—let me say that Senator DASCHLE and Senator LOTT have talked with me about this. Both of them have been very gracious. Senator DASCHLE indicated that he is in support of this. I believe that what I am proposing in this amendment complements the useful changes that Senator LOTT, the majority leader, made this January.

The majority leader, Senator LOTT, implemented a number of changes that I think are constructive, but they still allow for the secrecy. They still allow for one Senator to effectively block consideration of a measure or matter.

I gather that the vote on this amendment will be tomorrow.

Mr. President, I ask unanimous consent at this time to be able, prior to the vote tomorrow, to speak on this amendment again for up to 10 minutes, to be able to ensure that Senators prior to the vote—

The PRESIDING OFFICER. Is there objection?

Mr. FAIRCLOTH. There is objection. The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, reclaiming the floor, will the Senator from North Carolina be open to a question at this time?

Mr. FAIRCLOTH. Yes.

Mr. WYDEN. I am proposing that an amendment be accepted by the Senate that would modestly change one of a Senator's most extensive powers, the power to secretly block a measure or matter from coming to the Senate floor. Does the Senator believe that it is not appropriate to have 10 minutes of discussion of it tomorrow before it comes up?

Mr. FAIRCLOTH. It might be all right to have 10 minutes, but we will have to decide it tomorrow. I am not ready now to agree to it.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, I ask unanimous consent that I may speak in morning business for up to 10 minutes.

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

Mr. JOHNSON. I will not use the full 10 minutes.

#### HONORING THE LIVES OF AIRMEN ANTHONY BEAT, CLAY CULVER, KIRK CAKERICE, AND GARY EVERETT

Mr. JOHNSON. Mr. President, a B-1 bomber from Ellsworth Air Force Base near Rapid City, SD, crashed last Friday killing all four of the flight crew members. All four men who lost their lives were highly decorated American airmen receiving such awards as the Meritorious Service Medal, the Air Force Commendation Medal, the Humanitarian Service Medal, the Combat Readiness Medal, and the National Defense Service Medal.

The four men were Col. Anthony Beat of the 28th Bomb Wing, vice commander. He was from Attica, OH, and is survived by his wife, Delores Ann, and sons, James and Alan. Maj. Clay Culver was the 37th Bomb Squadron assistant operations officer and weapons systems officer. He was from Sulfur, LA, and is survived by his wife, Cynthia, his daughter, Ann, and son, Parker, all of Rapid City. Maj. Kirk Cakerice, the 37th Bomb Squadron assistant operations officer and instructor pilot, was from Eldora, IA, and is survived by his wife, Myra, son, Brett, and daughter, Kendra, all of Rapid City. Capt. Gary Everett was the 37th Bomb Systems weapons systems officer from Brooklyn, NY, and is survived by his parents, Joseph and Dorthy Everett, of Glasgow, KY, and several brothers and sisters and fiance.

On Monday, over 1,500 friends, peers, colleagues, and family mourned the loss of these four brave men in a memorial service at Ellsworth Air Force Base. At this time of tragedy, thoughts and prayers and the attention of people of the Black Hills region and the State of South Dakota and our Nation are with the families and friends of these four crewmen.

This tragic incident underscores how quickly lives of even our bravest and most skilled military personnel can be lost. It is important that the legacy of these four men live on as dedicated airmen, proud parents, loving husbands, grateful sons, and honorable men. Our loss reflects the fact that in peacetime, as well as during conflict, the men and women of our military, our friends, our spouses, our children, put their lives on the line each and every day to preserve and protect our liberty as Americans.

Colonel Beat, Major Cakerice, Major Culver, and Captain Everett were decorated veterans and honorable men who approached their military service with extraordinary dedication, commitment, pride, and professionalism.