



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 143

WASHINGTON, THURSDAY, JUNE 12, 1997

No. 82

## Senate

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by a guest Chaplain, the Reverend Dennis E. Ellisen, pastor of the Evangelical Lutheran Church in Appleton, WI. He is a guest of one of our able Senators, Mr. KOHL.

We are pleased to have you with us.

### PRAYER

The guest Chaplain, Rev. Dennis E. Ellisen, offered the following prayer.

Let us pray.

Almighty God, our Father, we ask Your blessing upon all of us gathered today in the Senate Chamber. May Your spirit and presence rest upon those who bear a special responsibility in our society toward their brothers and sisters. Grant to them, O God our Father, wisdom to discern clearly those paths that will preserve and strengthen the bonds of humanness and the dignity of persons. Grant to them integrity that the principles upon which our society has been mounted may be nurtured. So we pray for Your guidance. In our deliberations we pray that Your spirit will guide us in what we say and do. We do not ask You to do our will but we pray that You will help us to do Your will so that the efforts of the day may be worthy of your blessing. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. BURNS. I thank the Chair.

I yield to the Senator from Wisconsin [Mr. KOHL].

Mr. KOHL. I thank the Senator.

### REV. DENNIS E. ELLISEN

Mr. KOHL. Mr. President, I rise today to congratulate the Reverend

Dennis E. Ellisen for his wonderful invocation this morning. Reverend Ellisen is the Pastor of Our Savior's Lutheran Church in Appleton, WI. Reverend Ellisen has led the congregation there, which has now swelled to more than 1,600 people, for the past 21 years.

The people of Appleton have been fortunate to have such a compassionate and a strong spiritual leader. During his time there, Reverend Ellisen has made a profound impact on his community and upon his congregation. As a member of the Goodwill Board of Directors, he helps direct efforts to help the neediest in our State.

Perhaps his most significant impact has been in starting the first hospice program in the area. As president of the Visiting Nurses Association, Reverend Ellisen created the first hospice program for Appleton. This courageous and humanitarian effort brings care and companionship to the terminally ill. Without Reverend Ellisen's guidance and leadership, that corner of my State would be less special and a lot of people's lives in Appleton would be less bright.

I thank the Reverend Ellisen for his prayers and words of encouragement today and congratulate him on his years of achievement for the people of Wisconsin.

I thank the Chair.

The PRESIDENT pro tempore. The able Senator from Montana.

### ORDERS FOR TODAY

Mr. BURNS. Mr. President, I ask unanimous consent that the routine requests through the morning hour be granted and the Senate be in a period of morning business from the hour of 11 a.m. to 12:30 p.m. with Senators permitted to speak up to 5 minutes with the following exceptions: Senator DOMENICI for 25 minutes, Senator BYRD for 30 minutes, Senator FAIRCLOTH for 5 minutes, Senator TORRICELLI for 20 minutes, and Senator HUTCHINSON for 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. BURNS. For the information of all Members, today, from 11 a.m. to 12:30 p.m., the Senate will be in a period of morning business, and it is the leader's hope that following morning business the Senate may be able to proceed to consideration of S. 672, the supplemental appropriations bill. In addition, the Senate may also take up S. 419, the Birth Defects Prevention Act and any executive or legislative business cleared for action during today's session of the Senate. Therefore, Senators can anticipate rollcall votes throughout today's session.

The PRESIDENT pro tempore. The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD, Mr. CRAIG, Mr. HAGEL, and Mr. FORD pertaining to the submission of Senate Resolution 98 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from New Mexico.

Mr. DOMENICI. How much time do I have reserved, Mr. President?

The PRESIDING OFFICER. The Senator has 20 minutes.

Mr. DOMENICI. I am not sure, unless other Senators come to the floor, that I will use all the time.

Let me say to Senator BYRD, I thank him for the 5 minutes he had remaining. He kept it but permitted me to proceed. I didn't even have to ask him. He knew I had to get something done, and I appreciate it very much.

Mr. BYRD. I thank the Senator.

(The remarks of Mr. DOMENICI, Mr. BOND, Mr. KERRY, and Mr. SPECTER pertaining to the introduction of S. 888 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND addressed the Chair.

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



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S5551

The PRESIDING OFFICER. The Senator from Missouri.

The PRESIDING OFFICER (Mr. KYL). The Senator from New Jersey.

#### DEDUCTIBILITY OF HEALTH CARE PREMIUMS

Mr. BOND. Mr. President, I would like to take just a few minutes of the Senate's time to discuss an issue of great importance to the self-employed throughout the country, that of making health insurance more affordable.

Nearly 1.4 million children who live in families headed by a mother or father who is self-employed do not have health insurance. If you work for yourself, typically health insurance is very expensive for both you and your family.

Congress has an opportunity to make it more affordable for families who work for themselves by treating them fairly under the Tax Code.

Currently, large corporations can deduct 100 percent of their share of the employee's health care costs, while the self-employed farmer, child care provider, or truck driver can only deduct 40 percent. That is totally unfair.

It is time that Congress changed the law to allow the self-employed to deduct the full cost of health care premiums. Last year, we worked with Senator Kassebaum to move the deductibility up gradually to 80 percent of the premiums by the year 2006.

That is a great start. Most families cannot afford to wait until the year 2006 to get sick. We want that health care deductibility. That is part of the Home Based Business Fairness Act that is also very important in small business.

On Tuesday, Senator DURBIN and I sent a letter to the Senate Finance Committee that was signed by 53 Senators, a majority of the Senate, urging them to set aside the money to provide 100-percent health care deductibility. And we truly hope that they will.

We are confident that with this broad support we can make health insurance more affordable for the families who depend upon the earnings of a self-employed father or mother.

I thank the Chair.

#### EXTENSION OF MORNING BUSINESS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the period of morning business be extended until the hour of 2 p.m. today, with Senators limited to 5 minutes each, with the following exceptions: Senator GRAHAM, 30 minutes; Senator DORGAN, 15 minutes; Senator LOTT or designee, 45 minutes.

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

Mr. HUTCHINSON. Mr. President, I thank the Chair.

(The remarks of Mr. HUTCHINSON pertaining to the submission of Senate Concurrent Resolution 32 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. TORRICELLI addressed the Chair.

#### TIME TO FACE THE TRUTH ABOUT CHINA

Mr. TORRICELLI. Mr. President, almost 60 years ago, President Roosevelt, in his State of the Union Address, challenged the American people to not simply be content with our own freedom or our own economic progress but to fight for what he called, a world founded upon four essential human freedoms. He described them as the freedom of speech and expression, the freedom of every person to worship God as he sees him in his own heart, freedom from want, and freedom from fear of attack and aggression anywhere in the world.

There was a sense of immediacy to President Roosevelt's remarks. He reminds us that these were not simply distant hopes for another time, but in his words, "It is a definite basis for a kind of world attainable in our own time and generation."

The world we live in, Mr. President, is largely the fulfillment of his vision on that day. After two world wars and a long-enduring cold war, we live in a time where democratic values have become common, markets are open, the rule of law governs the many nations of the globe. From South Africa to the former Soviet Union, across Latin America, freedom—free markets and free expression—have become the common coin of the realm in our time.

But because these values are succeeding does not mean that they have met any final triumph. We have been reminded that in the fight for human freedom, there is no final victory. That is why, Mr. President, I take the floor today to remind our country and my colleagues that it is time to face the terrible truth about China. I raise this question not because China is not important but because it is central to the issue of prosperity and security in the 21st century. There will be no separate future. The free peoples of the world and those who live in China, because of its massive size, rising military power, enormous economic growth and even greater potential, the question about our own freedom and prosperity and most certainly the security of the United States and the allies and other free peoples of the world are inexplicably, inevitably tied to the fate of the Chinese people.

We have learned in the 20th century the painful lesson that nations that may obtain great economic power inevitably translate that economic power into military means, and that military power invites its own use. We have also tragically learned that those nations that rule without the consent of their own people are inherently unstable and inevitably aggressive.

These are truths we do not want to have to recognize. They are facts that I wish could be otherwise, but there is nothing in the history of our time that would lead us to any other conclusion

and nothing that can lead us to believe that China in any way will be any different.

Indeed, Mr. President, the record of the Beijing Government, for those who would promote most-favored-nation status and those who do not, for those who seek constructive engagement and those who argue against it, the record is not only remarkably clear but largely indisputable.

In recent years, the Peoples Republic of China has shown little to no regard for commitments that have been made under the Nuclear Non-Proliferation Treaty, the Missile Control Technology Regime, or the Chemical Weapons Convention. China has had a largely open policy regardless of international commitments or responsible policies of nonsignatories by selling technology of a nuclear and missile basis to Pakistan, Iran, and other governments.

In a 1992 memorandum of understanding, China vowed to prohibit the export of any product manufactured by prison labor, but it has almost certainly systematically and knowingly ignored this pledge. Indeed, the activist Harry Wu has documented labor camps where millions of Chinese prisoners, against their own will, manufactured goods for export to the United States and other countries.

In March 1996, the Beijing Government responded to the first ever free election held by a Chinese people on the island nation of Taiwan by firing missiles off the coast of Taiwan, seeking to intimidate its people and its government.

Similarly, the human rights situation within China has continued to deteriorate since the horrible results of its policies in Tiananmen Square. These 8 years later, there not only is no progress on free speech or expression, there is no free speech or expression. Even today, 300 demonstrators who survived Tiananmen Square with their lives remain in jail. Indeed, Mr. President, not a single demonstrator or organizer or individual who spoke in sympathy of the events of Tiananmen Square and was jailed in the days that followed has been released.

There is no freedom of religion. The Dalai Lama remains in exile, a prominent Catholic bishop was recently brutalized, and China has persecuted more Christians than any other nation on Earth for the single crime of worshipping their God.

There is no freedom from want. The benefits of liberalized trade and high import tariffs flow to a small, corrupt, ruling elite while 300 million Chinese live on a single dollar a day.

Finally, its neighbors live in increasing fear of attack. A China that cannot provide for its own people finds the means to build increasing military capability with new technology that it both exports at will and builds to potentially intimidate its neighbors, including the free government of Taiwan.

Mr. President, the facts that I mention today are remarkably not in dispute. Those who even now decide their

own position on free and liberalized trade with China and those who argue for or against constructive engagement will, in a matter of weeks, come to this floor to dispute not the facts, only the policy conclusion, because there are those who argue in good faith and will do so in this Chamber that regardless of these conclusions and all the evidence at hand, that if we will only put these facts aside and continue with a policy of liberalized trade, almost certainly as the day follows the night, the Chinese leadership will recognize the error of their ways, share their new prosperity with their people, allow free expression within their institutions and among the Chinese people, and in due course a new government more respectful of international commitments and of human rights will almost certainly evolve.

Mr. President, the simple truth is 8 years have passed since Tiananmen Square. Free expression is not better; it is worse. Respect for the many faiths has not been enhanced; it has deteriorated. Commitment to arms control and a more responsible policy of restricting dangerous technologies for nuclear weapons and missile technologies has not been enhanced; it is also worse.

Mr. President, we do the cause of freedom and the security of our country no benefit by postponing reaching the horrible truth. The 21st century, Mr. President, will be guided by whether or not there is progress in China in respecting her own people and being a responsible member of the international community. This relationship, more than any other in the world, will answer the critical question of whether the 21st century will be more peaceful, more respectful of humankind, and respect human life more than any other single relationship the United States will have with any other nation in the world. The facts would argue that this policy of constructive engagement is not leading us to that different future.

Last year, the United States had a \$40 billion trade deficit with China. This year, it will pass \$50 billion. Patience and understanding is not leading China to recognize their obligations as a trading partner. From piracy of copyrighted CD's, to laser discs, to pharmaceutical products, the United States is losing billions of dollars' worth of intellectual property of our own people. In trying to continue to riddle our barriers with exports, with high tariffs, quotas, licensing agreements and discriminatory practices, patience is not leading China to become a responsible trading partner any more than it is leading to respect of rights, or religion, or arms control.

Mr. President, last week in Detroit, the House minority leader, Mr. GEPHARDT, asked that we ground our policy toward China on principle and that it be consistent with other aspects of American foreign policy in our own history. He asked us to remember the words of William Allen White, who

said, "Whoever is fighting for liberty is defending America."

The questions that we face with regard to policy on China may be larger because of the enormous power and size of the Chinese nation, but they are not novel. We have faced these issues before in Rhodesia, South Africa, Eastern Europe, and the former Soviet Union. We have found that trade sanctions—and in its most modest form, the denial of preferred trade status—is not only a legitimate but an effective means of promoting human rights and changing national policies. Jackson-Vanik was a remarkable success in leading the Soviet Union to change its immigration policy toward Jews and dissidents by withholding trade preference. Apartheid in South Africa was met by a denial of a policy of constructive engagement by simply refusing to allow our markets to be open until South Africa abandoned apartheid, and it succeeded. Those policies worked in the past.

Today, we impose much stricter policies toward Cuba, Libya, Iraq, Iran, and North Korea—in many instances, for the same violations of arms control agreements, irresponsible sharing of dangerous technologies, violations of human rights, of religion and speech, for the very same instances that I take this floor today to cite in the case of China and which, ironically, will be ceded by proponents of most-favored-nation status for China, we have a policy of denying trade preference. For China, we seek to see a different conclusion, while we cede the same facts.

Mr. President, I argue, however, for more than consistency. I argue that because China has violated these critical rights of her own people, because her Government continues without the consent of the governed and therefore is inherently unstable and potentially dangerous, because these rights have been violated, trade agreements with the United States have been ignored, because dangerous technologies are being shared with the world despite commitments to the contrary, China should not be the exception, she should be the rule. Withholding these trade preferences are not less important because of China's size and power. They are more important.

Mr. President, regardless of our party, our philosophy, or our ideology, I know no Member of the Senate wants anything but friendship with the Chinese people. They have a rich culture, a great history, and in their hands, perhaps more than those of any other people on Earth, lies the question of peace, freedom, and prosperity for the many peoples of the globe.

Mr. President, as President Roosevelt concluded in his State of the Union Address 60 years ago, he reminded us that we needed to be governed by reality and not hope. He concluded, Mr. President, by saying:

No realistic American can expect from a dictator's peace international generosity, or return of true independence, or world disarmament, or freedom of expression, or free-

dom of religion—or even good business. Such a peace would bring no security for us or our neighbors.

Mr. President, so be it. The world turns, generations succeed generations, but some truth remains eternal. The wisdom that Roosevelt brought to that dark day facing the authoritarianism of the Third Reich and of fascism, facing the prospect of a cold war he may not have been able to predict, but whose dimensions were beginning to become clear, the wisdom of that day can govern us as well. It is time to face the truth about China.

I know every Member of this Senate wishes they had a chance to revisit in history the gulag, the concentration camps, all the blindness that we brought, the terrible problems of fascism and communism. We all wish that we could have seen the world as clearly as Roosevelt saw it on that day. We didn't all have his wisdom. We could not have all seen the future as clearly.

Mr. President, there is no changing history, but there is still time for the 21st century. I rise today, Mr. President, to ask my colleagues to see China as it is, not as we would have it be. Someday, we will be accountable to the Chinese people themselves, and they will ask: Did you stand with us while we sought to worship our God? Did you defend us when we wanted to speak to our own future? Did you stand with us when we sought to choose our own government? Or, as you did in Iran, as you did often in the cases of communism, as you did in the early years of fascism, did you pretend to see the world as you would have it rather than the facts as they were presented to you? Were you part of change? Did you challenge our leaders? Did you put a price on their oppression? Or did you conspire with them in silence?

Mr. President, that is the choice before us. It is not new. It has faced every generation that has ever stood on the floor of this Senate, every generation that ever succeeded the governance of this country. In a few weeks, when most-favored-nation status becomes an issue on the floor of this Senate, it will come again. I urge my colleagues to confront it with wisdom and reality, recognizing the extraordinary consequences for a new time and a new century, which we so desperately want to be different than the past.

Thank you, Mr. President. I yield the floor.

#### PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Delia Lasanta, John Stone, and Hassan Tyler be admitted to the floor for the duration of my speech.

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

The Senator from Florida [Mr. GRAHAM] is recognized.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 889 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING JUNE 6

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending June 6, the United States imported 8,429,000 barrels of oil each day, 421,000 barrels more than the 8,008,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 56.6 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,429,000 barrels a day.

#### THE 30TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. DASCHLE. Mr. President, I would like to join my colleagues in congratulating Israel on the 30th anniversary of the reunification of Jerusalem and in welcoming Senate passage of Senate Concurrent Resolution 21, which reaffirmed the Senate's views on this issue. This important event came about as a result of the 1967 Six-Day war, before which the city of Jerusalem was divided, with Jews denied access to the Old City and its holy sites.

We should not underestimate the significance of this event. Jerusalem has been undivided now for 30 years. As a result, people of all religious traditions have access to Jerusalem and all its religious sites. On this anniversary, and with Senate passage of Senate Concurrent Resolution 21, we commit ourselves again to seeing that Jerusalem remains an undivided city in which the rights of every ethnic and religious group are protected.

This anniversary presents a good opportunity for us to assess progress toward peace in the Middle East. While the peace process is moving at a slower pace than many of us would like to see, it is important to acknowledge the difficulty of the task and the progress that has been made thus far under the Oslo accords. It is also important to point out the importance of security as the process unfolds. Previous terrorist attacks have provided graphic justification of Israel's security concerns. I urge the Palestinian Authority to see that its security forces cooperate fully

with Israeli security to thwart the work of the terrorists.

Again, I congratulate the people of Israel on the 30th anniversary of the reunification of Jerusalem, and I commend them for ensuring that this holy and historic city is undivided.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Since there is no other Senator here, 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. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CONRAD. Mr. President, I ask unanimous consent I be permitted to speak for 15 minutes.

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

Mr. CONRAD. Mr. President, I further ask that, upon the completion of my remarks, the Senator from North Dakota, Senator DORGAN, be recognized for the 15 minutes that has been allotted to him as well.

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

#### DEVILS LAKE FLOOD

Mr. CONRAD. Mr. President, I have taken to the floor numerous times since the disasters that struck North Dakota and attempted to describe to my colleagues the really remarkable series of events that we have experienced: First of all, the greatest snowfall in our State's history; followed by a winter storm in early April that was the most powerful winter storm in 50 years, knocking out the electrical grid to 80,000 people for more than a week, leaving people with 15-foot snowdrifts, leaving people with the most powerful ice storm that we have ever seen that killed literally hundreds of thousands of cattle in North and South Dakota and also tied up the transportation system for most of our State, as well as much of South Dakota and parts of Minnesota. That was then followed by the 500-year flood, which was cataclysmic in Grand Forks. All of the dikes failed, a city of 50,000 was evacuated. Many of those people are still not back in their homes. In fact, 80 percent of the city of Grand Forks was in some way damaged by the floods. And, in the midst of all that, a fire broke out that destroyed much of downtown Grand Forks.

This is a series of events, unparalleled in our State's history, and it has left much of our economy in ruins. It has left people sleeping on cots, living in cars, wondering what will happen to them next. And, as I think everyone here knows now, the disaster bill has been delayed.

But the good news is, there are serious negotiations underway to resolve this issue and resolve it today, and for that we are extremely grateful.

Mr. President, I thought today, because I have spent a great deal of time describing the circumstances in Grand Forks, ND, and in the rest of the Red River Valley, that I would take a bit of time to describe the developing disaster in Devils Lake, ND, because not only have we had this remarkable series of events in the Red River Valley, but Devils Lake, a town of over 9,000 people, has had a slow-motion disaster occurring. This is one of only two major lakes in North America that has a closed basin—no inlet and no outlet. For the last 4 years, the lake has been rising inexorably.

This chart shows the historic water level of Devils Lake. This chart goes from 1867 to 1997, 130 years. You can see the recorded history is the blue line. Recorded history starts back in about 1890, and the lake was at about 1,423 feet. It then went into a period of steep decline where it went down to just over 1,400 feet. But look what has happened since the 1930's. That lake has been rising, sometimes falling, but in recent history, in the last 30 years, rising dramatically. And in the last 4 years, this lake has just gone up and up and up.

Some people might say, "Well, the lake is rising. You know, that's not that big a deal."

Mr. President, this lake is nearly 200 square miles. It is a huge lake. It is nearly three times the size of the entire area of the District of Columbia. This is a lake that is rising inexorably and is acting like a cancer. It is eating everything around it. It is submerging roads, it is inundating homes and bridges. It is just eating up the countryside. In the last 4 years, it has tripled in volume and doubled in size. It is very hard to understand or appreciate this circumstance, because nowhere else in the country do we face anything quite like it.

Mr. President, if I can just show this next chart, it shows the summary of damages in the Devils Lake area. As this lake level rises, you can see what happens to the cost in terms of damages. Already we have spent over \$114 million, and that is just from the Federal Government, addressing this disaster. But you can see as the water level rises, the estimates from the Army Corps of Engineers is that we would face over \$400 million in Federal costs if the lake level continues to rise. As I indicated, the Federal Government has already spent over \$114 million coping with this crisis.

This next picture shows the lake and how it has expanded. You can see, this is the luckiest guy in America today. He just got through on this road. He was driving along, and it looks like he escaped from the lake. You can see the lake coming over the road. This is actually a road, the Minnewaukan Flats Road, completely covered by water now. You can see the various tree lines.

You can see how this lake has been expanding and expanding very, very dramatically.

This is one of my favorite pictures, Mr. President, because this shows the little town of Minnewaukan, ND, of 400 people, and they have a sewage lagoon—you can see the outlines of it—surrounded completely now by Devils Lake. When the Federal officials came to Devils Lake, they said to the mayor of the little town of Minnewaukan, "Gee, why did you build this sewage lagoon so close to the lake?" And the mayor and the local officials laughed and they said, "Well, when we built this sewage lagoon, it was 8 miles from the lake"—8 miles. That is how this lake has expanded. Mr. President, this is truly an extraordinary circumstance.

This next picture shows a seed company and what has happened to their operation. It is completely surrounded by water now in this area of Devils Lake. And this water is deep, by the way. It is just amazing how this lake keeps rising.

This picture shows one of the key roads, Highway 57, that connects the city of Devils Lake to the Spirit Lake Nation and to the communities south of Devils Lake. You can see the wave action. These are 5-foot waves on this lake completely breaking over the highway. In fact, if we were to go and take this picture today, this entire road now is under water. That is how rapidly this lake is rising. In fact, it has come up 4 feet already this year. And now remember, we are not talking about some little tranquil lake, we are talking about a huge expanse of water, a lake that is nearly 200 square miles in size now. That is what we are dealing with here, and the water keeps rising.

Mr. President, those are the pictures I wanted to show our colleagues. An important point I wanted to make is that in this disaster supplemental bill, there are a number of measures to address this crisis, in addition to the crisis we have in the Red River Valley, where we had the 500-year flood. We also have provisions to deal with this crisis at Devils Lake.

First, is a provision for an emergency outlet. The Corps of Engineers has determined that one of the things we need to do to fight this disaster is to have an emergency outlet, because we are very close to the point at which this lake will find its own outlet. And if it does, it will be out of the eastern end of the lake where the water quality is, by far, the worst, and it will go over into Stump Lake. At that time, Stump Lake will immediately rise 40 feet. It is hard to get your mind around these numbers because this is so massive. But when this finds its natural outlet at 1,446.6 feet—it is right now at 1,442 feet—at 1,446.6 feet, it spills over into Stump Lake, raising that lake immediately 40 feet.

At 1,457 feet, it spills over into the Sheyenne River Valley, and, as I

showed the cumulative impact, we are then talking about over \$400 million of cost to the Federal Government. The emergency outlet requires \$5 million for the work that needs to be done this year, and that is in this disaster supplemental bill.

Second, we need to raise the levy protecting the city of Devils Lake, and this legislation directs the Corps to expedite action to raise the levy system protecting the city of Devils Lake. The city right now has a dike that is protecting it to about 1,445 feet. This provision will move the protection to 1,450 feet, with 5 feet of free board to deal with the wave action on this very large lake.

Third, there are provisions for emergency funding for Federal Highway Administration to raise roads, because, as I showed, the main linkage point here is already under water. That road—Highway 57—has to be raised and needs to be raised as quickly as possible because it provides the emergency access to all of the communities south of Devils Lake and the Spirit Lake Nation to the regional hospital and the regional shopping center that is in the city of Devils Lake.

Fourth, this legislation provides for the Ramsey County rural sewer system some \$600,000 to mitigate damages from the Devils Lake flood to the Ramsey County rural sewer system. As you can imagine, Mr. President, this is a situation in which the rural sewer system is about to float. That is a very bad thing to have happen. All of those underground pipes, as the water table rises, puts enormous hydrological pressure on that rural sewer system, and they are desperately worried that at any time, those pipes will burst through the ground and float. At that point, the entire rural sewer system is destroyed. It is critically important that that money be approved and be approved as quickly as possible.

Fifth, and finally, this legislation includes \$15 million for the Natural Resources Conservation Service to purchase floodplain easements for frequently flooded farmland. Landowners in the Devils Lake basin would be eligible for this voluntary floodplain easement program.

Mr. President, I wanted to take this time to describe this disaster so there is an understanding that not only are we dealing with the crisis in the Red River basin, the cities of Grand Forks and other cities up and down the Red River, but that we have a second disaster as well, a slow-motion disaster, and that is the disaster that is occurring at Devils Lake and that there are very important matters that are included in this disaster supplemental bill that deal with those problems.

I thank the Chair and yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

## ORDER FOR RECESS

Mr. BENNETT. Mr. President, I ask unanimous consent that following the remarks of Senator DORGAN, the Senate stand in recess until the hour of 3 p.m. today.

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

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from North Dakota.

## DISASTER RELIEF IS URGENT

Mr. DORGAN. Mr. President, I am pleased to follow my colleague, Senator CONRAD, who has spent an enormous amount of time and effort dealing with the flooding issues that have afflicted our region of the country. It seems to me that there is some good news on the horizon, and it appears that finally the logjam may be broken. It appears finally, perhaps today, the Congress will pass a bill that contains much-needed disaster relief that the President will sign and that hope and help will be offered and restored to the people of Minnesota, North Dakota, and South Dakota who are victims of this disaster. Even as it appears there are these signs this may happen today, I want to, once again, describe a bit about why we have maintained that it is so urgent that disaster relief be provided for disaster victims.

Senator CONRAD and I represent the State of North Dakota in the U.S. Senate. We are a small State, in many ways. We are 10 times the size of the State of Massachusetts in landmass. It is a pretty big State geographically, but about 640,000 people live in our State. It is a wonderful place to live, and we have a lot of wonderful things to talk about with respect to North Dakota.

Regrettably, the only thing people from the outside who don't come to North Dakota regularly see about our State is to tune in on the morning shows perhaps on a February morning or January morning, and they see that someone says that there is a blizzard or it is cold in our part of the country. It gets that way sometimes. Other times in January or February, it is quite nice. I don't suppose that we could really, in good faith, tell people that in January and February in North Dakota it is balmy and sunny and warm and an equivalent vacation spot to California or Florida. I don't suppose we could do that with great credibility. It does get a little cold sometimes.

In fact, we had a fellow who was in jail in North Dakota, and from his jail cell, he petitioned a judge to extend his jail sentence for 90 days because he alleged that his rights would be violated if he were released from jail in December in North Dakota. He said it was too cold, didn't have clothing, so on and so forth. He asked the judge if the judge would extend his jail sentence for 90 days. The judge promptly told him, no, that he won't extend his jail sentence.

I don't want the actions of one prisoner to allow people to think that it is so cold, you can't exist in our State. It is a wonderful State. But it is true that sometimes in the winter we have some snow, some cold weather, and some wind, and this winter particularly.

Those who have watched what has happened in our State know that we were hit with a devastating winter. In North Dakota, we had the equivalent of 3 year's worth of snow dumped on our State in nearly 3 months. Nearly 10 feet of snow fell in the State of North Dakota. We suffered, as a result of that, a real disaster—blizzards, roads closed, lives lost because of white-out blizzards where no one could move, ambulances couldn't get through. And then we had, in addition to the blizzards, finally, a 50-year blizzard, the worst in 50 years, and then the melting of all of that snow and the flooding.

While people in North Dakota are patient and tough and resilient and have a wonderful spirit, this winter has been tough for them. Most of what they can do for each other they have done for each other. But sometimes you cannot do it all by yourself.

I have told my colleagues before of the kinds of individual acts of heroism that occurred every day this winter in North Dakota. I told of Don Halvorson, who is a hero of mine. I have not met him. I only talked to him by telephone. But he symbolizes the spirit of the people in North Dakota, saying to others who are in trouble, "Let me help you. You are a neighbor. Let me help."

Don Halvorson was at home one night sleeping at around 3 in the morning near Grafton, ND, out in the country in a farmhouse. Jan Novak was working in town in Grafton, ND. At about 10:30 at night, driving out to her home in the country, it was blizzarding, and the blizzard got worse, and it became a whiteout blizzard. You cannot see in a whiteout blizzard; you cannot see the hand in front of your face with heavy snowfall and winds of 40 miles per hour, temperatures with 60 and 80 degrees below zero windchills.

Well, Jan Novak, on the way home, could not see and ran off the road and became stuck. Her husband became worried, in the middle of this blizzard, and could not find her and called the sheriff up in Grafton, ND. The sheriff sent out some people to look for her. They could not see to drive on the roads.

Finally, they had to call off the search. So they began calling all of the homes along the roads where they thought Jan Novak might have driven. One of the homes they called at 3 in the morning was Don Halvorson's. They said, "A woman is missing. Have you seen a woman driving on your country road past your place?" Of course, he could not see the road anyway because of the whiteout blizzard, but Don said, "No," and then he went back to bed.

But then he said he could not sleep. So at 3:30 in the morning he got back

up, got out of bed, in the middle of the blizzard, and put on his winter clothes and trudged out to his tractor. He had a cab on his tractor. He got in that tractor cab, started up the tractor, and with his tractor lights started driving.

About 3 hours later Jan Novak—when I called her she said she had been in the car all of that night, starting the engine to try to keep warm, and finally it was not starting very well. And the temperature and the blizzard was such that she would freeze to death. She began to worry she might not survive through this.

She prayed all night long, she said. At about 6:30 in the morning she had almost given up hope. Her head was bowed in her car, and she was saying a prayer, thinking she would not survive, when a tractor drove up to her car. The tractor lights, in the middle of that blizzard, were about 5 feet away when they became apparent to Jan Novak. It was Don Halvorson, 3 hours in the middle of a blizzard, not being able to see beyond the front fender of his tractor. He drove all around his part of the country looking for this woman who was lost and whose life was in danger.

When I read about what Don had done, I called Don and said, "Tell me how you happened to do this." He said, "When they called my home at 3 in the morning and said that this woman was missing—I didn't know her and obviously had not seen her—I went back to bed, but I couldn't go to sleep." He said, "I just couldn't go to sleep knowing there was a woman out there missing, and I went to search for her." Three hours later he found her.

You talk about a hero. Don Halvorson likely saved Jan Novak's life. That is one story of hundreds and hundreds of stories across our State this winter—the ambulance drivers in Mandan and Flasher, ND, who punched through a huge blizzard-related snowbank that had blocked a road and made all traffic impassable. They, along with the road crews from both sides of this snowbank, punched through in whiteout conditions and no visibility to go out and save a young boy and get him to a hospital. They risked their lives, all of them, and that young boy survived because of them.

All across our State those stories abound—individuals helping others because it is the spirit and the culture of what we do. We say, "Let's help each other."

Our country does that in a larger way. Sometimes one person cannot do enough to help another. Sometimes even a city or a State cannot do enough. Sometimes a flood or earthquake or fire or tornado it overwhelms the ability of one person to make the difference, so our country then makes the difference.

What happened when all of this snow melted in North Dakota, was the Red River Valley suffered a 500-year flood. When the dikes broke in Grand Forks, ND, and East Grand Forks, MN, and that water became a gusher running

down the streets to inundate two entire cities and they evacuated two complete communities, it was not a case where one person could solve the problem for another person. It then became a case of us having to say, as people now tried to recover from this calamitous flood, "We want to help you. The rest of the people of the country want to help you."

That is what this fight has been about on this disaster bill. I know I have worn out my welcome for a number of Members of the Senate in recent weeks. They are flat out tired of seeing me on the floor. They think I put too much pressure on them. Some are angry at my presentations on the floor.

But I have no choice. Thousands of people this morning in Grand Forks and East Grand Forks, thousands and thousands of them this morning woke up not in their own homes, because their homes are destroyed. Their lives are on hold until we pass a disaster relief bill.

That bill has been delayed. And now it appears that that bill may today finally be on the road to the President in a manner that will result in a signature, and in the bill becoming law, and in the disaster aid being available to those who so desperately need it.

I want again to just read some of the messages of North Dakotans who describe why I am here on the floor and why I have been here for some weeks.

First, simply a drawing by a grade schooler that came in a large packet of drawings. It is pretty simple. Someone in a canoe says, "Save our town." Pretty simple expression that does not need much elaboration. "Save our town." We have the capability to help do that.

Mr. President, here is a Grand Forks resident who says:

I'm calling on behalf of my grandmother. She's 99 years old. She lost her home and everything in it. She's in Bemidji, MN, now staying in a house with four children. She doesn't know if she's going to get home again. She's in good shape, but I'm really concerned about the trauma at her age, and I don't know what I'd be like in that circumstance. She's pretty strong and she talked about how she was married in World War I, and she went through the Depression and the Dust Bowl and World War II. She lost two out of her three kids. She lost her husband. She's been through it, and all of these milestones in her life, and now she is going through uncertainty of not knowing whether she's going to have a home. Her husband left her well set with a home she could live in for the rest of her life and she's done well until now. And now at age 99 she's homeless.

Kari and Paul Kolstoe, who are from Grand Forks, ND, said:

Our daughter's 12th birthday was April 18. That was the day the Red River destroyed our home. We lost most of our possessions, but more importantly, we lost the place and our ability to live together as a family. The last 5 weeks we've lived in four different places. Our home has too much damage to be restored. And we now live in limbo waiting for a decision and the money to go on with our lives. \* \* \*

We can deal somehow with the disaster that's happened to us in our town and we're trying to put our lives back together. \* \* \*

But we lost everything. And don't prolong this disaster bill. Allow us to go on with our lives.

That is Kari and Paul Kolstoe from Grand Forks, ND.

There are so many letters.

Rodney and Judy Krause. I talked to Rodney and Judy a couple days ago, as a matter of fact. They are also from Grand Forks, ND.

April 19 [Rod writes] we were evacuated from our home, and it sat under water for a period of 10 to 12 days, with 56 inches of sewage and floodwater on the main floor. Currently, the house is sitting empty and we're waiting for a bill to be passed in Congress dealing with flood relief.

Rod Krause says:

I'm a staff sergeant in the Air Force, and my wife and myself also happen to be from Grand Forks. We're proud of this community, and we hate to see it as wasted as it is from this flood. Right now, as a member of the Air Force, even through all this mess, I have my bags packed and ready to go at a moment's notice to fight, possibly die, for this country, basically at your calling. But what Congress is doing now really hurts. I still need to make a house payment for a home that sits empty. And it keeps getting worse as the days pass. I can't do anything but wait. All we want is an answer. Why is this taking so long?

Arthur Bakken, who is a councilman in Grand Forks, says:

People here have no homes, no jobs, no other homes to go to. They have no toys, no bikes, no clothes, or anything else for their children.

Mr. President, I ask for 5 additional minutes.

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

Mr. DORGAN. I mentioned yesterday a call from a man named Mark whose family has been separated, children living with the grandparents, his home damaged by the flood. His wife is in the hospital with a terminal illness, telling us that his wife has only a couple months to live perhaps, asking us to make the decisions that allow them to get on with their lives.

Here is another little drawing from a schoolchild who sent it to me. It probably says it is as well as any can. It is two different scenes. One is a scene of flooding and devastation and trees down; and it says, "If you do nothing." And the other side is a page with a scene with a park bench and grass and trees and sun and flowers; and underneath it says, "If you do something."

These are people who have voiced to say to us today, through my reading their letters, that they really need help. That is what this disaster legislation is about, reaching out and helping those who, through no fault of their own, have had to bear the burden of a natural disaster of enormous proportions.

I came to Congress some many years ago, and I have on behalf of the constituents in North Dakota on every occasion—on every single occasion—said, when there was an earthquake in California, "Count me in, and count my constituents in, because on behalf of North Dakotans I want so vote yes to provide disaster aid for you."

For flood victims on the Mississippi, I have said, yes, because I think it is important to provide disaster aid for you.

In every circumstance, every day and every way that we have been requested to provide disaster assistance, I have indicated that I felt North Dakotans would want to do that.

North Dakotans now feel that people in the rest of this country will want to do that for us as well—North Dakotans, Minnesotans and South Dakotans—who have suffered through the disaster.

Isn't every disaster unique and isn't every disaster difficult and traumatic? Yes, it is. There is no question about that. We have seen now through the new technology of television in the modern age the gripping scenes of devastation from disasters—death, and destruction. It breaks your heart to see that anywhere in our country.

This disaster was unusual in a couple of respects. First, we were enormously fortunate that we did not suffer a major or massive loss of life. Some lost their lives, but we did not suffer the loss of life of hundreds of citizens.

This combination of blizzards and floods and then fires in the middle of the flood that ripped the guts from a significant city in our State, this combination is a very unusual circumstance because a large city was completely abandoned and evacuated and completely inundated with water. The water came and stayed for a very long period of time.

Now we have hundreds and hundreds and hundreds of homes that will never again be lived in. We have families from every single one of those homes whose possessions are now out on the berm, somewhere out on the boulevard, on the driveway being hauled away in dump trucks—the dolls, the baby carriages, the pictures, all of the belongings of those families. They do not know what will come next for them, what their lives will be like, where they will live, how they will make a house payment on a house that is destroyed. That is why this legislation is so critically important.

Now, I have been very upset that we have not gotten this done. We are about 3 weeks late. I have said repeatedly that I appreciate enormously the cooperation on a bipartisan basis to put a disaster package in this bill that is very substantial and will be enormously helpful to these victims of this disaster. Most every Member of this institution deserves credit for what is in this bill, and I thank them for it.

I am upset that it was delayed. But if today this gets dislodged, and if today this bill gets passed by the House and the Senate and goes to the President for his signature, then we will finally be able to provide the answers that are necessary for these people to understand what the rest of their lives will be like, what will happen to their home, will their job be restored, will their community be rebuilt, will their region recover? Those are the questions

that will be answered by the hundreds of millions of dollars in the many categories in this piece of legislation. In fact, the disaster portion is something over \$5 billion in this legislation dealing with many, many States.

If and when this happens, and I hope it does today, it will be an enormous benefit to our region, and I will be forever grateful to the Members of the Senate who made it happen.

Mr. President, as I finish, I say to my colleagues, while I have worn out my welcome in recent weeks on this subject, I do not apologize for it. I speak on behalf of people who need a voice in this debate. Let us hope, at the end of this day, we will have some wonderful news for people who have been victims of this disaster.

I yield the floor, and I suggest the absence of a quorum.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 3 p.m.

Thereupon, the Senate, at 1:47 p.m., recessed until 2:58 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBERTS].

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

#### RECESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3:30 p.m.

There being no objection, the Senate, at 2:58 and 26 seconds p.m., recessed until 3:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBERTS].

The PRESIDING OFFICER. The majority leader is recognized.

#### UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, I am prepared to ask for some unanimous-consent agreements here momentarily. I believe that the Democratic leader will be here. In the meantime, I thought I might just give the Senators some idea of what the time could be for the balance of the afternoon and then some thought about next week.

If we get the agreement we have here before us entered into and agreed to, we would begin debate, I believe, then at about quarter until 4 on the supplemental appropriations, with a vote occurring 1 hour from then. So that vote could occur around quarter of 5. We are looking at the possibility of, of course, getting agreement for committees to keep working, because we have a number of committees that are in very crucial markups—the Armed Services Committee, the Foreign Relations Committee, and the Finance Committee is meeting in a walk-through, although it is not a markup.



We are also looking at the prospect of calling up again the birth defects bill, which has broad bipartisan support, and we believe we could get a limited time agreement on that. We are contacting the principal sponsors, Senator BOND and perhaps others who are interested in that, and we could take that up somewhere around 5 o'clock and hopefully complete that early in the evening or late this afternoon, because we think we are only going to talk about 30 minutes to an hour, perhaps with the possibility of a recorded vote that could come, I presume, about 6 o'clock.

With regard to the consent agreement that we are about to ask for here, we would begin as soon as we get the agreement on the supplemental appropriations bill. Basically, it is the bill that the House is now considering, or is about to consider. It may be before the Rules Committee and will be going to the floor of the House shortly after that.

We would ask unanimous consent that our agreement only apply if the text has been received from the House and is identical to the bill that we are sending to the desk for the RECORD.

We also have worked out a process to consider the very important issue that we feel very strongly about, and that is the Government Shutdown Prevention Act. And we are going to ask for consent that would allow for a process for it to be brought up, full debate with one relevant amendment for each leader. I think it is a fair way to consider this issue, and the Democratic leader has indicated he thinks that would be the way to proceed.

With regard to the census issue, I understand that they have worked out some language on census with the administration, which is in the document that they are going to be taking up. I do not know the details of the agreement, but I understand that language is in there, for the information of all Senators.

Would the Senator like to comment before I enter the UC request?

Mr. DASCHLE. Mr. President, I thank the distinguished majority leader. I think we have made great progress today. I have had the opportunity to look at all of the details of both the supplemental and the amendments, and I advise my colleagues that I am enthusiastic about the arrangement and would want to agree with the unanimous-consent request. I appreciate very much the great willingness on the part of the majority leader to work with us to accommodate our concerns, and we are ready to move ahead with the agreement.

#### SUPPLEMENTAL APPROPRIATIONS

Mr. LOTT. Mr. President, I ask unanimous consent then that at 3:45 the Senate proceed to the supplemental appropriations bill and no amendments or motions be in order, there be 1 hour total for debate on the bill to be equal-

ly divided between the chairman, Senator STEVENS, and the ranking member, Senator BYRD, of the Appropriations Committee, and finally, following the expiration or yielding back of the time, the Senate proceed to vote on passage of the supplemental notwithstanding the arrival of the papers, and once the Senate receives the papers, the bill be advanced to third reading and passed, all without further action or debate.

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

Mr. LOTT. I further ask unanimous consent that the above-mentioned agreement only apply if the text received from the House is identical to the bill I now send to the desk to be printed in the RECORD.

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

The text of the bill (H.R. 1871) is as follows:

#### H.R. 1871

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:

#### TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

##### CHAPTER 1

#### DEPARTMENT OF DEFENSE—MILITARY

##### MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$306,800,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$7,900,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$300,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$29,100,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### OPERATION AND MAINTENANCE

##### OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", \$1,430,100,000: *Provided*, That the Secretary of

Defense may transfer these funds only to Department of Defense operation and maintenance accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### OPLAN 34A/35 P.O.W. PAYMENTS

For payments to individuals under section 657 of Public Law 104-201, \$20,000,000, to remain available until expended.

#### REVOLVING AND MANAGEMENT FUNDS RESERVE MOBILIZATION INCOME INSURANCE FUND

For an additional amount for the "Reserve Mobilization Income Insurance Fund", \$72,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### GENERAL PROVISIONS, CHAPTER 1

##### (TRANSFER OF FUNDS)

SEC. 101. The Secretary of the Navy shall transfer up to \$23,000,000 to "Operation and Maintenance, Marine Corps" from the following accounts in the specified amounts, to be available only for reimbursing costs incurred for repairing damage caused by hurricanes, flooding, and other natural disasters during 1996 and 1997 to real property and facilities at Marine Corps facilities (including Camp Lejeune, North Carolina; Cherry Point, North Carolina; and the Mountain Warfare Training Center, Bridgeport, California):

"Military Personnel, Marine Corps", \$4,000,000;

"Operation and Maintenance, Marine Corps", \$11,000,000;

"Procurement of Ammunition, Navy and Marine Corps, 1996/1998", \$4,000,000; and

"Procurement, Marine Corps, 1996/1998", \$4,000,000.

SEC. 102. In addition to the amounts appropriated in title VI of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104-208), under the heading "Defense Health Program", \$21,000,000 is hereby appropriated and made available only for the provision of direct patient care at military treatment facilities.

SEC. 103. In addition to the amounts appropriated in title II of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104-208), under the heading "Operation and Maintenance, Defense-Wide", \$10,000,000 is hereby appropriated and made available only for force protection and counter-terrorism initiatives.

SEC. 104. In addition to the amounts provided in Public Law 104-208, \$25,800,000 is appropriated under the heading "Overseas Humanitarian, Disaster and Civic Aid": *Provided*, That from the funds available under that heading, the Secretary of Defense shall make a grant in the amount of \$25,800,000 to the American Red Cross for Armed Forces emergency services.

SEC. 105. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES RELATING TO BOSNIA.—(a) Not later than 60 days after enactment of this Act, the President shall submit to Congress the report described in subsection (b).

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:



(1) A detailed description of the estimated cumulative cost of all United States activities relating to Bosnia after December 1, 1995, including—

(A) the cost of all deployments, training activities, and mobilization and other preparatory activities of the Armed Forces; and

(B) the cost of all other activities relating to United States policy toward Bosnia, including humanitarian assistance, reconstruction assistance, aid and other financial assistance, the rescheduling or forgiveness of bilateral or multilateral aid, in-kind contributions, and any other activities of the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of expenditures of funds of Department of Defense, a breakdown of such expenditures by military service or defense agency, line item, and program; and

(B) in the case of expenditures of funds of other departments and agencies of the United States, a breakdown of such expenditures by department or agency and by program.

SEC. 106. For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental Operation and Maintenance costs arising from hurricane damage to family housing units at Marine Corps Base Camp Lejeune, North Carolina and Marine Corps Air Station Cherry Point, North Carolina, \$6,480,000, as authorized by 10 U.S.C. 2854.

#### CHAPTER 2 RESCISSIONS

##### DEPARTMENT OF DEFENSE—MILITARY MILITARY PERSONNEL MILITARY PERSONNEL, ARMY (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$57,000,000 are rescinded.

##### MILITARY PERSONNEL, NAVY (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$18,000,000 are rescinded.

##### MILITARY PERSONNEL, MARINE CORPS (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$5,000,000 are rescinded.

##### MILITARY PERSONNEL, AIR FORCE (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$23,000,000 are rescinded.

##### OPERATION AND MAINTENANCE OPERATION AND MAINTENANCE, ARMY (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$196,000,000 are rescinded.

##### OPERATION AND MAINTENANCE, NAVY (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$51,000,000 are rescinded.

##### OPERATION AND MAINTENANCE, MARINE CORPS (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$3,000,000 are rescinded.

##### OPERATION AND MAINTENANCE, AIR FORCE (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$117,000,000 are rescinded.

##### OPERATION AND MAINTENANCE, DEFENSE-WIDE (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$25,000,000 are rescinded.

##### ENVIRONMENTAL RESTORATION, ARMY (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$250,000 are rescinded.

##### ENVIRONMENTAL RESTORATION, NAVY (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$250,000 are rescinded.

##### ENVIRONMENTAL RESTORATION, AIR FORCE (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$250,000 are rescinded.

##### ENVIRONMENTAL RESTORATION, DEFENSE-WIDE (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$250,000 are rescinded.

##### ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$250,000 are rescinded.

##### FORMER SOVIET UNION THREAT REDUCTION (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$2,000,000 are rescinded.

#### PROCUREMENT

##### AIRCRAFT PROCUREMENT, ARMY (RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$1,085,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, \$5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$13,000,000 are rescinded.

##### MISSILE PROCUREMENT, ARMY (RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$2,707,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$24,000,000 are rescinded.

##### PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY (RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$2,296,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, \$15,400,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$5,000,000 are rescinded.

##### PROCUREMENT OF AMMUNITION, ARMY (RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$3,236,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, \$18,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$11,000,000 are rescinded.

##### OTHER PROCUREMENT, ARMY (RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$2,502,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$21,000,000 are rescinded.

##### AIRCRAFT PROCUREMENT, NAVY (RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$34,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$52,000,000 are rescinded.

##### WEAPONS PROCUREMENT, NAVY (RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$16,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$6,000,000 are rescinded.

##### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS (RESCISSION)

Of the funds made available under this heading in Public Law 103-335, \$812,000 are rescinded.

##### SHIPBUILDING AND CONVERSION, NAVY (RESCISSIONS)

Of the funds made available under this heading in Public Law 102-396, \$10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103-139, \$18,700,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$33,000,000 are rescinded.

##### OTHER PROCUREMENT, NAVY (RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$4,237,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, \$3,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$8,000,000 are rescinded.

##### PROCUREMENT, MARINE CORPS (RESCISSION)

Of the funds made available under this heading in Public Law 103-335, \$1,207,000 are rescinded.

##### AIRCRAFT PROCUREMENT, AIR FORCE (RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$49,376,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, \$40,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$41,000,000 are rescinded.

##### MISSILE PROCUREMENT, AIR FORCE (RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$16,020,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$163,000,000 are rescinded.

##### PROCUREMENT OF AMMUNITION, AIR FORCE (RESCISSION)

Of the funds made available under this heading in Public Law 104-61, \$7,700,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE  
(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$3,659,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, \$10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$20,000,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE  
(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$8,860,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, \$16,113,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$5,000,000 are rescinded.

NATIONAL GUARD AND RESERVE EQUIPMENT  
(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$5,029,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$8,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, ARMY  
(RESCISSIONS)

Of the funds made available under this heading in Public Law 104-61, \$4,366,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$18,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, NAVY  
(RESCISSIONS)

Of the funds made available under this heading in Public Law 104-61, \$16,878,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$9,600,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, AIR FORCE  
(RESCISSIONS)

Of the funds made available under this heading in Public Law 104-61, \$24,245,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$172,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, DEFENSE-WIDE  
(RESCISSIONS)

Of the funds made available under this heading in Public Law 104-61, \$95,714,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$87,000,000 are rescinded.

DEVELOPMENTAL TEST AND EVALUATION,  
DEFENSE  
(RESCISSION)

Of the funds made available under this heading in Public Law 104-61, \$6,692,000 are rescinded.

OPERATIONAL TEST AND EVALUATION,  
DEFENSE  
(RESCISSION)

Of the funds made available under this heading in Public Law 104-61, \$160,000 are rescinded.

REVOLVING AND MANAGEMENT FUNDS  
NATIONAL DEFENSE SEALIFT FUND  
(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$25,200,000 are rescinded.

OTHER DEPARTMENT OF DEFENSE  
PROGRAMS  
DEFENSE HEALTH PROGRAM  
(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$21,000,000 are rescinded.

CHEMICAL AGENTS AND MUNITIONS  
DESTRUCTION, DEFENSE  
(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, \$456,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, \$20,652,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$27,000,000 are rescinded.

DRUG INTERDICTION AND COUNTER-DRUG  
ACTIVITIES, DEFENSE  
(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, \$2,000,000 are rescinded.

GENERAL PROVISIONS, CHAPTER 2  
(RESCISSIONS)

SEC. 201. Of the funds appropriated in the Military Construction Appropriations Act, 1996 (Public Law 104-32), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Air National Guard", \$5,000,000;

"Military Construction, Defense-wide", \$41,000,000;

"Base Realignment and Closure Account, Part II", \$35,391,000;

"Base Realignment and Closure Account, Part III", \$75,638,000; and

"Base Realignment and Closure Account, Part IV", \$22,971,000:

*Provided*, That of the funds appropriated in the Military Construction Appropriations Act, 1997 (Public Law 104-196), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Army", \$1,000,000;

"Military Construction, Navy", \$2,000,000;

"Military Construction, Air Force", \$3,000,000; and

"Military Construction, Defense-wide", \$3,000,000.

(RESCISSION)

SEC. 202. Of the funds appropriated for "Military Construction, Navy" under Public Law 103-307, \$6,480,000 is hereby rescinded.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 301. The Department of Defense is directed to report to the congressional defense committees 30 days prior to transferring management, development, and acquisition authority over the elements of the National Missile Defense Program from the Military Services: *Provided*, That the Joint Requirements Oversight Council is directed to conduct an analysis and submit recommendations as to the recommended future roles of the Military Services with respect to development and deployment of the elements of the National Missile Defense Program: *Provided further*, That the analysis and recommendations shall be submitted to the congressional defense committees within 60 days of enactment of this Act: *Provided further*,

That for 60 days following enactment of this Act, the Department of Defense shall take no actions to delay or defer planned activities under the National Missile Defense Program based solely on the conduct of the Joint Requirements Oversight Council analysis.

SEC. 302. Notwithstanding section 3612(a) of title 22, United States Code, the incumbent may continue to serve as the Secretary of Defense designee on the Board of the Panama Canal Commission if he retires as an officer of the Department of Defense, until and unless the Secretary of Defense designates another person to serve in this position.

SEC. 303. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.—

(a) AUTHORITY TO ENTER INTO LEASE.—The Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) LIMITATION ON CERTAIN ACTIVITIES.—The Secretary may not obligate or expend funds for the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in such fiscal year.

SEC. 304. Notwithstanding 31 U.S.C. 1502(a), 31 U.S.C. 1552(a), and 31 U.S.C. 1553(a), funds appropriated in Public Law 101-511, Public Law 102-396, and Public Law 103-139, under the heading "Weapons Procurement, Navy", that were obligated and expended to settle claims on the MK-50 torpedo program may continue to be obligated and expended to settle those claims.

SEC. 305. None of the funds available to the Department of Defense in this or any other Act shall be available to pay the cost of operating a National Missile Defense Joint Program Office which includes more than 55 military and civilian personnel located in the National Capital Region.

SEC. 306. Funds obligated by the National Aeronautics and Space Administration (NASA) in the amount of \$61,300,000 during

fiscal year 1996, pursuant to the "Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission," signed September 8, 1994, and September 23, 1994, and Attachments A, B, and C to that Memorandum, shall be merged with Air Force appropriations available for research, development, test and evaluation and procurement for fiscal year 1996, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract.

SEC. 307. For the purposes of implementing the 1997 Defense Experimental Program to Stimulate Competitive Research (DEPSCoR), the term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands of the United States, American Samoa and the Commonwealth of the Northern Mariana Islands.

## TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS

### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

##### FARM SERVICE AGENCY

#### AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct and guaranteed loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from flooding and other natural disasters, \$23,000,000, to remain available until expended, of which \$18,000,000 shall be available for emergency insured loans and \$5,000,000 shall be available for subsidized guaranteed operating loans: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$23,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct operating loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, \$6,300,000, to remain available until expended.

#### EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program" for expenses, including carcass removal, resulting from flooding and other natural disasters, \$70,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

#### TREE ASSISTANCE PROGRAM

An amount of \$9,000,000 is provided for assistance to small orchardists to replace or

rehabilitate trees and vineyards damaged by natural disasters: *Provided*, That the entire amount shall be available only to the extent that an official budget request of \$9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

#### COMMODITY CREDIT CORPORATION FUND

##### DISASTER RESERVE ASSISTANCE PROGRAM

Effective only for losses in the fiscal year beginning October 1, 1996, through the date of enactment of this Act, the Secretary may use up to \$50,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters pursuant to a Presidential or Secretarial declaration requested prior to the date of enactment of this Act in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): *Provided*, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: *Provided further*, That notwithstanding any other provision of law, beginning on October 1, 1997, grain in the disaster reserve established in the Agricultural Act of 1970 shall not exceed 20 million bushels: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

#### NATURAL RESOURCES CONSERVATION SERVICE

##### WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds, including debris removal that would not be authorized under the Emergency Watershed Program, resulting from flooding and other natural disasters, including those in prior years, \$166,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$166,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: *Provided further*, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected agricultural land, the Secretary may use sufficient amounts, not to exceed \$15,000,000, from funds provided under this heading to accept bids from willing sellers to provide floodplain easements for such agricultural land inundated by floods: *Provided further*, That none of the funds provided under this heading shall be used for the salmon memorandum of understanding.

#### RURAL HOUSING SERVICE

##### RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

##### RURAL HOUSING ASSISTANCE PROGRAM

Any unobligated balances remaining in the "Rural Housing Insurance Fund Program Account" from prior years' disaster supplementals shall be available until expended for Section 502 housing loans, Section 504 loans and grants, Section 515 loans, and domestic farm labor grants to meet emergency needs resulting from natural disasters: *Provided*, That such unobligated balances shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: *Provided further*, That such unobligated balances are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: *Provided further*, That notwithstanding section 520 of the Housing Act of 1949, as amended, (42 U.S.C. 1490) the College Station area of Pulaski County, Arkansas shall be eligible for loans and grants available through the Rural Housing Service: *Provided further*, That funds made available in Public Law 104–180 for Community Facility Grants for the Rural Housing Assistance Program may be provided to any community otherwise eligible for a Community Facility Loan for expenses directly or indirectly resulting from flooding and other natural disasters.

#### RURAL UTILITIES SERVICE

##### RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for "Rural Utilities Assistance Program", for the cost of direct loans, loan guarantees, and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, \$4,000,000, to remain available until September 30, 1998: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### FOOD AND CONSUMER SERVICE

##### SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)" as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. et seq.), \$76,000,000, to remain available through September 30, 1998: *Provided*, That the Secretary shall allocate such funds through the existing formula or, notwithstanding sections 17(g), (h), or (i) of such Act and the regulations promulgated thereunder, such other means as the Secretary deems necessary.

#### GENERAL PROVISION, CHAPTER 1

##### SEC. 1001. COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese

manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by subsection (a) terminates effective April 5, 1999.

#### CHAPTER 2

##### DEPARTMENT OF COMMERCE

##### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" for emergency infrastructure expenses and the capitalization of revolving loan funds related to recent flooding and other natural disasters, \$52,200,000, to remain available until expended, of which not to exceed \$2,000,000 may be available for administrative expenses and may be transferred to and merged with the appropriations for "Salaries and Expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

##### INDUSTRIAL TECHNOLOGY SERVICES

Of the amount provided under this heading in Public Law 104-208 for the Advanced Technology Program, not to exceed \$35,000,000 shall be available for the award of new grants.

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH, AND FACILITIES

Within amounts available for "Operations, Research, and Facilities" for Satellite Observing Systems, not to exceed \$7,000,000 is available until expended to provide disaster assistance related to recent flooding and red tide pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, and not to exceed \$2,000,000 is available until expended to implement the Magnuson-Stevens Fishery Conservation and Management Act: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an

emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

#### CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, \$10,800,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### RELATED AGENCY

##### COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

For an additional amount for the operations of the Commission on the Advancement of Federal Law Enforcement, \$2,000,000, to remain available until expended.

#### GENERAL PROVISIONS, CHAPTER 2

SEC. 2001. Of the funds currently contained within the "Counterterrorism Fund" of the Department of Justice, \$3,000,000 is provided for allocation by the Attorney General to the appropriate unit or units of government in Ogden, Utah, for necessary expenses, including enhancements and upgrade of security and communications infrastructure, to counter any potential terrorism threat related to the 2002 Winter Olympic games to be held in Utah.

SEC. 2002. EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "September 30, 1996" and inserting "September 30, 1997".

SEC. 2003. Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by adding at the end thereof the following:

"(d) GOOD SAMARITAN EXEMPTION.—It shall not be a violation of this Act to take a marine mammal if—

"(1) such taking is imminently necessary to avoid serious injury, additional injury, or death to a marine mammal entangled in fishing gear or debris;

"(2) reasonable care is taken to ensure the safe release of the marine mammal, taking into consideration the equipment, expertise, and conditions at hand;

"(3) reasonable care is exercised to prevent any further injury to the marine mammal; and

"(4) such taking is reported to the Secretary within 48 hours."

SEC. 2004. Notwithstanding any other provision of law, the Secretary of Commerce shall have the authority to reprogram or transfer up to \$41,000,000 of the amounts provided under "National Oceanic and Atmospheric Administration, Operations, Research, and Facilities" for Satellite Observing Systems in Public Law 104-208 for other programmatic and operational requirements of the National Oceanic and Atmospheric Administration and the Department of Commerce subject to notification of the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 and which shall not be available for obligation or expenditure except in compliance with the procedure set forth in that section.

#### CHAPTER 3

##### DEPARTMENT OF DEFENSE—CIVIL

##### DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL

##### FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Ar-

kansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" for emergency expenses due to flooding and other natural disasters, \$20,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General" for emergency expenses due to flooding and other natural disasters, \$150,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99-662, shall be derived from that fund: *Provided further*, That of the total amount appropriated, \$5,000,000 shall be available solely for the Secretary of the Army, acting through the Chief of Engineers, to pay the costs of the Corps of Engineers and other Federal agencies associated with the development of necessary studies, an interagency management plan, environmental documentation, continued monitoring, and other activities related to allocations of water in the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River Basins: *Provided further*, That no portion of such \$5,000,000 may be used by the Corps of Engineers to revise its master operational manuals or water control plans for operation of the reservoirs for the two river basins until (1) the interstate compacts for the two river basins are ratified by the Congress by law; and (2) the water allocation formulas for the two river basins have been agreed to by the States of Alabama, Georgia, and Florida and the Federal representative to the compacts: *Provided further*, That the preceding proviso shall not apply to the use of such funds for any environmental reviews necessary for the Federal representative to approve the water allocation formulas for the two river basins: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies" due to flooding and other natural disasters, \$415,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That with \$5,000,000 of the funds appropriated herein, the Secretary of the Army is directed to initiate and complete preconstruction engineering and design and the associated Environmental Impact Statement for an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: *Provided further*, That of the funds appropriated under this paragraph, \$5,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4128) if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency.

#### DEPARTMENT OF THE INTERIOR

##### BUREAU OF RECLAMATION

##### OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", \$7,355,000, to remain

available until expended, to repair damage caused by floods and other natural disasters: *Provided*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund shall be derived from that fund: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### GENERAL PROVISIONS, CHAPTER 3

SEC. 3001. (a) Beginning in fiscal year 1997 and thereafter, the United States members and the alternate members appointed under the Susquehanna River Basin Compact (Public Law 91-575), and the Delaware River Basin Compact (Public Law 87-328), shall be officers of the U.S. Army Corps of Engineers, who hold Presidential appointments as Regular Army officers with Senate confirmation, and who shall serve without additional compensation.

(b) Section 2, Reservations, Paragraph (u) of Public Law 91-575 (84 Stat. 1509) and section 15.1, Reservations, Paragraph (d) of Public Law 87-328 (75 Stat. 688, 691) are hereby repealed.

(c) Section 2.2 of Public Law 87-328 (75 Stat. 688, 691) is amended by striking the words "during the term of office of the President" and inserting the words "at the pleasure of the President".

SEC. 3002. Notwithstanding section 5 of the Reclamation Safety of Dams Act of 1978, Public Law 95-578, as amended, the Secretary of the Interior is authorized to obligate up to \$1,200,000 for carrying out actual construction for safety of dam purposes to modify the Willow Creek Dam, Sun River Project, Montana.

SEC. 3003. (a) CONSULTATION AND CONFERRING.—As provided by regulations issued under the Endangered Species Act (16 U.S.C. 1531 et seq.) for emergency situations, formal consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Act for any action authorized, funded or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure may be deferred by the Federal agency authorizing, funding or carrying out the action, if the agency determines that the repair is needed to respond to an emergency causing an imminent threat to human lives and property in 1996 or 1997. Formal consultation or conferencing shall be deferred until the imminent threat to human lives and property has been abated. For purposes of this section, the term repair shall include preventive and remedial measures to restore the project, facility or structure to remove an imminent threat to human lives and property.

(b) REASONABLE AND PRUDENT MEASURES.—Any reasonable and prudent measures specified under section 7 of the Endangered Species Act (16 U.S.C. 1536) to minimize the impact of an action taken under this section shall be related both in nature and extent to the effect of the action taken to repair the flood control project, facility or structure.

#### CHAPTER 4

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

##### ASSISTANCE TO UKRAINE

SEC. 4001. The President may waive the minimum funding requirements contained in subsection (k) under the heading "Assistance for the New Independent States of the Former Soviet Union" contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as included in Public Law 104-208, for activities for the government of Ukraine funded in that subsection, if he determines and so re-

ports to the Committees on Appropriations that the government of Ukraine:

(1) has not made progress toward implementation of comprehensive economic reform;

(2) is not taking steps to ensure that United States businesses and individuals are able to operate according to generally accepted business principles; or

(3) is not taking steps to cease the illegal dumping of steel plate.

#### CHAPTER 5

#### DEPARTMENT OF THE INTERIOR

##### BUREAU OF LAND MANAGEMENT

##### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction" to repair damage caused by floods and other natural disasters, \$4,796,000, to remain available until expended, of which \$4,403,000 is to be derived by transfer from unobligated balances of funds under the heading, "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104-134: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California Grant Lands" to repair damage caused by floods and other natural disasters, \$2,694,000, to remain available until expended and to be derived from unobligated balances of funds under the heading, "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104-134: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For an additional amount for "Resource Management", \$5,300,000, to remain available until expended, for technical assistance and fish replacement made necessary by floods and other natural disasters, for restoration of public lands damaged by fire, and for payments to private landowners for the voluntary use of private land to store water in restored wetlands: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### CONSTRUCTION

For an additional amount for "Construction", \$88,000,000, to remain available until expended, to repair damage caused by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### LAND ACQUISITION

For an additional amount for "Land Acquisition", \$10,000,000, to remain available until expended, for the cost-effective emergency acquisition of land and water rights necessitated by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### NATIONAL PARK SERVICE

##### CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from

flooding and other natural disasters, \$187,321,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of this amount, \$30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: *Provided further*, That nothing herein should be construed as impairing in any way the rights of the United States against the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: *Provided further*, That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: *Provided further*, That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: *Provided further*, That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations for "Construction" shall be rescinded.

For an additional amount for "Construction", \$10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

##### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", \$4,650,000, to remain available until September 30, 1998, to repair or replace damaged equipment and facilities caused by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### BUREAU OF INDIAN AFFAIRS

##### OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", \$14,317,000, to remain available until September 30, 1998, for emergency response activities, including emergency school operations, heating costs,

emergency welfare assistance, and to repair and replace facilities and resources damaged by snow, floods, and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### CONSTRUCTION

For an additional amount for "Construction", \$6,249,000, to remain available until expended, to repair damages caused by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any other provision of law, funds appropriated herein and in Public Law 104-208 to the Bureau of Indian Affairs for repair of the Wapato irrigation project shall be made available on a nonreimbursable basis.

#### RELATED AGENCIES

#### DEPARTMENT OF AGRICULTURE

##### FOREST SERVICE

##### NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for emergency expenses resulting from flooding and other natural disasters, \$39,677,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### RECONSTRUCTION AND CONSTRUCTION

For an additional amount for "Reconstruction and Construction" for emergency expenses resulting from flooding and other natural disasters, \$27,685,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

For an additional amount for "Indian Health Services" for emergency expenses resulting from flooding and other natural disasters, \$1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### INDIAN HEALTH FACILITIES

For an additional amount for "Indian Health Facilities" for emergency expenses resulting from flooding and other natural disasters, \$2,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### GENERAL PROVISIONS, CHAPTER 5

SEC. 5001. Section 101(c) of Public Law 104-134 is amended as follows: Under the heading "Title III—General Provisions" amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections "104%" and inserting in lieu thereof "100%"; by striking in each of those sections "1995" and inserting in lieu thereof "1994"; and by striking in each of those sections "and thereafter annually adjusted upward by 4%,".

SEC. 5002. Section 101(d) of Public Law 104-208 is amended as follows: Under the heading "Administrative Provisions, Indian Health Service" strike the seventh proviso and insert the following in lieu thereof: "*Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended".

SEC. 5003. (a) EXTENSION AND EFFECTIVE DATE.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking "June 30, 1997" and inserting "March 31, 1999".

(b) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—Section 3711 of such Act is amended by adding at the end the following new subsection:

"(c) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—If, at any time prior to March 31, 1999, the Secretary notifies the Committee on Indian Affairs of the United States Senate or the Committee on Resources in the United States House of Representatives that the Settlement Agreement, as executed by the Secretary, has been submitted to the Superior Court of the State of Arizona in and for Maricopa County for consideration and approval as part of the General Adjudication of the Gila River System and Source, the March 31, 1999, referred to in subsection (b)(1) shall be deemed to be changed to December 31, 1999."

(c) COUNTIES.—Section 3706(b)(3) of such Act is amended by inserting "Gila, Graham, Greenlee," after "Maricopa,".

(d) PARTIES TO AGREEMENT.—Section 3703(2) of such Act is amended by adding at the end the following new sentence: "The Gila Valley Irrigation District and the Franklin Irrigation District shall be added as parties to the Agreement, but only so long as none of the aforementioned parties objects to adding the Gila Valley Irrigation and/or the Franklin Irrigation District as parties to the Agreement."

(e) DEFINITIONS.—Section 3703 of such Act is amended by adding the following new paragraphs:

"(12) 'Morenci mine complex' means the lands owned or leased by Phelps Dodge Corporation, now or in the future, delineated in a map as 'Phelps Dodge Mining, Mineral Processing, and Auxiliary Facilities Water Use Area', which map is dated March 19, 1996, and is on file with the Secretary of the Interior.

"(13) 'Upper Eagle Creek Wellfield' means that area in Greenlee County which is bounded by the eastern boundary of Graham County on the west, the southern boundary of the Black River watershed on the north, a line running north and south 5 miles east of the eastern boundary of Graham County on the east, and the southern boundary of the natural drainage of Cottonwood Canyon on the south."

(f) BLACK RIVER FACILITIES.—Section 3711 of such Act, as amended by subsection (b) of this Act, is further amended by adding at the end the following:

"(d) BLACK RIVER FACILITIES.—

"(1) IN GENERAL.—The provisions and agreements set forth or referred to in paragraphs (2), (3), and (4) below shall be enforceable against the United States in United States district court, and the immunity of

the United States for such purposes and for no other purpose is hereby waived. The provisions and agreements set forth or referred to in paragraphs (2)(A), (3), and (4) below shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe for such purposes and for no other purpose, is hereby waived. The specific agreements made by the Tribe and set forth in paragraph (5) shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe is hereby waived as to such specific agreements and for no other purpose.

"(2) INTERIM PERIOD.—

"(A) As of July 23, 1997, Phelps Dodge shall vacate the reservation and no longer rely upon permit #2000089, dated July 25, 1944. On such date the United States, through the Bureau of Reclamation, shall enter, operate, and maintain the Black River pump station, outbuildings, the pipeline, related facilities, and certain caretaker quarters (hereinafter referred to collectively as the 'Black River facilities').

"(B) The United States and Phelps Dodge shall enter into a contract for delivery of water pursuant to subparagraph (C), below. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the diversion and use of up to 7,300 acre feet per year by the San Carlos Apache Tribe, and no such diversion for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. The United States shall account for the costs for operating and maintaining the Black River facilities, and Phelps Dodge shall reimburse the United States for such costs. Phelps Dodge shall pay to the United States, for delivery to the Tribe, the sum of \$20,000 per month, with an annual CPI adjustment from July 23, 1997, for purposes of compensating the Tribe for United States use and occupancy of the Black River facilities. Phelps Dodge and the Tribe shall cooperate with the United States in effectuating an orderly transfer of the operations of the Black River facilities from Phelps Dodge to the United States.

"(C) Notwithstanding any other provision of law, the contract referred to in subparagraph (B) between the United States and Phelps Dodge which provides for the diversion of water from the Black River into the Black River facilities, and the delivery of such water to Phelps Dodge at that location where the channel of Eagle Creek last exits the reservation for use in the Morenci mine complex and the towns of Clifton and Morenci and at no other location, is ratified and confirmed.

"(D) The power line right-of-way over the Tribe's Reservation which currently is held by Phelps Dodge shall remain in place. During the interim period, Phelps Dodge shall provide power to the United States for operation of the pump station and related facilities without charge, and Phelps Dodge shall pay a monthly right-of-way fee to the Tribe of \$5,000 per month, with an annual CPI adjustment from July 23, 1997.

"(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Upper Eagle Creek Wellfield, its diversions of surface water from Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed in this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(3) FINAL ARRANGEMENTS AND TERMS.—The interim period described in paragraph (2) shall extend until all conditions set forth in



paragraph (3)(B) have been satisfied. At such time, the following final arrangements shall apply, based on the terms set forth below. Such terms shall bind the Tribe, the United States, and Phelps Dodge, and shall be enforceable pursuant to subsection (d)(1) of this Act.

“(A) The United States shall hold the Black River facilities in trust for the Tribe, without cost to the Tribe or the United States.

“(B) Responsibility for operation of the Black River facilities shall be transferred from the United States to the Tribe. The United States shall train Tribal members during the interim period, and the responsibility to operate the Black River facilities shall be transferred upon satisfaction of 2 conditions—

“(i) a finding by the United States that the Tribe has completed necessary training and is qualified to operate the Black River facilities; and

“(ii) execution of the contract described in paragraph (3)(E), which contract shall be executed on or before December 31, 1998. In the event that the contract is not executed by December 31, 1998, the transfer described in this subsection shall occur on December 31, 1998 (so long as condition (i) of this subparagraph has been satisfied), based on application of the contract terms described in paragraph (3)(E), which terms shall be enforceable under this Act. Upon the approval of the Secretary, the Tribe may contract with third parties to operate the Black River facilities.

“(C) Power lines currently operated by Phelps Dodge on the Tribe's Reservation, and the right-of-way associated with such power lines, shall be surrendered by Phelps Dodge to the Tribe, without cost to the Tribe. Prior to the surrender of the power lines, the Bureau of Reclamation shall arrange for an inspection of the power lines and associated facilities by a qualified third party and shall obtain a certification that such power lines and facilities are of sound design and are in good working order. Phelps Dodge shall pay for the cost of such inspection and certification. Concurrently with the surrender of the power lines and the right-of-way, Phelps Dodge shall construct a switch station at the boundary of the Reservation at which the Tribe may switch power on or off and shall deliver ownership and control of such switch station to the Tribe. Subsequent to the transfer of the power lines and the right-of-way and the delivery of ownership and control of the switch station to the Tribe, Phelps Dodge shall have no further obligation or liability of any nature with respect to the ownership, operation, or maintenance of the power lines, the right-of-way, or the switch station.

“(D) The Tribe and the United States will enter into an exchange agreement with the Salt River Project which will deliver CAP water controlled by the Tribe to the Salt River Project in return for the diversion of water from the Black River into the Black River facilities. The exchange agreement shall be subject to review and approval by Phelps Dodge, which approval shall not be unreasonably withheld. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed.

“(E) The Tribe, the United States, and Phelps Dodge will execute a contract covering the lease and delivery of CAP water from the Tribe to Phelps Dodge on the following terms:

“(i) The Tribe will lease to Phelps Dodge 14,000 acre feet of CAP water per year as of the date on which the interim period referred to in paragraph (2) expires. The lease shall be subject to the terms and conditions identified in the Tribal CAP Delivery Contract ref-

erenced in section 3706(b). The leased CAP water shall be delivered to Phelps Dodge from the Black River pursuant to the exchange referred to in subparagraph (D) above, based on diversions from the Black River that shall not exceed an annual average of 40 acre feet per day and shall not cause the flow of Black River to fall below 20 cubic feet per second. Such CAP water shall be delivered to Phelps Dodge at that location where the channel of Eagle Creek last exits the Reservation, to be utilized in the Morenci mine complex and the towns of Clifton and Morenci, and at no other location.

“(ii) The leased CAP water shall be junior to the diversion and use of up to 7,300 acre feet per year from the Black and Salt Rivers by the San Carlos Apache Tribe.

“(iii) The lease will be for a term of 50 years or, if earlier, the date upon which mining activities at the Morenci mine complex cease, with a right to renew for an additional 50 years upon a finding by the Secretary that the water is needed for continued mining activities at the Morenci mine complex. The lease shall have the following financial terms:

“(I) The Tribe will lease CAP water at a cost of \$1,200 per acre foot. Phelps Dodge shall pay to the United States, on behalf of the Tribe, the sum of \$5,000,000 upon the earlier of the execution of the agreement, or upon the expiration of the interim period referred to in paragraph (2) hereof, which amount shall be a prepayment for and applicable to the first 4,166 acre feet of CAP water to be delivered in each year during the term of the lease.

“(II) Phelps Dodge shall pay the United States, on behalf of the Tribe, the sum of \$65 per acre foot per year, with an annual CPI adjustment for the remaining 9,834 acre feet of water to be delivered pursuant to the lease each year. Such payments shall be made in advance on January 1 of each year, with a reconciliation made at year-end, if necessary, in the event that less than 14,000 acre feet of CAP water is diverted from the Black River due to shortages in the CAP system or on the Black River.

“(III) Phelps Dodge shall pay in advance each month the Tribe's reasonable costs associated with the Tribe's operation, maintenance, and replacement of the Black River facilities for purposes of delivering water to Phelps Dodge pursuant to the lease, which costs shall be based upon the experience of the Bureau of Reclamation in operating the Black River facilities during the interim period referred to in paragraph (2), subject to an annual CPI adjustment, and providing for a credit for power provided by Phelps Dodge to the Tribe. In addition, Phelps Dodge shall pay a monthly fee of \$30,000 to the United States, on behalf of the Tribe, to account for the use of the Tribe's distribution system.

“(IV) Phelps Dodge shall pay the United States operation, maintenance, and replacement charges associated with the leased CAP water and such reasonable interconnection charges as may be imposed by Salt River Project in connection with the exchange referred to in subparagraph (D) above.

“(iv) Notwithstanding the provisions of section 3707(b), any moneys, except Black River facilities OM&R, CAP OM&R and any charges associated with an exchange agreement with Salt River Project, paid to the United States on behalf of the Tribe from the lease referred to under paragraph (3)(D)(iii) shall be held in trust by the United States for the benefit of the Tribe. There is hereby established in the Treasury of the United States a fund to be known as the ‘San Carlos Apache Tribe Lease Fund’ for such purpose. Interest accruing to the Fund may be used by the Tribe for economic and community development purposes upon presentation to

the Secretary of a certified copy of a duly enacted resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council. Such income may thereafter be expended only in accordance with such budget. Income not distributed shall be added to principal. The United States shall not be liable for any claim or causes of action arising from the Tribe's use or expenditure of moneys distributed from the Fund.

“(v) The lease is not assignable to any third party, except with the consent of the Tribe and Phelps Dodge, and with the approval of the Secretary.

“(vi) Notwithstanding subsection (b) hereof, section 3706 shall be fully effective immediately with respect to the CAP water lease provided for in this subparagraph and the Secretary shall take all actions authorized by section 3706 necessary for purposes of implementing this subparagraph. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed and shall be enforceable in United States district court. In the event that no lease authorized by this subparagraph is executed, this subparagraph, notwithstanding any other provision of law, shall be enforceable as a lease among the Tribe, the United States, and Phelps Dodge in the United States district court, and the Secretary shall take all action authorized by section 3706 for purposes of implementing this subparagraph in such an event.

“(F) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek Wellfield, its diversions of surface water from lower Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed by this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

“(4) EAGLE CREEK.—From the effective date of this subsection, and during the Interim Period, the Tribe shall not, in any way, impede, restrict, or sue the United States regarding the passage of water from the Black River facilities into those portions of the channels of Willow Creek and Eagle Creek which flow through the Reservation. Phelps Dodge agrees to limit pumping from the Upper Eagle Creek Wellfield so that the combination of water from the Black River facilities and water pumped from the Upper Eagle Creek Wellfield does not exceed 22,000 acre feet per year of delivered water at the Phelps Dodge Lower Eagle Creek Pump Station below the Reservation. In calculating the pumping rates allowed under this subparagraph, transmission losses from Black River and the Upper Eagle Creek Wellfield shall be estimated, but in no event shall such transmission losses be more than 10 percent of the Black River or Upper Eagle Creek Wellfield water. Based on this agreement, the Tribe shall not, in any way, impede, restrict, or sue Phelps Dodge regarding the passage of water from the Phelps Dodge Upper Eagle Creek Wellfield, except that—

“(A) Phelps Dodge shall pay to the United States, on behalf of the Tribe, \$5,000 per month, with an annual CPI adjustment from July 23, 1997, to account for the passage of such flows; and

“(B) the Tribe and the United States reserve the right to challenge Phelps Dodge's claims regarding the pumping of groundwater from the Upper Eagle Creek Wellfield, in accordance with paragraphs (2)(E) and (3)(F) above. In the event that a court determines that Phelps Dodge does not have the right to pump the Upper Eagle Creek Wellfield, the Tribe will no longer be subject

to the restriction set forth in this subparagraph regarding the passage of water from the Wellfield through the Reservation. Nothing in this subsection shall affect the rights, if any, that Phelps Dodge might claim regarding the flow of water in the channel of Eagle Creek in the absence of this subsection.

“(5) PAST CLAIMS.—The Act does not address claims relating to Phelps Dodge’s prior occupancy and operation of the Black River facilities. The Tribe agrees not to bring any such claims against the United States. The Tribe also agrees that within 30 days after Phelps Dodge has vacated the Reservation, it shall dismiss with prejudice the suit that it has filed in Tribal Court against Phelps Dodge (The San Carlos Apache Tribe v. Phelps Dodge, et al., Case No. C-97-118), which such dismissal shall not be considered a decision on the merits, and any claims that it might assert against Phelps Dodge in connection with Phelps Dodge’s prior occupancy and operation of the Black River facilities shall be brought exclusively in the United States district court.

“(6) RELATIONSHIP TO SETTLEMENT.—

“(A) The term ‘Agreement’, as defined by section 3703(2), shall not include Phelps Dodge.

“(B) Section 3706(j) and section 3705(f) shall be repealed and shall have no effect.

“(7) RATIFICATION OF SETTLEMENT.—The agreement between the San Carlos Apache Tribe, the Phelps Dodge Corporation, and the Secretary of the Interior, as set forth in this subsection, is hereby ratified and approved.”.

(g) TECHNICAL AMENDMENT.—Section 3702(a)(3) is amended by striking “qualification” and inserting “quantification”.

SEC. 5004. Paragraph (5) of section 104(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended as follows:

(1) In subparagraph (A), by striking “, including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994.”.

(2) By adding the following new subparagraph at the end thereof:

“(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30 day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph.”.

#### CHAPTER 6

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### HEALTH RESOURCES AND SERVICES ADMINISTRATION

##### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Public Law 104-208, under the heading “Health Education Assistance Loans Program” is amended by inserting after “\$140,000,000” the following: “: *Provided further*, That the Secretary may use up to \$499,000 derived by transfer from insurance premiums collected from guaranteed loans made under title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act”.

#### ADMINISTRATION FOR CHILDREN AND FAMILIES

##### CHILDREN AND FAMILIES SERVICES PROGRAMS

Public Law 104-208, under the heading titled “Children and Families Services Programs” is amended by inserting after the reference to “part B(1) of title IV” the following: “and section 1110”.

#### OFFICE OF THE SECRETARY

##### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support high priority health research, \$15,000,000, to remain available until expended: *Provided*, That the Secretary shall award such funds on a competitive basis.

#### DEPARTMENT OF EDUCATION

##### EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, \$101,133,000, of which \$78,362,000 shall be for Basic Grants and \$22,771,000 shall be for Concentration Grants, which shall be allocated, notwithstanding any other provision of law, only to those States, and counties within those States, that will receive, from funds available under the Department of Education Appropriations Act, 1997, smaller allocations for Grants to Local Educational Agencies than they would have received had those allocations been calculated entirely on the basis of child poverty counts from the 1990 census: *Provided*, That the Secretary of Education shall use these additional funds to provide those States with 50 percent of the difference between the allocations they would have received had the allocations under that Appropriations Act been calculated entirely on the basis of the 1990 census data and the allocations under the 1997 Appropriations Act: *Provided further*, That if any State’s total allocation under that Appropriations Act and this paragraph is less than its 1996 allocation for that subpart, that State shall receive, under this paragraph, the amount the State would have received had that allocation been calculated entirely on the basis of child poverty counts from the 1990 census: *Provided further*, That the Secretary shall ratably reduce the allocations to States under the preceding proviso for either Basic Grants or Concentration Grants, or both, as the case may be, if the funds available are insufficient to make those allocations in full: *Provided further*, That the Secretary shall allocate, to such counties in each such State, additional amounts for Basic Grants and Concentration Grants that are in the same proportion, respectively, to the total amounts allocated to the State, as the differences between such counties’ initial allocations for Basic Grants and Concentration Grants, respectively (compared to what they would have received had the initial allocations been calculated entirely on the basis of 1990 census data), are to the differences between the State’s initial allocations for Basic Grants and Concentration Grants, respectively (compared to the amounts the State would have received had the initial allocations been calculated entirely on the basis of 1990 census data): *Provided further*, That the funds appropriated under this paragraph shall become available on July 1, 1997 and shall remain available through September 30, 1998: *Provided further*, That the additional amounts appropriated under this paragraph shall not be taken into account in determining State allocations under any other program administered by the Secretary.

#### RELATED AGENCY

##### NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION

##### SALARIES AND EXPENSES

For necessary expenses for the National Commission on the Cost of Higher Education, \$650,000, to remain available until expended.

#### GENERAL PROVISIONS, CHAPTER 6

SEC. 6001. Notwithstanding any other provision of law, fiscal year 1995 funds awarded under State-administered programs of the Department of Education and funds awarded for fiscal year 1996 for State-administered programs under the Rehabilitation Act of the Department of Education to recipients in Presidentially declared disaster areas, which were declared as such during fiscal year 1997, are available to those recipients for obligation until September 30, 1998: *Provided*, That for the purposes of assisting those recipients, the Secretary’s waiver authority under section 14401 of the Elementary and Secondary Education Act of 1965 shall be extended to all State-administered programs of the Department of Education. This special waiver authority applies only to funds awarded for fiscal years 1995, 1996, and 1997.

SEC. 6002. Notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act that the Secretary deems necessary to assist individuals and other program participants who suffered financial harm from natural disasters and who, at the time the disaster struck were operating, residing at, or attending an institution of higher education, or employed within these areas on the date which the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): *Provided further*, That such authority shall be in effect only for awards for award years 1996-1997 and 1997-1998.

SEC. 6003. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 1997 may be used to administer or implement in Denver, Colorado, the Medicare Competitive Pricing/Open Enrollment Demonstration, as titled in the April 1, 1997, Final Request for Proposals (RFP).

#### SEC. 6004. EMERGENCY USE OF CHILD CARE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997, and ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) ELIGIBILITY.—

(1) OF STATES.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.

(2) OF INDIVIDUALS.—An individual described in this subsection is an individual who—

(A) resides within any area in which the President, pursuant to section 401 of the

Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and

(B) is involved in unpaid work activities (including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools) resulting from the flood emergency described in subparagraph (A).

(c) LIMITATIONS.—

(1) REQUIREMENTS.—With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to child care provided or obtained under this section.

(2) AMOUNT OF FUNDS.—The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.

(d) PRIORITY.—In making assistance available under this section, the Governors described in subsection (a) shall give priority to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

EXTENSION OF SSI REDETERMINATION PROVISIONS

SEC. 6005. (a) Section 402(a)(2)(D)(i) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)(i)) is amended—

(1) in subclause (I), by striking “the date which is 1 year after such date of enactment,” and inserting “September 30, 1997,”; and

(2) in subclause (III), by striking “the date of the redetermination with respect to such individual” and inserting “September 30, 1997.”

(b) The amendment made by subsection (a) shall be effective as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

CHAPTER 7  
CONGRESSIONAL OPERATIONS  
SENATE

CONTINGENT EXPENSES OF THE SENATE  
SECRETARY OF THE SENATE  
(TRANSFER OF FUNDS)

For an additional amount for expenses of the “Office of the Secretary of the Senate”, to carry out the provisions of section 8 of the Legislative Branch Appropriations Act, 1997, \$5,000,000, to remain available until September 30, 2000, to be derived by transfer from funds previously appropriated from fiscal year 1997 funds under the heading “SENATE”, subject to the approval of the Committee on Appropriations.

HOUSE OF REPRESENTATIVES  
PAYMENTS TO WIDOWS AND HEIRS OF  
DECEASED MEMBERS OF CONGRESS

For payment to Marissa, Sonya, and Frank (III) Tejada, children of Frank Tejada, late a Representative from the State of Texas, \$133,600.

OTHER AGENCY  
BOTANIC GARDEN

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses, Botanic Garden”, \$33,500,000,

to remain available until expended, for emergency repair and renovation of the Conservatory.

GENERAL PROVISIONS, CHAPTER 7

SEC. 7001. Section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 611(f)) is amended by adding at the end the following: “The limitation on the minimum rate of gross compensation under this subsection shall not apply to any member or civilian employee of the Capitol Police whose compensation is disbursed by the Secretary of the Senate.”

SEC. 7002. (a) Notwithstanding any other provision of law or regulation, with the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate is authorized to provide additional facilities, services, equipment, and office space for use by a Senator in that Senator’s State in connection with a disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Expenses incurred by the Sergeant at Arms and Doorkeeper of the Senate under this section shall be paid from the appropriation account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate with the approval of the Committee on Rules and Administration of the Senate.

(b) This section is effective on and after the date of enactment of this Act.

SEC. 7003. (a) Section 2 of Public Law 100-71 (2 U.S.C. 65f) is amended by adding at the end the following:

“(c) Upon the written request of the Secretary of the Senate, with the approval of the Committee on Appropriations of the Senate, there shall be transferred any amount of funds available under subsection (a) specified in the request, but not to exceed \$10,000 in any fiscal year, from the appropriation account (within the contingent fund of the Senate) for expenses of the Office of the Secretary of the Senate to the appropriation account for the expense allowance of the Secretary of the Senate. Any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.”

(b) The amendment made by subsection (a) shall be effective with respect to appropriations for fiscal years beginning on or after October 1, 1996.

SEC. 7004. The Comptroller General may use available funds, now and hereafter, to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter in multiyear contracts for the acquisition of property and nonaudit-related services, to the same extent as executive agencies under the authority of sections 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 253l and 254c).

CHAPTER 8  
DEPARTMENT OF TRANSPORTATION  
COAST GUARD  
OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$1,600,000, for necessary expenses directly related to support activities in the TWA Flight 800 crash investigation, to remain available until expended.

RETIRED PAY

For an additional amount for “Retired Pay”, \$9,200,000.

FEDERAL HIGHWAY ADMINISTRATION  
FEDERAL-AID HIGHWAYS  
EMERGENCY RELIEF PROGRAM  
(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other natural disasters, as authorized by 23 U.S.C. 125, \$650,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from the December 1996 and January 1997 flooding in the western States.

FEDERAL-AID HIGHWAYS  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

The limitation under this heading in Public Law 104-205 is increased by \$694,810,534: *Provided*, That such additional authority shall remain available during fiscal year 1997: *Provided further*, That notwithstanding any other provision of law, the authority provided herein above shall be distributed to ensure that States receive an amount they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996: *Provided further*, That notwithstanding any other provision of law, \$318,077,043 of the amount provided herein above shall be distributed to assure that States receive obligation authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: *Provided further*, That the remaining authority provided herein above shall be distributed to those States whose share of Federal-aid obligation limitation under section 310 of Public Law 104-205 is less than the amount such States received under section 310(a) of Public Law 104-50 in fiscal year 1996 in a ratio equal to the amounts necessary to bring each such State to the Federal-aid obligation limitation distributed under section 310(a) of Public Law 104-50.

FEDERAL RAILROAD ADMINISTRATION  
EMERGENCY RAILROAD REHABILITATION AND  
REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, \$18,900,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: *Provided*, That up to \$900,000 shall be solely for damage incurred in West Virginia in September 1996 and \$18,000,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997: *Provided further*, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further*, That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head unless the rights-of-way, bridges or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: *Provided further*, That railroad rights-of-way, bridges and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: *Provided further*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as

an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until September 30, 1997.

#### RELATED AGENCY

##### NATIONAL TRANSPORTATION SAFETY BOARD SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for emergency expenses resulting from the crashes of TWA Flight 800, ValuJet Flight 592, and Comair Flight 3272, and for assistance to families of victims of aviation accidents as authorized by Public Law 104-264, \$29,859,000, of which \$4,877,000 shall remain available until expended: *Provided*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any other provision of law, not more than \$10,330,000 shall be provided by the National Transportation Safety Board to the Department of the Navy as reimbursement for costs incurred in connection with recovery of wreckage from TWA Flight 800 and shall be credited to the appropriation contained in the Omnibus Consolidated Appropriations Act, 1997, which is available for the same purpose as the appropriation originally charged for the expense for which the reimbursements are received, to be merged with, and to be available for the same purpose as the appropriation to which such reimbursements are credited: *Provided further*, That notwithstanding any other provision of law, of the amount provided, not more than \$6,059,000 shall be made available to the State of New York and local counties in New York, as reimbursement for costs incurred in connection with the crash of TWA Flight 800: *Provided further*, That notwithstanding any other provision of law, of the amount provided, not more than \$3,100,000 shall be made available to Metropolitan Dade County, Florida as reimbursement for costs incurred in connection with the crash of ValuJet Flight 592: *Provided further*, That notwithstanding any other provision of law, of the amount provided, not more than \$300,000 shall be made available to Monroe County, Michigan as reimbursement for costs incurred in connection with the crash of Comair Flight 3272.

#### GENERAL PROVISIONS, CHAPTER 8

SEC. 8001. Title I of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104-205) is amended under the heading "Federal Transit Administration—Discretionary Grants" by striking "\$661,000,000" and inserting "\$661,000".

SEC. 8002. Section 325 of title III of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104-205) is amended by deleting all text following: "*Provided*, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction."

SEC. 8003. Section 410(j) of title 23, United States Code, is amended by striking the period after "1997" and inserting ", and an additional \$500,000 for fiscal year 1997."

SEC. 8004. Section 30308(a) of title 49, United States Code, is amended by striking "and 1996" and inserting ", 1996, and 1997".

#### CHAPTER 9

##### DEPARTMENT OF THE TREASURY DEPARTMENTAL OFFICES SALARIES AND EXPENSES

For an additional amount under the heading "Departmental Offices, Salaries and Expenses", \$1,950,000: *Provided*, That the Secretary of the Treasury may utilize the law enforcement services, personnel, equipment, and facilities of the State of Colorado, the County of Denver, and the City of Denver, with their consent, and shall reimburse the State of Colorado, the County of Denver, and the City of Denver for the utilization of such law enforcement services, personnel (for salaries, overtime, and benefits), equipment, and facilities for security arrangements for the Denver Summit of Eight being held June 20 through June 22, 1997, in Denver, Colorado subject to verification of appropriate costs.

##### COUNTER-TERRORISM AND DRUG LAW ENFORCEMENT

##### DEPARTMENT OF THE TREASURY UNITED STATES CUSTOMS SERVICE SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 104-208, \$16,000,000 shall be available until September 30, 1998 to develop further the Automated Targeting System.

#### U.S. POSTAL SERVICE

##### PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (d) of section 2401 of title 39, United States Code, \$5,383,000.

#### GENERAL PROVISIONS, CHAPTER 9

SEC. 9001. The Administrator of General Services is authorized to obligate the funds appropriated in Public Law 104-208 for construction of the Montgomery, Alabama courthouse.

SEC. 9002. None of the funds appropriated or made available in this Act or any other Act may be used by the General Services Administration to implement section 1555 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355) prior to the date of adjournment of the first session of the 105th Congress.

SEC. 9003. (a) The Bureau of Engraving and Printing and the Department of the Treasury shall not award a contract for Solicitation No. BEP-97-13(TN) or Solicitation No. BEP-96-13(TN) until the General Accounting Office (GAO) has completed a comprehensive analysis of the optimum circumstances for government procurement of distinctive currency paper. The GAO shall report its findings to the House and Senate Committees on Appropriations no later than August 1, 1998.

(b) The contractual term of the distinctive currency paper "bridge" contract shall not exceed 24 months, and the contract shall not be effective until the Secretary of the Department of the Treasury certifies that the price under the terms of any "bridge" contract is fair and reasonable and that the terms of any "bridge" contract are customary and appropriate according to Federal procurement regulations. In addition, the Secretary of the Treasury shall report to the Committees on Appropriations on the price and profit levels of any "bridge" contract at the time of certification.

SEC. 9004. (a) Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following:

##### "SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

##### "§ 6391. Authority for leave transfer program in disasters and emergencies

"(a) For the purpose of this section—

"(1) 'employee' means an employee as defined in section 6331(1); and

"(2) 'agency' means an Executive agency.

"(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

"(c) The Office shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient's credit must be exhausted before any transferred annual leave may be used.

"(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office, donate annual leave to the emergency leave transfer program established under subsection (b).

"(e) Except to the extent that the Office may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

"(f) The Office shall prescribe regulations necessary for the administration of this section."

(b) The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

##### "SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

##### "§ 6391. Authority for leave transfer program in disasters and emergencies."

#### CHAPTER 10

##### DEPARTMENT OF VETERANS AFFAIRS

##### VETERANS BENEFITS ADMINISTRATION COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", \$928,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISION

The Secretary of Veterans Affairs may carry out the construction of a multi-story parking garage at the Department of Veterans Affairs medical center in Cleveland, Ohio, in the amount of \$12,300,000, and there is authorized to be appropriated for fiscal year 1997 for the Parking Revolving Fund account, a total of \$12,300,000 for this project.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### HOUSING PROGRAMS

##### ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Notwithstanding any other provision of law, of the \$1,000,000 appropriated for special purpose grants in Public Law 102-139, for a parking garage in Ashland, Kentucky, \$500,000 shall be made available instead for use in acquiring parking in Ashland, Kentucky and \$500,000 shall be made available instead for the restoration of the Paramount Theater in Ashland, Kentucky.

#### PRESERVING EXISTING HOUSING INVESTMENT

For an additional amount for "Preserving existing housing investment", to be made available for use in conjunction with properties that are eligible for assistance under

the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, \$3,500,000, to remain available until expended: *Provided*, That up to such amount shall be for a project in Syracuse, New York, the processing for which was suspended, deferred or interrupted for a period of nine months or more because of differing interpretations, by the Secretary of Housing and Urban Development and an owner, concerning the timing of the ability of an uninsured section 236 property to prepay, or by the Secretary and a State rent regulatory agency concerning the effect of a presumptively applicable State rent control law or regulation on the determination of preservation value under section 213 of such Act, if the owner of such project filed a notice of intent to extend the low-income affordability restrictions of the housing on or before August 23, 1993, and the Secretary approved the plan of action on or before July 25, 1996.

CAPACITY BUILDING FOR COMMUNITY  
DEVELOPMENT AND AFFORDABLE HOUSING  
(TRANSFER OF FUNDS)

For "Capacity building for community development and affordable housing", as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103-120), \$30,200,000, to remain available until expended, and to be derived by transfer from the Homeownership and Opportunity for People Everywhere Grants account: *Provided*, That at least \$10,000,000 of the funding under this head be used in rural areas, including tribal areas.

COMMUNITY PLANNING AND DEVELOPMENT  
COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

For an additional amount for "Community development block grants fund", as authorized under title I of the Housing and Community Development Act of 1974, \$500,000,000, of which \$250,000,000 shall become available for obligation on October 1, 1997, all of which shall remain available until September 30, 2000, for use only for buyouts, relocation, long-term recovery, and mitigation in communities affected by the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997, except those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: *Provided*, That in administering these amounts, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary of Housing and Urban Development shall publish a notice in the Federal Register governing the use of community development block grants funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: *Provided further*, That for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each State or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit

a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: *Provided further*, That the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursements and uses of funds for or associated with buyouts: *Provided further*, That for purposes of disasters eligible under this head the Secretary of Housing and Urban Development may waive, on a case-by-case basis and upon such other terms as the Secretary may specify, in whole or in part, the requirements that activities benefit persons of low- and moderate-income pursuant to section 122 of the Housing and Community Development Act of 1974, and may waive, in whole or in part, the requirements that housing qualify as affordable housing pursuant to section 290 of the HOME Investment Partnerships Act: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MANAGEMENT AND ADMINISTRATION  
SALARIES AND EXPENSES

Of the funds appropriated under this head in Public Law 104-204, the Secretary of Housing and Urban Development shall enter into a contract with the National Academy of Public Administration not to exceed \$1,000,000 no later than one month after enactment of this Act for an evaluation of the Department of Housing and Urban Development's management systems.

INDEPENDENT AGENCIES  
ENVIRONMENTAL PROTECTION AGENCY  
BUILDINGS AND FACILITIES

From the amounts appropriated under this heading in prior appropriation Acts for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall, after the closing of the period for filing CERT-related claims pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against the EPA pursuant to such Act. To the extent that unobligated balances then remain from such amounts previously appropriated, the EPA is authorized beginning in fiscal year 1997 to make grants to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

STATE AND TRIBAL ASSISTANCE GRANTS

The funds appropriated in Public Law 104-204 to the Environmental Protection Agency under this heading for grants to States and federally recognized tribes for multi-media or single media pollution prevention, control, and abatement and related activities, \$674,207,000, may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

FEDERAL EMERGENCY MANAGEMENT AGENCY  
DISASTER RELIEF

For an additional amount for "Disaster relief", \$3,300,000,000, to remain available until

expended: *Provided*, That \$2,300,000,000 shall become available for obligation on September 30, 1997, but shall not become available until the Director of the Federal Emergency Management Agency submits to the Congress a legislative proposal to control disaster relief expenditures including the elimination of funding for certain revenue producing facilities: *Provided further*, That of the funds made available under this heading, up to \$20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed \$21,000,000 under section 417 of the Stafford Act: *Provided further*, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: *Provided further*, That the entire amount appropriated herein shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 10

SEC. 10001. The Secretary shall submit semi-annually to the Committees on Appropriations a list of all contracts and task orders issued under such contracts in excess of \$250,000 which were entered into during the prior 6-month period by the Secretary, the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight (or by any officer of the Department of Housing and Urban Development, the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight acting in his or her capacity to represent the Secretary or these entities). Each listing shall identify the parties to the contract, the term and amount of the contract, and the subject matter and responsibilities of the parties to the contract.

SEC. 10002. Section 8(c)(9) of the United States Housing Act of 1937 is amended by striking out "Not less than one year prior to terminating any contract" and inserting in lieu thereof: "Not less than 180 days prior to terminating any contract".

SEC. 10003. The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out "on not more than 12,000 units during fiscal year 1996" and inserting in lieu thereof: "on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997".

SEC. 10004. Section 4 (a) and (b)(3) of the HUD Demonstration Act of 1993 is amended by inserting after "National Community Development Initiative": ", Local Initiatives Support Corporation, The Enterprise Foundation, Habitat for Humanity, and Youthbuild USA".

SEC. 10005. Section 234(c) of the National Housing Act is amended by inserting after "203(b)(2)" the following: "or pursuant to section 203(h) under the conditions described in section 203(h)".

SEC. 10006. Section 211(b)(4)(B) of the Departments of Veterans Affairs and Housing

and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204) is amended by inserting the following at the end: "The term 'owner', as used in this subparagraph, in addition to it having the same meaning as in section 8(f) of the United States Housing Act of 1937, also means an affiliate of the owner. The term 'affiliate of the owner' means any person or entity (including, but not limited to, a general partner or managing member, or an officer of either) that controls an owner, is controlled by an owner, or is under common control with the owner. The term 'control' means the direct or indirect power (under contract, equity ownership, the right to vote or determine a vote, or otherwise) to direct the financial, legal, beneficial, or other interests of the owner.'".

#### CHAPTER 11

#### OFFSETS AND RESCISSIONS

#### DEPARTMENT OF AGRICULTURE

##### OFFICE OF THE SECRETARY

##### FUND FOR RURAL AMERICA

Of the funds provided on January 1, 1997 for section 793 of Public Law 104-127, Fund for Rural America, not more than \$80,000,000 shall be available.

##### FOOD AND CONSUMER SERVICE

##### THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be \$80,000,000.

##### FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

##### EXPORT CREDIT

None of the funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997, Public Law 104-180, may be used to pay the salaries and expenses of personnel to carry out a combined program for export credit guarantees, supplier credit guarantees, and emerging democracies facilities guarantees at a level which exceeds \$3,500,000,000.

##### EXPORT ENHANCEMENT PROGRAM

None of the funds appropriated or otherwise made available in Public Law 104-180 shall be used to pay the salaries and expenses of personnel to carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds \$10,000,000.

#### DEPARTMENT OF JUSTICE

##### GENERAL ADMINISTRATION

##### WORKING CAPITAL FUND

##### (RESCISSION)

Of the unobligated balances available under this heading, \$6,400,000 are rescinded.

##### LEGAL ACTIVITIES

##### ASSETS FORFEITURE FUND

##### (RESCISSION)

Of the amounts made available to the Attorney General on October 1, 1996, from surplus balances declared in prior years pursuant to 28 U.S.C. 524(c), authority to obligate \$3,000,000 of such funds in fiscal year 1997 is rescinded.

##### IMMIGRATION AND NATURALIZATION SERVICE

##### CONSTRUCTION

##### (RESCISSION)

Of the unobligated balances under this heading from amounts made available in Public Law 103-317, \$1,000,000 are rescinded.

#### DEPARTMENT OF COMMERCE

##### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

##### INDUSTRIAL TECHNOLOGY SERVICES

##### (RESCISSION)

Of the unobligated balances available under this heading for the Advanced Technology Program, \$7,000,000 are rescinded.

##### RELATED AGENCIES

##### FEDERAL COMMUNICATIONS COMMISSION

##### SALARIES AND EXPENSES

##### (RESCISSION)

Of the unobligated balances available under this heading, \$1,000,000 are rescinded.

##### OUNCE OF PREVENTION COUNCIL

##### (RESCISSION)

Of the amounts made available under this heading in Public Law 104-208, \$1,000,000 are rescinded.

#### DEPARTMENT OF ENERGY

##### ENERGY PROGRAMS

##### ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

##### (RESCISSION)

Of the funds made available under this heading in Public Law 104-206 and prior years' Energy and Water Development Appropriations Acts, \$11,180,000 are rescinded.

##### CLEAN COAL TECHNOLOGY

##### (RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, \$17,000,000 are rescinded: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

##### STRATEGIC PETROLEUM RESERVE

##### (RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, \$11,000,000 are rescinded.

##### POWER MARKETING ADMINISTRATIONS

##### CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

##### (RESCISSION)

Of the funds made available under this heading in Public Law 104-206 and prior years' Energy and Water Development Appropriations Acts, \$11,352,000 are rescinded.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### ADMINISTRATION FOR CHILDREN AND FAMILIES

##### JOB OPPORTUNITIES AND BASIC SKILLS

##### (RESCISSION)

Of the funds made available under this heading in Public Law 104-208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the "," the following: "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be \$1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled)."

#### DEPARTMENT OF TRANSPORTATION

##### FEDERAL AVIATION ADMINISTRATION

##### GRANTS-IN-AID FOR AIRPORTS

##### (AIRPORT AND AIRWAY TRUST FUND)

##### (RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103 as amended, \$750,000,000 are rescinded.

##### NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

##### HIGHWAY TRAFFIC SAFETY GRANTS

##### (HIGHWAY TRUST FUND)

##### (RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, \$13,000,000 are rescinded.

##### FEDERAL TRANSIT ADMINISTRATION

##### TRUST FUND SHARE OF EXPENSES

##### (HIGHWAY TRUST FUND)

##### (RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, \$271,000,000 are rescinded.

##### DISCRETIONARY GRANTS

##### (HIGHWAY TRUST FUND)

##### (RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, for fixed guideway modernization and bus activities under 49 U.S.C. 5309(m)(A) and (C), \$588,000,000 are rescinded.

#### INDEPENDENT AGENCY

##### GENERAL SERVICES ADMINISTRATION

##### EXPENSES, PRESIDENTIAL TRANSITION

##### (RESCISSION)

Of the amounts made available under this heading in Public Law 104-208, \$5,600,000 are rescinded.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### HOUSING PROGRAMS

##### ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

##### (INCLUDING RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1997 and prior years, \$3,650,000,000 are rescinded: *Provided*, That the Secretary of Housing and Urban Development shall recapture at least \$5,800,000,000 in amounts heretofore maintained as section 8 reserves made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs: *Provided further*, That all additional section 8 reserve funds of an amount not less than \$2,150,000,000 and any recaptures (other than funds already designated for other uses) specified in section 214 of Public Law 104-204 shall be preserved under the head "Section 8 Reserve Preservation Account" for use in extending section 8 contracts expiring in fiscal year 1998 and thereafter: *Provided further*, That the Secretary may recapture less than \$5,800,000,000 and reserve less than \$2,150,000,000 where the Secretary determines that insufficient section 8 funds are available for current fiscal year contract obligations: *Provided further*, That the Comptroller General of the United States shall conduct an audit of all accounts of the Department of Housing and Urban Development to determine whether the Department's systems for budgeting and accounting for section 8 rental assistance ensure that unexpended funds do not reach unreasonable levels and that obligations are spent in a timely manner.



INDEPENDENT AGENCY  
NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION  
NATIONAL AERONAUTICS FACILITIES  
(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, \$365,000,000 are rescinded.

FUNDS APPROPRIATED TO THE PRESIDENT  
UNANTICIPATED NEEDS  
(RESCISSION)

Of the funds made available under this heading in Public Law 103-211 to NASA for "Space flight, control, and data communications", \$4,200,000 are rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

SEC. 30001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

BUY-AMERICAN REQUIREMENTS

SEC. 30002. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 30003. The Office of Management and Budget is directed to work with Federal agencies, as appropriate, to support the extension and revision of Federal grants, contracts, and cooperative agreements at universities affected by flooding in designated Federal disaster areas where work on such grants, contracts, and cooperative agreements was suspended as a result of the flood disaster.

TITLE IV—COST OF HIGHER EDUCATION  
REVIEW

SEC. 40001. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Cost of Higher Education Review Act of 1997".

(b) FINDINGS.—The Congress finds the following:

(1) According to a report issued by the General Accounting Office, tuition at 4-year public colleges and universities increased 234 percent from school year 1980-1981 through school year 1994-1995, while median house-

hold income rose 82 percent and the cost of consumer goods as measured by the Consumer Price Index rose 74 percent over the same time period.

(2) A 1995 survey of college freshmen found that concern about college affordability was the highest it has been in the last 30 years.

(3) Paying for a college education now ranks as one of the most costly investments for American families.

SEC. 40002. ESTABLISHMENT OF NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION.

There is established a Commission to be known as the "National Commission on the Cost of Higher Education" (hereafter in this title referred to as the "Commission").

SEC. 40003. MEMBERSHIP OF COMMISSION.

(a) APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(1) Three individuals shall be appointed by the Speaker of the House.

(2) Two individuals shall be appointed by the Minority Leader of the House.

(3) Three individuals shall be appointed by the Majority Leader of the Senate.

(4) Two individuals shall be appointed by the Minority Leader of the Senate.

(5) One individual shall be appointed by the Secretary of Education.

(b) ADDITIONAL QUALIFICATIONS.—Each of the individuals appointed under subsection (a) shall be an individual with expertise and experience in higher education finance (including the financing of State institutions of higher education), Federal financial aid programs, education economics research, public or private higher education administration, or business executives who have managed successful cost reduction programs.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a Chairperson and a Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson will assume the duties of the Chairperson.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) APPOINTMENTS.—All appointments under subsection (a) shall be made within 30 days after the date of enactment of this Act. In the event that an officer authorized to make an appointment under subsection (a) has not made such appointment within such 30 days, the appointment may be made for such officer as follows:

(1) the Chairman of the Committee on Education and the Workforce may act under such subsection for the Speaker of the House of Representatives;

(2) the Ranking Minority Member of the Committee on Education and the Workforce may act under such subsection for the Minority Leader of the House of Representatives;

(3) the Chairman of the Committee on Labor and Human Resources may act under such subsection for the Majority Leader of the Senate; and

(4) the Ranking Minority Member of the Committee on Labor and Human Resources may act under such subsection for the Minority Leader of the Senate.

(f) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(g) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) PROHIBITION OF ADDITIONAL PAY.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the

United States may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by law for persons serving intermittently in the government service to the extent funds are available for such expenses.

(i) INITIAL MEETING.—The initial meeting of the Commission shall occur within 40 days after the date of enactment of this Act.

SEC. 40004. FUNCTIONS OF COMMISSION.

(a) SPECIFIC FINDINGS AND RECOMMENDATIONS.—The Commission shall study and make findings and specific recommendations regarding the following:

(1) The increase in tuition compared with other commodities and services.

(2) Innovative methods of reducing or stabilizing tuition.

(3) Trends in college and university administrative costs, including administrative staffing, ratio of administrative staff to instructors, ratio of administrative staff to students, remuneration of administrative staff, and remuneration of college and university presidents or chancellors.

(4) Trends in (A) faculty workload and remuneration (including the use of adjunct faculty), (B) faculty-to-student ratios, (C) number of hours spent in the classroom by faculty, and (D) tenure practices, and the impact of such trends on tuition.

(5) Trends in (A) the construction and renovation of academic and other collegiate facilities, and (B) the modernization of facilities to access and utilize new technologies, and the impact of such trends on tuition.

(6) The extent to which increases in institutional financial aid and tuition discounting have affected tuition increases, including the demographics of students receiving such aid, the extent to which such aid is provided to students with limited need in order to attract such students to particular institutions or major fields of study, and the extent to which Federal financial aid, including loan aid, has been used to offset such increases.

(7) The extent to which Federal, State, and local laws, regulations, or other mandates contribute to increasing tuition, and recommendations on reducing those mandates.

(8) The establishment of a mechanism for a more timely and widespread distribution of data on tuition trends and other costs of operating colleges and universities.

(9) The extent to which student financial aid programs have contributed to changes in tuition.

(10) Trends in State fiscal policies that have affected college costs.

(11) The adequacy of existing Federal and State financial aid programs in meeting the costs of attending colleges and universities.

(12) Other related topics determined to be appropriate by the Commission.

(b) FINAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall submit to the President and to the Congress, not later than 120 days after the date of the first meeting of the Commission, a report which shall contain a detailed statement of the findings and conclusions of the Commission, including the Commission's recommendations for administrative and legislative action that the Commission considers advisable.

(2) MAJORITY VOTE REQUIRED FOR RECOMMENDATIONS.—Any recommendation described in paragraph (1) shall be made by the Commission to the President and to the Congress only if such recommendation is adopted by a majority vote of the members of the Commission who are present and voting.

(3) EVALUATION OF DIFFERENT CIRCUMSTANCES.—In making any findings under

subsection (a) of this section, the Commission shall take into account differences between public and private colleges and universities, the length of the academic program, the size of the institution's student population, and the availability of the institution's resources, including the size of the institution's endowment.

#### SEC. 40005. POWERS OF COMMISSION.

(a) **HEARINGS.**—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) **RULES AND REGULATIONS.**—The Commission may adopt such rules and regulations as may be necessary to establish the Commission's procedures and to govern the manner of the Commission's operations, organization, and personnel.

(c) **ASSISTANCE FROM FEDERAL AGENCIES.**—

(1) **INFORMATION.**—The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this title. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairperson of the Commission.

(2) **FACILITIES AND SERVICES, PERSONNEL DETAIL AUTHORIZED.**—Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the Commission's duties under this title.

(d) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) **CONTRACTING.**—The Commission, to such extent and in such amounts as are provided in appropriation Acts, may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the Commission's duties under this title.

(f) **STAFF.**—Subject to such rules and regulations as may be adopted by the Commission, and to such extent and in such amounts as are provided in appropriation Acts, the Chairperson of the Commission shall have the power to appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for level IV of the Executive Schedule under section 5332 of such title.

#### SEC. 40006. FUNDING OF COMMISSION.

There is authorized to be appropriated for fiscal year 1997 for carrying out this title, \$650,000, to remain available until expended, or until one year after the termination of the Commission pursuant to section 40007, whichever occurs first.

#### SEC. 40007. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 60 days after the date on which

the Commission is required to submit its final report in accordance with section 40004(b).

### TITLE V—DEPOSITORY INSTITUTION DISASTER RELIEF

#### SEC. 50001. SHORT TITLE.

This title may be cited as the "Depository Institutions Disaster Relief Act of 1997".

#### SEC. 50002. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) **TRUTH IN LENDING ACT.**—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) **EXPEDITED FUNDS AVAILABILITY ACT.**—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within any area referred to in subsection (a) of this section if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) **TIME LIMIT ON EXCEPTIONS.**—Any exception made under this section shall expire not later than September 1, 1998.

(d) **PUBLICATION REQUIRED.**—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(1) describes any exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

#### SEC. 50003. DEPOSIT OF INSURANCE PROCEEDS.

(a) **IN GENERAL.**—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(b) **TIME LIMIT ON EXCEPTIONS.**—Any exception made under this section shall expire not later than February 28, 1999.

(c) **DEFINITIONS.**—For purposes of this section:

(1) **APPROPRIATE FEDERAL BANKING AGENCY.**—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) **INSURED DEPOSITORY INSTITUTION.**—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(3) **LEVERAGE LIMIT.**—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(4) **QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.**—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in subsection (a)(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

#### SEC. 50004. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) **IN GENERAL.**—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the agency determines that the action would facilitate recovery from the major disaster:

(1) **PROCEDURE.**—Exercising the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) **PUBLICATION REQUIREMENTS.**—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) **PUBLICATION REQUIRED.**—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes any action taken under this section; and

(2) explains the need for the action.

(c) **QUALIFYING REGULATORY AGENCY DEFINED.**—For purposes of this section, the term "qualifying regulatory agency" means—

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Director of the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(d) EXPIRATION.—Any exception made under this section shall expire not later than February 28, 1998.

#### SEC. 50005. SENSE OF THE CONGRESS.

(a) FINANCIAL SERVICES.—It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers.

(b) APPRAISAL STANDARDS.—It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area pursuant to section 1123 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3352), if the agency determines that the exceptions can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

#### SEC. 50006. OTHER AUTHORITY NOT AFFECTED.

No provision of this title shall be construed as limiting the authority of any department or agency under any other provision of law.

#### TITLE VI—TECHNICAL AMENDMENTS WITH RESPECT TO EDUCATION

#### SEC. 60001. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking “June 30” and inserting “August 31”; and

(2) in subsection (e)(9), by striking “August 30” and inserting “August 31”.

#### (b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

#### SEC. 60002. DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking “January 1, 1998” and inserting “January 1, 1999”.

#### SEC. 60003. TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States’ written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997–1998, except that the Secretary may require the States to submit such additional information as the Secretary may require,

which information shall be considered part of the notices.

#### SEC. 60004. HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).”.

#### SEC. 60005. DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting “expenditure,” after “revenue,”; and

(B) by striking the semicolon and inserting a period;

(2) by striking “the Secretary” and all that follows through “shall use” and inserting “the Secretary shall use”; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

#### SEC. 60006. PAYMENTS RELATING TO FEDERAL PROPERTY.

Section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended to read as follows:

“(i) PRIORITY PAYMENTS.—

“(1) IN GENERAL.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—

“(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2); and

“(B) the Secretary shall use the remainder of the excess amount to increase the payments to each eligible local educational agency under this section.

“(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this paragraph is a local educational agency that—

“(A) received a payment under this section for fiscal year 1996;

“(B) serves a school district that contains all or a portion of a United States military academy;

“(C) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

“(D) demonstrates to the satisfaction of the Secretary that such agency’s per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.”.

#### SEC. 60007. TIMELY FILING UNDER SECTION 8003.

The Secretary of Education shall treat as timely filed, and shall process for payment, an amendment to an application for a fiscal year 1997 payment from a local educational agency under section 8003 of the Elementary and Secondary Education Act of 1965 if—

(1) that agency is described in subsection (a)(3) of that section, as amended by section

376 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201);

(2) that agency was not described in that subsection prior to that amendment; and

(3) the Secretary received the amendment to the agency’s application prior to the enactment of this Act.

#### TITLE VII—FOOD STAMP PROGRAM

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

(a) IN GENERAL.—Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended—

(1) in subsection (a), by inserting after “necessary, and” the following: “(except as provided in subsection (j))”; and

(2) by adding at the end the following:

“(j) STATE OPTION TO ISSUE BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a State agency may, with the approval of the Secretary, issue benefits under this Act to an individual who is ineligible to participate in the food stamp program solely as a result of section 6(o)(2) of this Act or section 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612 or 1613).

“(2) STATE PAYMENTS TO SECRETARY.—

“(A) IN GENERAL.—Not later than the date the State agency issues benefits to individuals under this subsection, the State agency shall pay the Secretary, in accordance with procedures established by the Secretary, an amount that is equal to—

“(i) the value of the benefits; and

“(ii) the costs of printing, shipping, and redeeming coupons, and other Federal costs, incurred in providing the benefits, as determined by the Secretary.

“(B) CREDITING.—Notwithstanding section 3302(b) of title 31, United States Code, payments received under subparagraph (A) shall be credited to the food stamp program appropriation account or the account from which the costs were drawn, as appropriate, for the fiscal year in which the payment is received.

“(3) REPORTING.—To be eligible to issue benefits under this subsection, a State agency shall comply with reporting requirements established by the Secretary to carry out this subsection.

“(4) PLAN.—To be eligible to issue benefits under this subsection, a State agency shall—

“(A) submit a plan to the Secretary that describes the conditions and procedures under which the benefits will be issued, including eligibility standards, benefit levels, and the methodology the State agency will use to determine amounts due the Secretary under paragraph (2); and

“(B) obtain the approval of the Secretary for the plan.

“(5) VIOLATIONS.—A sanction, disqualification, fine, or other penalty prescribed under Federal law (including sections 12 and 15) shall apply to a violation committed in connection with a coupon issued under this subsection.

“(6) INELIGIBILITY FOR ADMINISTRATIVE REIMBURSEMENT.—Administrative and other costs incurred in issuing a benefit under this subsection shall not be eligible for Federal funding under this Act.

“(7) EXCLUSION FROM ENHANCED PAYMENT ACCURACY SYSTEMS.—Section 16(c) shall not apply to benefits issued under this subsection.”.

(b) CONFORMING AMENDMENTS.—Section 17(b)(1)(B)(iv) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(iv)) is amended—

(1) in subclause (V), by striking “or” at the end;

(2) in subclause (VI), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:  
 “(VII) waives a provision of section 7(j).”  
**TITLE VIII—2000 DECENNIAL CENSUS**

The Department of Commerce is directed within thirty days of enactment of this Act to provide to the Congress a comprehensive and detailed plan outlining its proposed methodologies for conducting the 2000 decennial Census and available methods to conduct an actual enumeration of the population. This plan description shall specifically include:

(1) a list of all statistical methodologies that may be used in conducting the Census;

(2) an explanation of these statistical methodologies;

(3) a list of statistical errors which may occur as a result of the use of each statistical methodology;

(4) the estimated error rate down to the census tract level;

(5) a cost estimation showing cost allocations for each census activity plan; and

(6) an analysis of all available options for counting hard-to-enumerate individuals, without utilizing sampling or any other statistical methodology, including efforts like the Milwaukee Complete Count project. The Department of Commerce is also directed within thirty days of enactment of this Act to provide to the Congress an estimate and explanation of the error rate at the census block level based upon the 1995 test data.

This Act may be cited as the “1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia”.

#### CONTINUING RESOLUTION

Mr. LOTT. I ask unanimous consent that when the Senate receives from the House legislation which provides for the continuing of Government funding at a level of 100 percent of the fiscal year 1997 for those fiscal year 1998 appropriations that have not been signed by October 1, 1997, the majority leader may proceed with that legislation after consultation with the Democratic leader.

I did not read that smoothly. This is the continuing resolution, Government shutdown prevention language. We assume we will receive it in this 100 percent form of 1997 levels for those 1998 appropriations that have not been signed. There will then be one relevant amendment in order for each leader, limited to 1 hour each, to be counted against the overall 8 hours, and no other amendments or motions be in order to the bill, there be 8 hours for debate on the bill equally divided between the two leaders or their designees, and finally, following the expiration or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on passage, all without intervening action or debate.

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

Mr. LOTT. Let me say, Mr. President, that I appreciate the cooperation of the Senator from South Dakota. He has been willing to work on a number of different approaches to resolve this matter. This is clearly not the way I thought we should proceed. Apparently, the House-passed bill will be at the full funding level of about \$8.6 bil-

lion. I think that is inappropriate, uncalled for. I think it is important that we get the disaster funds through and the funding for the Department of Defense Bosnia activities, but this bill has grown like Topsy. There is no need for it to be \$8.6 billion. There has been a lot of add-ons on both sides of the Capitol, both parties, and the administration even made an additional request apparently in writing the other day with regard to forward funding.

It seems to be everybody has found a way to add more money here and there, and while enumerated on the floor and put in on the floor, some of the things that have been added—and, again, this is not partisan or it is not aimed at just the Senate or just the House; it is a bicameral, bipartisan exercise—but as the effort has gone forward to try to reduce this funding, basically what this Senator has found is everybody said: No, not mine. Don't take this out. Don't take that out. There is a good reason for that, good reason for this, good reason for everything—always wanting to spend more of the people's tax money. So I am very unhappy with the amount of money involved here.

But I think, as majority leader, it is incumbent upon me to work with all the various parties involved here to find a procedure to get this work done. We have done that, and so now I think we are ready to go forward with the debate. I believe the chairman, Senator STEVENS, is here to give some more details about what is included in this bill.

Mr. DASCHLE. Mr. President, I would ask if the majority leader would just clarify one, I hope, minor point. In the last unanimous-consent request there was a reference to legislation which provides for the continuing of Government funding at a level of 100 percent of fiscal 1997 for fiscal 1998 appropriations. I assume that the reference to that particular legislation only refers to that particular matter and no other extraneous issues that could be attached. Is that the understanding of the majority leader, there would not be anything else in the bill other than continuing appropriations?

Mr. LOTT. Oh, yes, absolutely. Only that substance. Not other unrelated matters. I can think of lots of things they might try to attach to that.

No, not at all. We want this to be considered upfront in the daylight and a sincere effort to work out a way to avoid the fun and games at the end of the fiscal year. I think this will give us that shot. And if the House adds extraneous to it, it will never come up in this form. I would work with the Senator to make sure that does not happen.

Mr. DASCHLE. Mr. President, I appreciate that clarification. That is exactly the assurance I assumed the majority leader would give, and I appreciate very much appreciate his assertion in that regard.

I yield the floor.

Mr. STEVENS. Reserving the right to object, has it been agreed to?

The PRESIDING OFFICER. The Chair would observe that the unanimous-consent request has been agreed to.

Who seeks time?

Mr. STEVENS. I wanted to make certain, Mr. President, there was an agreement that—

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I want to make sure there is an agreement that the conference report that accompanied the bill, the managers' report accompanying the conference report is agreed to without any reservation as being the legislative history for the bill that will be covered by this unanimous-consent agreement. Is that understood?

The PRESIDING OFFICER. Is the Senator from Alaska making that in the form of a unanimous-consent request.

Mr. STEVENS. I do seek to add that to the unanimous consent, that the managers' report—there will be no report accompanying this bill. The statement of managers on the report on H.R. 1469 I wish to be included in this unanimous-consent request as being the legislative history for this bill.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I would certainly not object. On this side of the aisle, there are no reservations or objections to that at all.

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

Mr. LOTT. Reserving the right to object—I will not object—my only hesitancy was I was wanting to make sure I understood the ramifications of the Senator's request. I think I do, and based on that I do not have any objections.

Mr. STEVENS. I thank both leaders.

The PRESIDING OFFICER. Who seeks time?

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

#### INTERNATIONAL BUSINESS CRIME

Mr. COCHRAN. Mr. President, several days ago a former staff member of mine in Hattiesburg, MS, brought to my attention a speech that was made at the University of Southern Mississippi to the honors college by Dick Thornburgh, former Attorney General of the United States. It was on the subject of “business crime goes international.” In the remarks, former Attorney General Dick Thornburgh talks about the international problems that are created for U.S. businesses by criminal conduct in other countries—extortion, bribery in connection with Government contracts, and the like—and options for dealing with this in a more effective way to help enhance U.S. competitiveness throughout the world. It was such an excellent speech that I ask unanimous consent to have the speech of Dick Thornburgh printed in the RECORD.

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

BUSINESS CRIME GOES INTERNATIONAL  
(By Dick Thornburgh)

Contemporary observations on the world economy are invariably premised on the vast expansion of international trade. This increased internationalization of business provides major opportunities for American interests as we begin to accommodate to the global landscape fashioned by NAFTA, the completion of the Uruguay Round of GATT and the coming into being of the new World Trade Organization.

But, as I will discuss this evening, this prospect for expansion is threatened by an accompanying growth in international business crime. Sophisticated illegal operations and enterprises have burgeoned during the 1990s as the world's economic and financial configuration has adjusted to unprecedented change.

Part of this change derives from the rapid advances in technology, communication and transportation which have made the world a smaller place and produced a network of 24-hour trading marts around the globe. Jet travel, faxes, on-line communications and real-time conferencing capabilities have gone a long way toward the realization of what was once only a hypothetical "global community."

The end of the Cold War and the rise of market economies in many areas where they were previously unknown have contributed to this process of internationalization as well. New opportunities for investors and new markets for manufacturers and service providers now exist in countries that were previously in the thrall of totalitarian governments and centrally-directed economies. In Eastern and Central Europe and in the former Soviet Union, for example, while varying degrees of success have been achieved in the actual transition from state-run economies of private enterprise, in most of these countries the commitment from the top of privatization remains a reality.

Meanwhile, in the third world, developing countries are no longer merely pawns in the struggle between democratic and communist ideologies. The socialist economic models adopted by many of these nations during this lengthy competition have been largely discredited and abandoned. It is widely recognized that private investment in market economies will be the key to figure true growth in these underdeveloped areas.

Let me share with you an experience I had at the United Nations which vividly brought this change of attitude home to me. It involved the Center for Transnational Corporations (CTC), a UN affiliate formed during the 1970s at the behest of the Group of 77, the voice of the third world countries. The CTC was created out of a desire to prevent giant Western corporations from visiting suspected predatory practices on these developing countries. Codes of conduct were proposed to regulate the actions of multinational investors so as to protect fragile developing economies. Now, as we fast forward to the 1990s, we find these same third world countries doing a 180 degree turn. They now urge the United Nations shift its emphasis to induce these same multinational firms to invest in their nations so as to help create the economic growth, jobs and better quality of life that only an expanding economy can produce.

This shift in attitudes about private investment is emphasized in a recent report of the Bretton Woods Commission. This group was established under the chairmanship of Paul Volcker to observe the 50th anniversary of the conference which established the

World Bank and the International Monetary Fund. Their report noted: "Of the challenges facing the World Bank Group, none is greater than adapting to a world that has turned from public sector dominance towards private enterprise and free markets. A private sector orientation is a new one for development assistance and the World Bank Group should lead the way."

Clearly, American companies are responding to these messages. Private American investments abroad now exceed \$700 billion dollars and American businesses now employ some 5.4 million persons in foreign countries. While manufacturing operations have traditionally dominated our overseas activities, more and more growth is now taking place in the service sector. A spokesman for the prime U.S. retailer, Wal-Mart, put it this way: "It is our belief that, with trade barriers coming down, the world is going to be one big market place, and he who gets there first, does the best."

Unfortunately, there is a dark underside to this increase in international activity. With greater private sector activity has come an increase in business crime. And with a greater global reach of legitimate business has come a corresponding increase in the internationalization of illegal business activities. It is this phenomenon that I wish to address this evening.

Business crime, of course, is not an alien concept in the United States. During the nearly three decades since I first joined our Department of Justice, federal investigators and prosecutors have concentrated increasingly upon the more sophisticated types of business crimes—what Ralph Nader calls "crime in the suites."

We have seen an unprecedented emphasis in the 1990s, for example, on cases involving failed savings and loans, illegal trading in securities and commodities, defense procurement fraud, money laundering and corrupt public officials, with high rates of conviction and substantial sentences in each area.

Since the 1920s, the American phenomenon of organized crime—the business of crime itself—and its illicit monopolies in narcotics, illegal gambling and loan sharking has beleaguered legitimate enterprise and been a particular focus for intense law enforcement activities as well.

Efforts against these types of crime have been largely carried out at the federal level since these cases often cross state or international boundaries and, more often than not, require sophisticated law enforcement techniques to unravel purposely complicated transactions designed to escape detection.

Now it appears that, just as business growth has been extended into new regions and nations of the world, so has the reach of these same types of criminal activities become more evident. As new market economies have grown abroad, criminal elements have grasped the opportunity to prosper through illegal activities as well. Particularly in countries without a well-developed rule of law and an embedded legal culture (not to mention professional police establishments and an independent judiciary) criminal enterprises can easily gain a foothold and retard the full potential of increased legitimate business activity.

Consider Russia, where the world's biggest economic transition is taking place, and where more than 100 American joint ventures and partnerships are already underway. As the lumbering state-run economy evolves into a new market-oriented system, reform efforts are beset by racketeering and corruption. There we find that:

Last year, Russian organized crime controlled as much as 40 percent of the nation's turnover in goods and services.

An estimated 80 percent of Russian businesses are said to pay "protection" money to gangsters.

Practices such as the infiltration of legitimate businesses, illegal smuggling, black market activities and public corruption are rife.

The largest Russian investment firm, MMM, almost completely unregulated by our standards, virtually collapsed, leaving an estimated 10 million investors disillusioned, not only with the scam artists responsible, but with the whole notion of capitalism.

When I visited Russia as an observer of their historic parliamentary and presidential elections, rumors abounded that particular candidates were funded by the so-called "Mafiya." In Russia today, this term is used all too loosely and, in some quarters, may merely designate anyone who has turned a profit in the new economy. As one observer has noted, "[p]olice and politicians still fall into the Soviet habit of ascribing mafia connections to anyone who possess what seems to be an unreasonable amount of money." This is not surprising in a culture where generations have been taught the Marxist-Leninist catechism that "all property is theft!"

There is, to be sure, real organized crime in the Russian Federation. Its face is an ugly one indeed, as described by one observer:

"When it comes to control of individual companies, the crime bosses' methods are simple but effective. They approach the director of a large business and suggest a more manageable and productive system that will provide everyone with certain guaranteed economic returns. For the director, non-cooperation may mean unbearable operating conditions, refusals of credit, delays in supply, work-place accidents, missing payrolls—even death."

Serious business crime problems are not, of course, confined to the former Soviet sphere. Italy, where the "real" Mafia originated, is in the throes of a major continuing political crisis resulting from the impact of organized crime and official corruption upon its business and governmental structure. An Italian Small Business Association study estimates that the mob controls up to a fifth of all business activity in that country and as many as half of its financial holding companies. Public corruption has already toppled long-standing political institutions and personalities in Italy and the final returns are yet to be tallied.

Activities of other high profile criminal groups as the Japanese Yakuza, the Chinese Triads and, of course, the Colombian drug cartels have impacted the ability of free markets to operate in those countries and visited the heavy toll of corruption upon their economies.

Some even posit the coming into existence of a world-wide criminal cartel which would draw these various groups together to execute their illegal enterprises.

Political change is deeply implicated in the threats posed by business crime. One of the most frequently voiced fears I heard expressed on a recent trip to Hong Kong, for example, is what effect the July 1 take-over by the Peoples Republic of China and the uncertain future of effective law enforcement against business crime and corruption there will have on that community's thriving economy.

And while Hong Kong has highly sophisticated securities regulators and corruption fighters, what of those countries where such mechanisms do not exist? How can market economies be created or sustained without the "checks and balances" inherent in the authority to regulate securities markets, to insure competition through vigorous anti-trust enforcement and to stifle attempts to launder dirty money through legitimate financial institutions?

Money laundering, in particular, has become a \$100 billion worldwide problem. As recently pointed out in a Foreign Affairs treatment of the subject: "[I]nnovative techniques of moving and concealing vast sums of cash \* \* \* often seem to be outstripping the capacity of the international criminal justice system and its diplomatic and legal underpinnings." In one recent case, the concealing of the illegal movement of funds utilized bank and non-bank institutions in 40 different countries. The speed with which electronic transfers can be effected often leaves law enforcement "a day late and [several million] dollars short" in the pursuit of ill-gotten gains.

Finally, American firms also find themselves at a competitive disadvantage in foreign markets due to the failure of other major trading nations to emulate the strictures of our Foreign Corrupt Practices Act which makes bribery abroad a federal criminal offense. The former chief spokesman of the World Bank has pointed out that:

"International corruption hobbles American corporations, which lose deals when foreign rivals bribe foreign officials. It cheats American taxpayers whose aid dollars end up in the private bank accounts of foreign leaders. And it hurts the world's poor, when aid is siphoned off for political kickbacks by contractors intent upon selling unneeded weapons or presidential palaces."

A recent Commerce Department study estimated that U.S. companies had been edged out by foreign competitors on some \$36 billion of international business deals on account of bribes and other government-assisted activities. And—the unkindest cut of all—in many cases, these payments are tax-deductible business expenses for foreign competitors back home.

## II.

How has law enforcement reacted to this increasing internationalization of business crime? In fact, as we passed the mid-point of this decade, a great deal of effort was being expended to cope with these challenges. While the late author Claire Sterling described ours as an era where "borders have gone down for crooks, but not for cops," significant steps are being taken to increase cooperative international law enforcement efforts and help meet the problem of the internationalization of business crime. As you might expect, however, much more remains to be done.

Successful action will be required on three separate fronts: (1) stepped-up domestic law enforcement capabilities in each country; (2) bilateral initiatives to increase cooperation between nations; (3) multi-lateral efforts to insure a maximum international reach of effective law enforcement. Let me set forth a brief progress report in each of these areas.

### A.

Needless to say, an effective response to international criminal activity begins at home. Here the United States has much to share with its global partners in this effort. Statutes defining racketeering activities and various types of conspiracies, together with investigative techniques such as witness immunity, court-authorized wiretaps and expert accounting skills, are lacking in many of the countries now called upon to deal with business crimes.

Many of those with the worst problems are lacking in even the rudiments of legal and law enforcement systems to deal with sophisticated criminal activity.

The central problem for the Russian Federation, for example, is identified by one observer as "the legal vacuum at the heart of the Russian economy." That is to say, he continues, "Russian policymakers . . . tried to develop a free market before constructing

a civil society in which such a market could safely operate."

During my service as attorney general we visited the then Soviet Union in 1989 to discuss the need for the rule of law and its vigorous implementation, not only in the interest of preserving human rights and civil liberties, but to create a climate within which free markets could exist and economic growth could take place. Many of these principles were, happily, to be reflected in the new Russian constitution approved in the December, 1993 referendum.

Our Moscow meetings were following up by further exchanges here and abroad with representatives of the Russian Federation and those from other Eastern and Central European countries such as Ukraine, Hungary, Bulgaria, Poland and the former Czechoslovakia, all focused on creating systems within which arbitrary rule would give way to concepts of due process enforced by an independent judiciary.

Once these benchmark principles began to be implanted, our focus switched to the nuts-and-bolts of how to make the system work in areas such as securities regulation, creditors rights, promoting competition and fighting racketeering. That work has been ably reinforced by the American Bar Association's Central and Eastern European Law Initiative (CEELI) project, seeking to establish law enforcement and regulatory mechanisms under which the free enterprise system can take root and those seeking to corrupt the system can be brought to justice.

Recently, I met in Moscow with judges of the newly-expanded commercial court system about the handling of business disputes and with Russia's new chief prosecutor concerning the need to crack down on illegal business practices.

Others have also capitalized on American know-how in dealing with law enforcement challenges. The Italian-American Working Group, established by Attorney General William French Smith, provides a forum for U.S. officials to share the latest in techniques for the investigation of organized criminal activities in both countries. And the Justice Department's International Criminal Assistance Training Program (ICITAP) has made available valuable expertise to Central and South American countries interested in ratcheting up their capabilities to deal with sophisticated criminal activity.

But the basic need continues to be the strengthening of the rule of law and legal cultures within these nations. One Chinese expert, for example, has recently emphasized that "China lacks a legal framework and effective enforcement of a legal system for a market economy." She argued further that the solution to the problem of corruption in China "rests on the development of a . . . modern legal system with binding contracts, property rights and courts to adjudicate disputes."

### B.

It is clear, however, that, no matter how proficient the domestic capabilities of any one country, including the United States, become, the challenge of international criminal activity cannot be met on a go-it-alone basis. Thus, increasing attention is being paid to cooperative efforts to ensure that neither evidence nor suspects can find "safe havens" from prosecution simply by crossing international borders.

Probably the most effective bi-lateral tool established for this type of nation-to-nation cooperation is the Mutual Legal Assistance Treaty, or MLAT, as it is popularly designated. During the 1970s, when I headed the Justice Department's Criminal Division, a number of executive agreements regarding

the exchange of evidence were established with foreign governments in the aftermath of allegations of illegal payments by Lockheed to foreign officials. The first MLAT treaty, however, was not ratified until 1976 when, not surprisingly, it was the Swiss government which agreed to exchange evidence with U.S. prosecutors on a somewhat limited, but since expanded, basis.

MLATS are now in effect with a total of 15 countries and they provide a useful means by which law enforcement agencies can communicate directly, avoiding sometimes cumbersome diplomatic channels and outmoded formal procedures for the acquisition of evidence. A typical MLAT covers the taking of testimony and providing of documents and other articles of evidence, the service of judicial documents, the execution of searches and seizures, the transfer of persons in custody and assistance in proceedings relating to forfeiture, restitution and the collecting of fines. Counterpart Memoranda of Understanding (MOUs) have been entered into between the Securities and Exchange Commission and regulators in other countries to facilitate investigations in this field, deriving from the 1982 MOU with the Swiss government.

Incidentally, in what has been described as "the first break in the concept of universal bank secrecy," Switzerland in 1989 also adopted a tough anti-money laundering statute. This action followed our meeting with leading Swiss bankers to point out to them the threat to their reputation for probity and integrity in the world's financial circles, should they continue to be indifferent to the sources of funds deposited in their famous "Swiss bank accounts." This "know your customer" law was recently buttressed by additional criminal sanctions and the Swiss example has been followed by others as well, including the United Kingdom, Spain, Hong Kong and Canada. Money laundering also received increased emphasis at the G-7 Summit in 1989 out of which came recommendations from the Financial Action Task Force which have been activated by all leading members of the world financial community.

### C.

These multi-lateral efforts have been duplicated by other groups of countries intent upon making the whole of their collective law-enforcement efforts greater than simply the sum of their individual parts.

Within the European Community, for example, the Trevi Group meets twice a year to exchange views on law-enforcement policy and the United States (with Canada) enjoys observer status at such gatherings, giving American law officials a chance to interact with their continental counterparts on a most productive informal basis. Similar mechanisms exist within the Organization of American States and, in 1990, a meeting in Seoul, South Korea brought together attorneys general from 24 Asian and Pacific nations to exchange views on international challenges to law enforcement in that area of the world.

The most significant break-through with regard to multi-lateral law enforcement activity came, however, with the adoption in Vienna in December, 1988 of the United Nations Drug Enforcement Convention, now ratified by 115 nations. This Convention charted an entirely new course for global law enforcement requiring, as it did, the enactment of laws to criminalize specific acts involved in producing and trafficking in illegal drugs (including money-laundering), to provide for the seizure and forfeiture of assets and profits of the drug trade, to simplify the exchange of witnesses and evidence and to expedite extradition procedures.

Although confined for now to drug offenses—a politically popular and highly visible target—the UN Treaty establishes a



model for international cooperation against all types of crime that extend beyond the boundaries and the capabilities of individual countries. It will not be long, I would venture to predict, before its counterpart in the area of international business crime begins to attract substantial support in the world community.

Such a suggestion was indeed made at the World Ministerial Conference on Organized Transnational Crime held in Naples, Italy in November, 1994 and repeated at a conference on International Corruption which I attended last month in Buenos Aires, Argentina under the sponsorship of the United Nations Commission on Crime Prevention and Criminal Justice.

Why are these extraordinary mechanisms necessary? One observer has identified the "Basic challenge [to be] how to control growing domains of transnational activities that either ignore or take advantage of national borders when the powers of the state remain powerfully circumscribed by the political, geographical and legal limitations that attend notions of national sovereignty."

The international community has already responded to the threat of drug trafficking by relinquishing portions of state sovereignty through the adoption of the UN Drug Enforcement Convention. If the world is to take full advantage of the prospects for economic growth we have examined today, a similar effort against international business crime and official corruption must be mounted with the same vigor.

\* \* \* \* \*

As the nation in the forefront of the commitment to the rule of law and the containment of crime, it is to be hoped that the United States will continue to play a lead role in the endeavor to send a consistent message to international criminals, however sophisticated, that "You can run, but you cannot hide" from effective law enforcement.

To do otherwise might well forfeit the unprecedented opportunity we have to help bring the full benefits of free markets and an improved quality of life to portions of the world desperately in need of both.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The Senator from West Virginia is recognized.

#### 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. BYRD. Mr. President, I am pleased to join the distinguished chairman of the committee, Senator STEVENS, in urging the Senate to adopt the disaster assistance supplemental appropriation bill upon its receipt from the House. The funding levels contained in that bill are the same as those adopted by the Senate in the conference report on H.R. 1469 on June 5 by a vote of 67 to 31. That conference agreement, however, also contained a number of extraneous provisions to

which the President objected and which he advised would cause a veto. Upon receipt of the conference agreement to H.R. 1469, the President did, in fact, veto the measure. Subsequently, continuous efforts have been ongoing to resolve the differences on those extraneous provisions in a way that will allow the disaster assistance funding contained in this supplemental to reach the hundreds of thousands of victims of the recent disasters that have beset the Nation over past months.

In all, 33 States will be eligible for the disaster assistance funds provided in the bill. As explained in more detail by the chairman, title I of the bill contains appropriations totaling \$1.8 billion in support of our men and women in uniform engaged in peacekeeping operations around the world, particularly in Bosnia. Title II of the bill contains disaster assistance appropriations for a number of departments and agencies throughout the Federal Government with jurisdiction over the emergency relief efforts. Those appropriations total some \$5.5 billion. The bill also contains an appropriation of over \$937 million for veterans compensation and pensions.

In all, the bill totals some \$8.6 billion, the budget authority of which is fully offset by the rescissions of appropriations which are also contained in the bill.

Regarding the extraneous matters which caused the Presidential veto, it is my understanding that they have all been resolved to the satisfaction of the administration and in a way which will allow the President to sign this bill. While I regret that the enactment of this disaster assistance appropriation bill has required many weeks and a Presidential veto in order to achieve its ultimate enactment, I recognize that the proponents of the extraneous provisions that caused the delay feel very strongly about the merits of their provisions, and I appreciate their willingness to allow the removal or modification of them in a way that will allow this bill to go forward so that its benefits can then be forthcoming to the American people for whom they are intended.

In closing, Mr. President, I urge all Members to support the bill, and I congratulate the chairman of the House Appropriations Committee, Mr. LIVINGSTON, and my House counterpart, Mr. OBEY, for their efforts in reaching this agreement, as well as the distinguished chairman of the Senate Appropriations Committee, Mr. STEVENS. In addition, I also thank our distinguished minority leader, Mr. DASCHLE, who has worked tirelessly day and night in resolving these issues. The majority leader, Mr. LOTT, is also to be commended for his efforts on this bill.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator from West Virginia has 29 minutes and 30 seconds.

Mr. BYRD. I thank the Chair. I yield to the distinguished Senator from North Dakota, 5 minutes.

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

Mr. CONRAD. I thank the ranking member of the Appropriations Committee, Senator BYRD.

Mr. President, this legislation comes as an enormous relief. As the occupant of the Chair knows well, I have come to the floor many times to plead with my colleagues to deliver this assistance and deliver it as quickly as possible. We have been hung up here, now, in the 54th day since the dikes broke at Grand Forks. A town of 50,000 was completely evacuated; tens of thousands of people still, today, are not back. We have people still who are sleeping on cots, living in cars; thousands of people who are wondering when is help going to come.

We heard over the weeks that there was money in the pipeline. I can tell you, from a local perspective, the money has not been getting through that is necessary for rebuilding and recovery. So this legislation that has now come from the House represents an incredible victory for the people in the disaster areas because the offending provisions, those that caused the President to veto the bill, are now removed. What we have is a clean disaster relief bill, which is what the people of the disaster areas have asked for sincerely, and in many ways with, I think, real patience, because 54 days have elapsed before we are finally going to see this legislation pass and be signed by the President of the United States. Mr. President, a clean disaster relief bill, thank goodness; many of us wondered if this day was going to come and here it is. This bill represents real help that is going to make the difference, a real difference in the lives of people.

I just remind my colleagues, this is what we look at in Grand Forks today. This is the rubble that is left by the devastation of downtown Grand Forks. Remember, we experienced a multiplicity of disasters. We had, first of all, 10 feet of snow this winter, the most snow we have ever had, followed by the most powerful winter storm in 50 years that eliminated electricity for 80,000 people for more than a week, followed by a 500-year flood, by far the worst flood ever in our history. It was absolutely devastating. Then, in the midst of that, a fire that burned much of downtown Grand Forks.

I tell you, we began to think this was apocalyptic. But still, today, we are living with the results. This is the picture of just one boulevard. On every street in Grand Forks and East Grand Forks, this is what you see: The rubble piled, 5, 6 feet high. You can go down the streets and you can see what kind of washer and dryer everybody had in Grand Forks, because they are all out in the boulevards. Every item of personal furniture and clothing is out on these boulevards. People left at 1 o'clock in the morning with only the

clothes on their backs, because the dikes failed at that hour.

Again, this is another typical street. You can see the junk piled all up and down the streets of Grand Forks and East Grand Forks, ND. These people are living through a slow-motion disaster because the disaster occurred, the natural disaster, but now we are still living with the results. That is why this money is so desperately needed.

I can tell you, there are many people we want to thank. Senator BYRD, the ranking member of the Appropriations Committee, has been a staunch ally throughout this fight. We deeply appreciate, Senator BYRD, your assistance, and the assistance of your able staff—Jim English I want to name specifically, because he has been a rock. We will never forget the assistance that you, Senator BYRD, have provided and that Jim English has provided as well.

I also want to thank the chairman of the Appropriations Committee, Senator STEVENS, because he, too, listened and heard our plea. And we appreciate it very much.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, first of all I thank the distinguished senior Senator from North Dakota for his kind words concerning me, and especially with reference to my very capable staff.

How much time does the Senator from Minnesota require?

Mr. WELLSTONE. Mr. President, I have had a chance to speak on this often. Five minutes, I think, will do it.

Mr. BYRD. I yield 5 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I don't have any rehearsed remarks. I am trying to think exactly what to say. I want to thank my colleague from North Dakota, both Senators from North Dakota, and the Senators from South Dakota. It has been a pleasure to work with you.

I certainly want to thank the minority leader, Senator DASCHLE, who has done a great job.

Jim English, I am going to say the same thing about you. I want to thank Jim for just incredible work. Larry Stein has been phenomenal as well.

I would like to thank Sarah Neimeyer who has worked with me in my office.

We have had so much help. Senator BYRD, thank you so much for your support. And I would like to thank my Republican colleagues on the other side of the aisle for their support.

Finally, we have come together. Finally we are going to pass a disaster relief bill. Mr. President, all I can say right now is that this has been a long and sometimes bitter fight. I wish it had not been such a long, protracted fight. I wish it had not been a bitter fight. I do not think I am in the mood

at all to point fingers today. I think it is better just to say to everybody here, we finally have come together.

Senator STEVENS, thank you for your help. And I think that what matters is not who wins or who loses here in the Senate or in the House. I don't really care. I don't think it's very important. But I do think the people back in Minnesota and the Dakotas win, and that does matter a great deal to me. People are trying to get on with their lives. They are trying to rebuild their lives. And they need the certainty. They need the certainty of knowing whether or not this assistance is going to be available. I think, finally, today, as a Senator from Minnesota, I can look people in the eyes, go back home and meet with people and say, "This is passed, the help is going to be forthcoming. I hope and pray that this will help you and this will help your children and this will help your families."

I am proud of my colleagues on this side of the aisle. I thank colleagues on the other side of the aisle for their support now. Finally, we are together. I am proud of my Democratic colleagues because I think we did the right thing. I think we used the rules of the Senate. The expert—I have to get his attention—the expert who knows more than the other 99 Senators combined is Senator BYRD.

Senator BYRD, I want to get your attention. You do not have to respond. I would say I am proud of my colleagues, I am proud of the Democrats. I said one of the things I am most proud of is I think we did the right thing to be out here fighting for people, and I think it was important to use the rules of the Senate to fight for people. I was saying that you are, of course, the master teacher to all of us. Again, I thank you for what you have taught us.

It feels good to be able to know the process and use the rules, if you can use your leverage to fight for people. I think we did that. But I think most important of all, it is the people who will benefit. We have come together, finally, finally. I think the U.S. Senate, and I hope the House of Representatives and therefore the Congress, will look good to people after what has been a terrible period of time. I do not believe the last several weeks have been a good several weeks for the Congress. They have not built up a lot of respect for our institution. People have not been able to understand the delay. I think, in a way, this is an important victory for people in our States and it is also, I think, a very good thing that finally, finally the U.S. Senate has come through for people.

Mr. President, I have spoken many, many, many, many hours, have given enough speeches to probably deafen all of my colleagues and I do not need to say any more. I am so pleased, I feel so good that we finally are able to pass this bill and we are finally going to be able to help people—really good people who really need the help.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Alaska yields 5 minutes to the Senator from Minnesota.

The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I am very pleased that Congress and the President have finally agreed to the compromise proposal I offered earlier this week to smooth the way for passage of emergency flood relief for the people of Minnesota and the Dakotas.

My compromise calls for separate votes on the emergency disaster relief bill and on legislation to protect the American people from a Government shutdown. Today's vote confirms that was the best way to build the necessary consensus in Washington to deliver flood relief as quickly as possible.

The people of my home state of Minnesota have been waiting with increasing impatience for Washington to stop talking about delivering recovery aid and finally do something about it.

They have been waiting for Congress and the President to work together to finally bridge the gap that led to the veto that now holds up flood relief. I am pleased to say that today, the waiting ends and the rebuilding process can move ahead.

This flood recovery aid means more to us in Minnesota than simply dollars. It sends the message that the people of Minnesota and the Dakotas, who have endured so much during this critical time, have not been forgotten by Washington, and that the promises made by Congress and the President to our States will be promises kept.

But our work does not end with this vote. Once we pass this bill and the President signs it into law, we must keep a watchful eye to ensure that the recovery and rebuilding process in Minnesota and the Dakotas can go forward without any further delays caused by gridlock in Washington.

That is why I believe that Congress must pass the Government Shutdown Prevention Act, which will protect Minnesotans from a Government shutdown as we rebuild our State from the damages caused by the flood.

Under my proposal, which we will adopt today, we can have that vote, free from any procedural delays, and give the people of Minnesota and the Dakotas that important assurance.

Mr. President, this has been a stressful time for individuals, families, farmers, and businesses in the Midwest devastated by the flooding. The delays from Washington did not help anybody.

But with this agreement today, we have reduced the chance that a man-made disaster this fall, in the form of a Government shutdown, will follow the natural disaster that victimized so many people this past spring.

Again, I am pleased that we could work out this agreement and act on my proposal to pass emergency flood aid to Minnesota and the Dakotas. With this compromise, the blame game can end and the rebuilding can continue. It is time to move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). WHO YIELDS TIME?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask the distinguished Senator from Alaska if he has any problem with my yielding time at this point?

Mr. STEVENS. I am happy to have him yield time.

Mr. BYRD. I yield 5 minutes to the distinguished Senator from North Dakota [Mr. DORGAN], and I am going to be off the floor temporarily because I have someone waiting in my office down below. In the meantime, I ask Mr. DORGAN to yield time on my behalf.

Mr. DORGAN. I will be happy to do that.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 5 minutes.

Mr. DORGAN. Mr. President, this is an occasion of some happiness for those of us who have spent a substantial amount of time in the Senate pushing very hard to try to get a disaster relief bill finished.

I today compliment the Senator from Alaska, Senator STEVENS, the Senator from West Virginia, Senator BYRD, and other members of the Appropriations Committee. I have said repeatedly that when this legislation passes, it will contain a substantial amount of assistance for those who have been hit by natural disasters, especially for those in our region who were devastated by the circumstances of blizzards, floods, and then fires.

There have been a substantial amount of impatience on my part and the part of many others in Congress in the recent 3 or so weeks. We have been impatient because we have constituents who have been impatient. We know that their lives have been on hold, decisions have not been able to be made on a timely basis.

My colleague, Senator CONRAD, my colleagues, Senator WELLSTONE, Senator GRAMS and others, Senator DASCHLE and Senator JOHNSON from South Dakota, we know from going home, our citizens who are victims of these disasters have, in many instances, been living in other communities with relatives, in tents, in camper trailers, in shelters, on cots, and they have been very concerned about the inability to put their lives back together. We have repeatedly pushed for a timely resolution for this matter.

Today, it appears that we will see a piece of legislation through the Congress, and it is my hope to be invited to participate tomorrow morning in a bill-signing ceremony. I hope that

President Clinton will have a brief ceremony to sign this legislation, after which a substantial amount of help will be available to people of our region.

What kind of help is it? Well, it is a substantial amount of money to help people who lost their homes. In Grand Forks, ND, alone, 600 homes have been totally destroyed, another 600 to 800 homes have been severely damaged. Those families are not back in their homes and will not be back in their homes. Many of those homes will never again be inhabited, and those families need some help. This legislation reaches out to them to say we want to help you.

The legislation includes some resources for people who have lost livestock in the blizzards this winter. A substantial number of blizzards paralyzed our State. The last blizzard was the worst blizzard in 50 years. We had cattle on their feet suffocating from snow, and white-out conditions where they could breathe nothing but snow. I mentioned the other day that a fellow was in a community and someone said, "Well, what are you going to be doing next?" He was a rancher. He said, "Well, I'm going home to shoot some calves." He had to shoot calves because these are calves whose feet were frozen in the blizzard, cows whose udders were frozen in the blizzard, cows froze to death standing up, cows froze to death in stock ponds when ice gave way and the cattle died in the ice cold water.

I don't need to describe in any greater detail the ravages of blizzard after blizzard, the last being the worst blizzard in 50 years, and then the flood that resulted from 10 feet of snow, 3 years' worth of snow dumped on our State in 3 months. The result: a disaster of significant proportions that has upset the lives of so many thousands of families.

The creation of this bill then was a response to that, and although we have gone through enormous angst as a result of delay, today, when this aid begins to flow, we say thanks to a lot of folks who joined hands in this Chamber, on the Appropriations Committee and off, in the leadership, who said we want to be part of a solution.

I know, as I said earlier today, I have worn out my welcome on the floor of the Senate. I know there are some here who are tired of seeing me on the floor, tired of hearing my message and hope that they will not have to suffer much more—the constant drumbeat and the constant urgency that I express on behalf of my citizens, but I make no apology for that. I came here to represent a group of people who need help, and I am pleased that help will be in this legislation when it passes.

The PRESIDING OFFICER. The Senator from North Dakota controls time on his side.

Mr. DORGAN. Mr. President, I yield myself 1 additional minute.

The point I was making was while we feel very strongly about these issues,

because our constituents are involved—and they are not just constituents, they are people, families trying to put their lives back together—at the end of the day, when the day is done and the job is done, and this will at least complete this portion of the job for a Congress responding to this disaster, we must stop and say thank you for the help that others have given us.

As we proceed to begin to rebuild and to recover and to have families put their lives together and to have communities rebuild, we will undoubtedly see things that need to be done in next year's appropriations bills, as well.

Mr. President, today when this passes, on final passage, and tomorrow, when the President signs this legislation, I will be enormously pleased that finally disaster relief will be available to many Americans who desperately need it.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Alaska.

Mr. STEVENS. Mr. President, I want to give a little history of what we are dealing with in this 1997 supplemental appropriations bill.

In February of this year, we received a request for \$2.1 billion from the President to deal with the funding that had been advanced in the Bosnia peacekeeping efforts overseas in a way that would repay the funds to the various accounts in the Department of Defense from which those moneys were taken. That was \$2.1 billion, as I said.

That February budget request also contained mandatory veterans compensation and pensions of \$800 million and other requests, mainly a WIC request, women, infants, and children request of \$1 billion. It was \$100 million. The total of the budget request in February was \$3 billion. There was no disaster attached to that request.

We received a formal request on March 19 for \$2 billion related to the disasters. Again, on April 23, we received a request of \$300 million. And on June 9, we received a major request of \$2.4 billion. Again, Mr. President, that was June 9. Our total formal budget request that is covered by this bill is \$7.7 billion. Some of those amounts we had anticipated in the bill that was presented to the Senate previously, but the formal budget request was received June 9 for more than 25 percent of this bill.

I have seen and heard people on the television telling us how we should be getting on with our work. As a matter of fact, I think in terms of supplementals, for us to handle supplemental requests from March 19, April 23, and June 9 by today, which is June 12, I think is not tardy. We have had informal OMB reestimates of \$400 million since those others were received. We had an informal increase for mandatory veterans compensation and pensions reported to us on June 3, another \$200 million. The total Presidential request before the Senate is \$8.2 billion. This bill is \$8.9 billion.

The \$700 million comes about by the community development block grant, the CDBG moneys, for the disaster of \$300 million. We have an SSI provision in this bill, supplemental amount for legal aliens of \$200 million. There is an additional \$700 million for the Federal Highway Administration, and other minor adjustments made by congressional amendments amount to \$200 million. In other words, the total congressional impact on this bill is \$700 million.

The bill, for the first time in history, is totally offset. This report offsets in the Defense Department \$1.9 billion. It offsets, in domestic offsets, \$6.1 billion. There is an additional amount of mandatory spending, mainly veterans compensation and pensions, that is covered by the bill and amounts to \$900 million. It does not score under the Budget Act. Those are moneys that were already covered under entitlement provisions.

Mr. President, I made the statement before and I asked unanimous consent that the agreement that applies to this bill is that the statement of the managers that accompanied the conference report for H.R. 1469 would be the legislative history for this bill that is going to be presented to the Senate.

The reason for that is that I did not want it to be just a statement of one person, myself, to make that legislative history. It is the statement of the Senate now on a unanimous-consent basis that the provisions of the managers' report that accompanied the former conference report, to the extent those provisions are in the bill, are the legislative history for this bill.

There are three items that have been deleted from the bill: the continuing resolution language, the census language and the language that pertained to Revised Statute 2477, the right-of-way provision. I regret deeply being put in the position where that has to be withdrawn. We do, however, have a commitment from the President of the United States that within 180 days, there will be presented to the Congress a bill proposing a legislative solution to the problems that have beset the West since the announcement of the policy by the Secretary of Interior in January of the change in the historic concept that these rights-of-way were to be determined by State law and the statement of policy from the Department of Interior that says they have to be rights-of-way developed by vehicular traffic. Both of the changes are very oppressive, as far as my State is concerned, and we look forward to receiving the legislation that the President has committed his administration to submit to us on that subject, and I hope the Congress will act on that during this session of Congress.

But, Mr. President, it is important that everybody understand that other than the three provisions that have been deleted from the bill, the managers' report that accompanied the conference report is the legislative history for this bill. There were condi-

tions and terms set forth in that managers' report that we expect the administration to comply with. They are now listed as being the formal statement of this Senate as a whole on how the conference report is to be interpreted. I think that is only fair. That is what we intended in the event the conference report had been signed by the President. This is the same bill except for those three provisions.

Mr. President, I ask unanimous consent to have printed in the RECORD the fiscal year 1997 supplemental appropriations requests and congressional action.

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

*FY 1997 Supplemental Appropriation Requests and Congressional Action*

[In billions of dollars, by fiscal year 1997 budget authority]

February budget:	
Bosnia/peacekeeping .....	2.1
Mandatory Veterans compensation and pensions .....	0.8
Other requests (mainly WIC) .....	0.1
Total February budget .....	3.0
Formal budget requests:	
March 19, 1997 .....	2.0
April 23, 1997 .....	0.3
June 9, 1997 .....	2.4
Total, including formal budget requests .....	7.7
Informal OMB reestimates (April 14, 1997) .....	0.4
Informal increase to mandatory Veterans compensation and pensions (June 3, 1997) .....	0.2
Total, President's request .....	8.2
Congressional adjustments (House and Senate floor amendments included in conference agreement; plus conference adjustments):	
Community Development Block Grant (CDBG) .....	0.3
SSI—Legal aliens .....	0.2
Federal Highway Admin. (non-add obligation limitation) .....	(0.7)
Other adjustments .....	0.2
Total H.R. 1469 conference agreement .....	8.9
Defense offsets .....	-1.9
Domestic offsets .....	-6.1

Mandatory spending, mainly Veterans compensation and pensions ... 0.9  
Mr. STEVENS. Mr. President, I reserve the remainder of my time.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from South Dakota, Senator JOHNSON.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. JOHNSON. Mr. President, I thank the Senator from North Dakota. We have finally reached a point this afternoon that has been awaited for some time by the people of South Dakota, North Dakota and Minnesota, and 30 other States that have been seriously and negatively impacted by the blizzards and floods of this past winter and spring. It had been my hope the passage of this legislation could have been accelerated and without the con-

tention we had to deal with over this past month.

But I do at this point today want to extend thanks to Senator STEVENS for his assistance on this legislation, certainly to Senator DASCHLE, the Democratic leader; Senator BYRD, the ranking member of the Appropriations Committee; Senators DORGAN and CONRAD of North Dakota, my colleagues from the north; and Senator WELLSTONE from Minnesota, in particular who have played a critical role on this floor helping educate the Members and the American public about the urgency and the severity of the crisis that our region faced here and continues to face.

And certainly a thank you as well to President Clinton and his administration, who has responded in a timely fashion to the disaster requests from our Governor, from our State, affirmatively responding both to the blizzard and to the flood disaster requests on the very day that he received the requests, having visited our States, both in the south personally and with the Vice President and his Cabinet officials, and has become very acquainted in a direct way with the immense damage that was done in my State of South Dakota and throughout the region.

So there are a lot of thank yous to be extended for the work on this legislation. But I think that we cannot underestimate the scope of the harm done and the reality that even this legislation, as significant as it is, will not make people whole.

We are looking now, with the most recent estimates in the State of South Dakota, of livestock losses in excess of 300,000. We have an incredible level of damage to fences, to roads, and local governments bankrupt from the snow removal now finding themselves without even matching money to come up with the repair of the roads. That is one of the reasons why the CDBG, the community development block grant, aspect of this will be so critically important.

We have families looking to relocate. We have levees to be rebuilt. We have mayors asking about the repair of their waste water treatment facilities and water treatment facilities. We have rural water projects and systems throughout the State that have been damaged in significant ways.

So in so many ways this legislation is going to be critical in helping people get their lives back together, to making decisions about the future of their homes, of their families, of their farms and ranches and of our public infrastructure.

This legislation will come as badly needed assistance, a hand up, and consistent with a tradition that has marked the American approach to disasters in any part of the country. Whether it has been earthquakes, floods, tornadoes, hurricanes, we have a long tradition in this country of setting aside our partisan differences and working together with a hand up so

that people can get back on their feet, at least have the resources to begin that long trek back.

But I think that the winners of this final resolution of the conflicts that we have had are more than just the people of the Dakotas and the Great Plains and all the States that have been affected by these disasters. The American public in general has won this debate over the last several weeks. There was a sense on the part of the American public that we need to handle one issue at a time, that when it comes to disasters, that ought to be a clean bill sent to the President of the United States.

That ultimately is what has transpired, I think in large part because of the great concern and attention given to this legislation by Americans from one coast to the other, many of them living in States that have not had significant disaster problems this past year, but recognize that that hand up is part of the American tradition and also recognize that in the past when we have had emergency legislation it has been devoid of controversial extraneous matters.

The PRESIDING OFFICER. The time yielded to the Senator from South Dakota has expired.

Mr. JOHNSON. If the Senator would yield an additional 30 seconds.

Mr. DORGAN. I yield an additional 30 seconds.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. So we have maintained that precedent and not moved away from the tradition in this country that we have had in this body of dealing directly with legislation so that it may in a timely fashion get to the people who need it.

It would have been, I think, a tremendous loss and would have been a bad precedent for the future if we had not in fact voted down legislation with controversial issues and used disaster legislation as a political vehicle. So I think that we have won the short-term battle to get help to people who need it but also won the long-term battle for people who need legislation.

Mr. DORGAN. I yield 30 seconds to the Senator from North Dakota, Senator CONRAD.

Mr. CONRAD. I thank the Senator from North Dakota.

There are a number of people I would like to additionally thank. I would like to thank the President for his support. I would like to thank the Democratic leader, Senator DASCHLE, for really brilliant leadership in a very difficult fight. I would also like to thank very much his colleague, Senator JOHNSON from South Dakota, Senator WELLSTONE of Minnesota, my own colleague, Senator DORGAN of North Dakota, who serves on the Appropriations Committee and served on the conference committee that came up with this disaster relief package. He has been extraordinary throughout this fight. I will never forget both his

friendship and his advocacy of the State of North Dakota.

If I could have an additional 30 seconds.

Mr. DORGAN. I yield the Senator an additional 30 seconds.

Mr. CONRAD. I would like to thank our colleague in the House, Congressman POMEROY, who really stood up and was counted at a critical time for our State.

I also would like to thank staff members, my own staff people that spent night after night here, Derik Fettig, Kirk Johnson, Bob Van Heuvelen, my own chief of staff Kent Hall, and one person I did not thank, somebody on Senator STEVENS' staff, Steve Cortese, who was of great help in resolving this matter as well.

I want to thank them all. They have made a difference in the lives of people who desperately need help.

Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield such time as the Senator from Texas desires.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President.

I, too, want to thank a few people because I have been very involved in this supplemental emergency appropriations. I have seen the back room negotiations hour after hour, night after night.

I want to thank first the majority leader of the U.S. Senate. There is not a person who has stood truer to principle than the majority leader on all of the issues in this emergency appropriations. He was prepared at all times to make sure that disaster victims were able to get the money that they needed in absolute due course. He was prepared to make sure that all of the money in the defense accounts would go in.

He also was standing on a principle to set the process in place so that at the end of this fiscal year the people who work for the U.S. Government, the people who look to the U.S. Government for services such as passports and all of the other Government services, and the people such as veterans who have earned pensions would know that there would not be a disruption in Government.

I think there has been a lot of rhetoric that has blurred the facts on these issues. In fact, there was never a question of the actual amount that would go to the flood victims of North Dakota. They have been getting the millions of dollars that they need to start the process of rebuilding their State. And we want them to have that. They deserve it. They have it. It is ongoing right now. And it never was in question.

But, Mr. President, I think it is very important as we get ready to vote on this issue to see exactly what is on the table. We have a supplemental appropriations bill that is not only emer-

gency disaster relief, but it is supplemental appropriations. There are many people who are concerned about how big this appropriations bill is. I am concerned as well. I think that it grew too much. But since it is the first appropriations bill of this year—and this is June; we are halfway through the year—a lot of people felt that we had to replenish the coffers before we would get to the 1998 appropriations. So there is that issue and that concern.

We have now a separate opportunity to deal with the anti-Government-shutdown provisions. I think we are going to have a day of reckoning on this because there are those on the floor who have said, "We don't want to shut down Government, but this isn't the right bill."

So now we have an agreement that we will take up, without a filibuster, the issue of shutting down Government. We will send a bill to the President that gives him the opportunity to tell the people of America once again that he does not want to shut down Government. The President has said this on many occasions, but he did not like this bill to have the anti-Government-shutdown provisions. So he is going to get this bill separately, and we are going to vote on an anti-Government-shutdown bill. It has been agreed to by both sides that that will happen without any more political games.

I think the people of America should wake up and see who is trying to play political games with the anti-Government-shutdown issue. We are trying to prepare in an orderly way for the appropriations process in this Congress. We are trying to assure the people who depend on Government, the people who work for Government, and the people who have pensions that are supported by Government that there will not be a disruption if Congress and the President have not agreed on some part of the appropriations bills.

So we have now set the process. We are going to vote on a supplemental appropriations, and we are going to vote on an anti-Government-shutdown provision; and we are going to see if the President of the United States is sincere about wanting to work with Congress in a negotiation with a level playing field that will set a process in place so that we will not have a Government shutdown.

I think the test is yet to come. I hope that the people of America will look to see how people vote when we have a straight up-or-down vote, which the President has asked for, which Congress has acceded to giving the President what he has asked for, and see if the President is sincere about wanting to work with Congress.

I hope very much that the President and Congress will be able to work together. I think Congress has shown for its part that Congress is willing to work with the President and to bow to his wishes. We have given him everything that he has asked from this Congress in a budget resolution, and now

in a supplemental appropriations. I hope that this good will goes both ways.

Last, Mr. President, I want to thank the chairman of the committee, Senator STEVENS from Alaska, who likes to describe himself as a bear but who, in fact, is actually one of the most fair, even-handed people I have ever seen in a committee chairmanship in this Congress. He deserves a lot of praise for his patience in working, not only with the President, but with the Democrats and with the Members of the House of Representatives to have a bill that would make sure that we cover the costs of Bosnia, of the flood victims in North Dakota, of the tornado victims in Texas, who will have some little bit of help from this bill, and the many others who have suffered disasters in our country.

I want to thank my cosponsor, Senator JOHN MCCAIN, for standing up on the principle that we would not have a Government shutdown. I will tell you that Senator MCCAIN and I will not let this issue die. We are going to be back. We are going to have a clean vote. We are going to put the President to the test to see if he really wants to set a process that does not shut down the Government. Senator MCCAIN and I are very sincere in wanting to make sure that never again will we have the debacle of 1995.

So I thank the distinguished chairman of the Appropriations Committee, Senator STEVENS. I thank especially Senator LOTT and Senator MCCAIN for standing on the principles that will make our appropriations process work in a responsible way.

Thank you.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that it be in order to ask for the yeas and nays at this time.

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

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Mr. President, will the chairman of the Appropriations Committee yield?

I worked with the chairman and the chairman of the House Commerce Justice State Appropriations Committee during the supplemental appropriations conference to craft report language that requires the Department of Commerce to take into account a very important forthcoming GAO study which analyzes the cost of maintaining four National Weather Service regional headquarters offices in the continental United States versus consolidation into three offices by closure of the Southern Region Headquarters office. The language requires the Department of Commerce to take this report into account. It is my wish that it will cease its ef-

forts to close the office now so that it may take the report into consideration, as this language requires them to do.

I want to ensure that this legislative history will be carried forward with the Senate's supplemental appropriations bill. Mr. Chairman, can you give me this assurance?

Mr. STEVENS. Yes, that is the case. And it is my hope that the Department of Commerce will assent to the Senator's wishes in this matter to have this report fully considered.

Mr. ALLARD. Mr. President, I would like to begin by congratulating the people of the Dakotas and Minnesota for their hard work and perseverance through this ordeal. Their resolve speaks volumes about the American spirit, and the American work ethic. I am also pleased with the work of the Federal Emergency Management Agency. These civil servants have helped those Americans affected by natural disasters through one of the worst times of their lives. But Mr. President, I am concerned with the way disaster relief has been handled by Congress and the President.

What has come to be known as the disaster relief bill, is, in reality, nothing of the sort. Yes, there is disaster relief included in this bill, but there are a number of other provisions as well. Two of these provisions are well known to the American public, and they happen to be two provisions that I favor, and I believe a clear majority of Coloradans favor as well. The most important is the Government Shutdown Prevention Act also known as a continuing resolution. The Government Shutdown Prevention Act would allow the President and Congress to continue good faith budget negotiations without the specter of another Government shutdown. Without this, if the President and Congress cannot agree on funding levels by the end of the fiscal year, the Federal Government will shut down. If this happens, retirement checks, social security payments, Government contracts could all be delayed, national parks would be closed, veterans services would be suspended, and Federal employees would be sent home with pay, a waste of valuable tax dollars. The President objects to the inclusion of the Government Shutdown Prevention Act and vetoed disaster relief, holding those victims of natural disasters hostage, because he did not want to live up to the commitment he made during his State of the Union Address.

Since the President has objected to riders unrelated to disaster aid, let's look at what is included in his idea of a clean bill minus what he considers to be unrelated riders. His version of a clean bill includes: Assistance to Ukraine; Language concerning buy-American products; \$140 million for the Health Education Assistance Loans Program; \$650,000 for the National Commission on the Cost of Higher Education to pay salaries and expenses;

\$33.5 million for the Botanic Garden to pay salaries and expenses; \$1.6 million for the Coast Guard to cover operating expenses relating to the TWA flight 800 crash; \$650,000 to implement the Cost of Higher Education Review Act of 1997; and changes to the Welfare Reform Act;

And of most concern to me: \$3.5 million for Housing and Urban Development implementation in New York; and \$500,000 for a parking garage in Kentucky.

Many of my colleagues have discussed these issues time and time again, and while many of these projects might be worthwhile, they have nothing to do with disaster relief. But the President overlooks each one of these, and finds fault in preventing the Government from shutting down. I ask the President to stop playing games with the American people by claiming that the Shutdown Prevention Act does not belong in a disaster relief bill when there are multiple unrelated riders, to which he does not object, included in the same bill. I am told that a clean disaster relief bill would be in the area of \$3.3 billion. With or without the Shutdown Prevention Act, this is not a clean bill, let us stop playing political games with America.

The President vetoed the bill because of extraneous provisions, mainly the Government Shutdown Prevention Act. Because this provision is not included, and because of the other provisions unrelated to disaster relief included, I must vote no. A clean bill would not have these additional provisions and I hope that my colleagues can agree that extraneous means extra, no matter whose projects they are. I yield my time.

Mr. CAMPBELL. Mr. President, today I am voting in favor of the Supplemental Appropriations Act for Fiscal Year 1997. I commend our colleagues, the chairmen of the Senate and House Appropriations Committees, Senator STEVENS and Congressman LIVINGSTON, for their determination, hard work, and leadership on this important bill.

And, as a member of the Senate-House Conference Committee, I appreciate the cooperative efforts of my counterpart, Congressman KOLBE, the chairman of the House Appropriations Subcommittee on Treasury, Postal Service and General Government. I also appreciate the valuable work of my colleague, Senator KOHL, who serves as the ranking member of the Treasury and General Government Subcommittee.

This bill includes much needed assistance to our fellow Americans who have been hard hit by natural disasters. I am also pleased that the conferees agreed to include two of my provisions which are vital to my home State of Colorado.

The first provision includes \$1.95 million to support law enforcement efforts during the Denver Summit of Eight which is occurring later this month.



This historic economic summit, which includes Russia for the first time as an active participant, will draw the leaders of the world's leading economies and thousands of other participants and guests. The funding which this supplemental includes will reimburse our police officers who are on the frontlines in providing the necessary security for the Summit of Eight.

The second provision delays the implementation by the Health Care Financing Administration [HCFA] of a Medicare Competitive Pricing Demonstration project in Denver. The project, originally set to begin in January 1998, was ill-conceived in its design and had the potential to disrupt and reduce benefits for over 100,000 Medicare beneficiaries. My colleagues and I are all committed to successfully testing competitive pricing as an alternative reimbursement mechanism for Medicare risk contractors. It is for that very reason I sought a delay and appreciated the resounding support of my Senate and House colleagues.

In light of the importance of this supplemental appropriations bill, I urge my colleagues to support its passage.

I thank the Chair and yield the floor.

Mr. STEVENS. How much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 10 minutes and 21 seconds, and the Senator from West Virginia through the Senator from North Dakota has 5 minutes and 6 seconds.

Mr. DORGAN. I yield 4 minutes to the Senator from Florida, Senator GRAHAM.

Mr. GRAHAM. Mr. President, we have talked about the principles that are represented by our action in legislation. Let me talk about an important principle. That is the principle that when we are dealing with lives and we are dealing with the destruction and the aftermath of a catastrophe, it is not the time to inject political ideology on unrelated subjects. I suggest that has been the policy of this Senate, that has been the policy of this Federal Government.

Let me just give two examples of that policy. On September 21, 1989, Hurricane Hugo slammed into Charleston, SC, and 29 people were killed in South Carolina as a result of Hurricane Hugo. One week after Hurricane Hugo hit South Carolina, this Senate passed, by a vote of 100-0, disaster assistance legislation. On the same day, it passed in the House of Representatives, and the following day, September 29, 8 days after the disaster, President Bush signed that into law. A Democratic Congress, a Republican President, and in 8 days we responded to a major disaster within our Nation.

In my own State of Florida, on August 24, 1992, Hurricane Andrew devastated the southern part of our State, killing 40 people and destroying 25,000 homes. On September 8, President Bush requested \$7.7 billion of relief. Ten days

later, the House and Senate passed the President's recommendation. It was signed into law on September 23, 1992, 30 days after the hurricane had done such devastation.

Mr. President, that is the kind of schedule, that is the kind of cooperation between a Congress of one party and a President of another that we should expect, that all Americans should expect, in the event of a disaster that causes extensive damage and loss of life.

Contrast those two past experiences with what we are, hopefully, about to conclude today as it relates to the flooding in the Midwest. It was on March 19 of this year that the President made his official request for disaster funds. After that date, the disaster became even more severe as flooding occurred as a result of the severe winter. Today, on June 12, we hopefully will pass the legislation which will go to the President for his signature.

The principle is that we should not allow a repetition of what we are experiencing in this concluding chapter of the suffering of the people of the upper Midwest. They deserve to be treated with the same dignity, respect, and sense of urgency that we accorded the people of South Carolina in 1989, that was accorded to the people of my State of Florida in 1992.

Mr. President, I commend those who have worked so hard to bring this issue to a resolution. I wish we had been congratulating ourselves on this, not on the 12th of June, but many, many weeks earlier. I hope we have learned a lesson from this experience, and that lesson is, deal with the plight of people, not politics, when it comes to humanitarian relief.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. I yield 30 seconds to the Senator.

The PRESIDING OFFICER. The Senator from North Dakota has a total of 45 seconds left.

Mr. CONRAD. Mr. President, I wish to thank several additional people. There have been so many people involved in this effort. The mayor of Grand Forks, Mayor Pat Owens, who has been just remarkable through this series of disasters, and Mayor Lynn Stauss of East Grand Forks, who has come to Washington three times to plead for the assistance that the people of our area need, and two other people on my staff, Geri Gaginis, who is from that area of our State and has worked tirelessly to help the people of that area, and Scott Carlson of my staff, who was really the author of the provisions to help the livestock owners across the part of our country that have lost hundreds of thousands of head of livestock.

Mr. STEVENS. Mr. President, I understand we are waiting for the distinguished Democratic leader. Other than that, I had hoped we could get the vote started sooner. There are people that wanted to make connections and leave.

Pending that, I reserve the balance of my time.

Mr. WELLSTONE. Could I ask the Senator if he would grant me 15 seconds?

Mr. STEVENS. I yield to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I, too, want to thank Mayor Stauss and Mayor Owens from East Grand Forks and Grand Forks for their very courageous voices. They never gave up and they continue to give people hope. They gave all of us here a lot of hope.

I thank my colleague for his courtesy.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am happy to yield to the Democratic leader such time as he desires to use.

Mr. DASCHLE. Let me begin with the chairman. I want to thank the Senator for his kindness. We would not be here if not for the leadership and the extraordinary effort the Senator from Alaska has put forth to bring us to this point. I publicly acknowledge his work and his leadership on behalf of the people in South Dakota and our colleagues here in the Senate. I thank him for all of his effort.

I heard my colleague from South Dakota express what I hope to also express, and that is gratitude to so many people who are responsible for the fact that we are here this afternoon. I begin with our Governor, who has demonstrated extraordinary leadership in ways that are recognized on both sides of the aisle, and Brenda Barger, the mayor of Watertown. Watertown is lucky to have a leader as talented and as gifted as she is. All across South Dakota organizations have come forth and put so much effort into ensuring that our communities and our people could hold themselves together in the way that they did. South Dakotans have endured much over the past months, but throughout these most difficult and unfortunate times they have shown courage and compassion. I also want to thank my colleagues for all of the effort they put forth in making possible this tremendous assistance.

I appreciate very much the work of the administration—the President, the Vice President, James Lee Witt. People in the administration at all levels could not have been more responsive. They went out to the Dakotas and Minnesota not once, not twice, but on numerous occasions in an effort to fully appreciate the magnitude of the problem and to respond as quickly and as comprehensively as they could. The President, on at least two occasions, declared natural disasters in record time, trying as he could to respond in ways that exceeded virtually everyone's expectation.

It has all been said so eloquently by my colleagues but this help is desperately needed. People have waited too long. In some cases, lives have been lost. Throughout our region, hundreds of thousands of livestock have been

killed. The magnitude of this loss is only now being fully appreciated. We need this help and it will now at long last be on the way and in the hands of people who have been waiting patiently, in some cases, for more than 2 months.

The work is only beginning. The passage of this legislation starts the process by which rebuilding can begin. There is so much work to be done in such a short period of time. We have about 100 to 110-some days of construction time available to us. I call upon those in the administration who have already demonstrated such willingness to work with us to respond now in this second phase, making sure that we maximize the use of our time, making sure that we eliminate whatever bureaucratic encumbrances there are in an effort to get this assistance to those who need it the most, as quickly and as efficiently as we possibly can.

So there is much more work to be done and we need to expedite our efforts to ensure that it gets done in the most meaningful way in what time is left, this year, in order for it to be done right.

Again, Mr. President, I express gratitude to all of those who had so much to do with the fact that we are here now this afternoon. I appreciate very much the cooperation, the partnership, and the efforts made by all of those responsible to at long last send the help so desperately needed by so many.

Mr. DORGAN. Will the Senator yield?

Mr. DASCHLE. I yield.

Mr. DORGAN. Mr. President, I did explain the important role of Senator STEVENS from Alaska and our gratitude toward him. However, I would be remiss if I did not tell the Senate the admiration we have for the Senator from South Dakota in his leadership on this issue. He has been faithful and determined on this issue and all of us know that his family has had some medical challenges in recent hours. We very much appreciate what you have done for the country and for our region of the State. Much of the reason we are here at this moment on the edge of victory in having disaster relief approved is because of the efforts of the Senator from South Dakota.

Mr. DASCHLE. I thank my friend and colleague from North Dakota.

I yield the floor.

Mr. STEVENS. I yield back our remaining time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the bill. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announced that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa [Mr. HARKIN] would vote "aye."

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—78

Akaka	Dorgan	Lugar
Baucus	Durbin	McCain
Bennett	Feinstein	McConnell
Biden	Ford	Mikulski
Bingaman	Frist	Moseley-Braun
Bond	Glenn	Moynihan
Boxer	Gorton	Murkowski
Breaux	Graham	Murray
Brownback	Grams	Reed
Bryan	Grassley	Reid
Bumpers	Hatch	Robb
Burns	Hollings	Roberts
Byrd	Hutchinson	Rockefeller
Campbell	Hutchison	Roth
Chafee	Inouye	Sarbanes
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (OR)
Collins	Kempthorne	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thompson
D'Amato	Landrieu	Thurmond
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden

NAYS—21

Abraham	Gramm	Lott
Allard	Gregg	Mack
Ashcroft	Hagel	Nickles
Coats	Helms	Santorum
Enzi	Inhofe	Sessions
Faircloth	Kohl	Smith (NH)
Feingold	Kyl	Thomas

NOT VOTING—1

Harkin

The bill (H.R. 1871) was passed.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I think most Senators have been made aware of this by now. But that will be the last recorded vote of today. I have discussed having a voice vote on the birth defects legislation with the principal sponsor, Senator BOND. He agrees that there is no need for a recorded vote.

So we will just pass that on a voice vote.

#### BIRTH DEFECTS PREVENTION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 419, a bill to prevent birth defects by developing and implementing new prevention and surveillance strategies, and that the Senate now proceed to its immediate consideration under the following limitation:

One substitute amendment in order to be offered by Senator BOND, no other amendments be in order to the bill, and there be 30 minutes equally divided for debate with Senator BOND in control of 15 minutes and the ranking member in control of 15 minutes; and, further, following the disposition of the amendment and the expiration or yielding back of time, the bill be read a third time and the Senate proceed to a vote on final passage of the bill, as amended, with no intervening action or debate.

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

Mr. LOTT. I yield the floor so the Senator can begin the time on this bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. BOND. Mr. President, I thank the majority leader.

AMENDMENT NO. 371

(Purpose: To provide a complete substitute)

Mr. BOND. Mr. President, I send to the desk an amendment providing a complete substitute for S. 419.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mr. CRAIG, proposes an amendment numbered 371.

Mr. BOND. 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:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Birth Defects Prevention Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) Birth defects are the leading cause of infant mortality, directly responsible for one out of every five infant deaths.

(2) Thousands of the 150,000 infants born with a serious birth defect annually face a lifetime of chronic disability and illness.

(3) Birth defects threaten the lives of infants of all racial and ethnic backgrounds. However, some conditions pose excess risks for certain populations. For example, compared to all infants born in the United States, Hispanic-American infants are more likely to be born with anencephaly spina bifida and other neural tube defects and African-American infants are more likely to be born with sickle-cell anemia.

(4) Birth defects can be caused by exposure to environmental hazards, adverse health conditions during pregnancy, or genetic mutations. Prevention efforts are slowed by lack of information about the number and causes of birth defects. Outbreaks of birth defects may go undetected because surveillance and research efforts are underdeveloped and poorly coordinated.

(5) Public awareness strategies, such as programs using folic acid vitamin supplements to prevent spina bifida and alcohol avoidance programs to prevent Fetal Alcohol Syndrome, are essential to prevent the heartache and costs associated with birth defects.

#### SEC. 2. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended to read as follows:

##### "PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)),

including data on the causes of such defects and on the incidence and prevalence of such defects;

“(2) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects; and

“(3) to provide information and education to the public on the prevention of such defects.

“(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

“(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

“(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, Blacks, Native Americans, Asian Americans, and Pacific Islanders;

“(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

“(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

“(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

“(c) GRANTS AND CONTRACTS.—

“(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

“(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

“(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

“(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

“(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

“(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1998 and of every second such year thereafter, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

“(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

“(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-His-

panic whites, Blacks, Native Americans, and Asian Americans);

“(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

“(4) describes the activities carried out under this section; and

“(5) contains any recommendations of the Secretary regarding this section.

“(e) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$30,000,000 for fiscal year 1998, \$40,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.”.

Mr. BOND. Mr. President, I ask unanimous consent that Senator CRAIG be added as a cosponsor to S. 419.

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

Mr. BOND. Mr. President, I am very pleased that the Senate has chosen finally to address this often overlooked but very compelling health care problem in the United States.

We have been working with the March of Dimes and with colleagues on both sides of the aisle since 1992 to deal with one of the most serious and compelling health care problems in America today. Many people are not aware that birth defects affect over 3 percent of all births in America, and they are the leading cause of infant death.

This year alone, approximately 150,000 babies will be born with a serious birth defect, resulting in 1 out of every 5 infant deaths.

Among the babies who survive, birth defects are a leading cause of lifelong disability. Medical care, special education, and many other services are often required into adulthood, costing families thousands of dollars each year.

Let me share with you an experience I had when I was Governor of Missouri. In the early 1970's, I appropriated dollars to fund the high-cost, but highly effective, neonatal care units at our hospitals.

These remarkable institutions and the dedicated men and women who serve there do a tremendous job of saving low-birth-weight babies and babies with severe birth defects. But it is not enough. As I talked to the people and congratulated them on the great work they were doing, they said, “Why don't we do something to reduce the incidence of birth defects and the problems that bring these tiniest of infants to these very high-tech specialized care units?”

And despite the large number of babies born with and dying from birth defects, we do not even know what causes most defects or where they are even occurring.

An unfortunate situation in Texas a few years ago exemplifies how the lack of a birth defects prevention and surveillance strategy delayed the response

to an outbreak of birth defects and may have needlessly cost innocent lives. At least 30 infants in south Texas were born without or with little brain tissue over a short period of time.

Because Texas did not have a birth defects surveillance system, and because our country did not have a comprehensive birth defects prevention and surveillance strategy, the severity of the problem was not recognized until the incidence of birth defects was so high that it was difficult to miss.

To avoid tragedies such as this from reoccurring, there is something that we can do here today.

Passage of the Birth Defects Prevention Act will prioritize our efforts and make Congressional intent clear—more resources should be directed for the prevention of the leading killer of babies, birth defects.

S. 419 is a two-pronged approach to tackling this devastating public health problem.

First, the bill calls for a nationwide birth defects surveillance strategy. The legislation directs the Centers for Disease Control to serve as a national clearinghouse for the collection and storage of data on birth defects and to establish regional centers for the conduct of applied epidemiological research on such defects.

The bill also provides funding to public entities such as State governments to start up or improve existing surveillance programs. Today only about half of the states have some kind of birth defects surveillance system.

The second focus of the Birth Defects Prevention Act is to broaden public and professional awareness of birth defects and prevention opportunities.

Grants will be available to public entities and nonprofit organizations to develop and implement birth defect prevention strategies, such as programs using folic acid vitamin supplements to prevent neural tube defects and alcohol avoidance strategies to prevent fetal alcohol syndrome [FAS].

It is important to note that many birth defects are indeed preventable. For instance, we now know that if women of childbearing age took a simple 400 microgram dose of the B vitamin folic acid each day, 50 to 70 percent of all cases of spina bifida and anencephaly could be prevented—saving about \$245 million each year and more importantly, saving some families the heart ache that many of us have witnessed friends and families go through.

It was a deficiency of folic acid that caused the tragedy in south Texas based on the diet, and it was only when we had enough instances were the researchers able to identify what might be the problem.

A survey released by the March of Dimes just this week highlights the need for an aggressive public awareness program on this issue. The survey indicates that only 32 percent of women ages 18 to 45 take a daily multivitamin

containing folic acid. Dr. Jennifer Howse, president of the March of Dimes Birth Defects Foundation, also stated that "seven out of 10 women begin taking folic acid too late to reduce their risk of having a baby with a neural tube defect such as spina bifida or anencephaly. In order to be effective in preventing these defects, folic acid must be consumed before pregnancy and during the early months of pregnancy."

Fetal alcohol syndrome, which increases the risk that babies will suffer from mental retardation, learning disorders and other problems, is also preventable.

Although preventable, an April 25 Associated Press article noted that the number of pregnant women who say they frequently drink alcohol has increased. The survey, conducted by the Centers for Disease Control, found that 3.5 percent of the respondents admitted they had seven or more drinks per week or binged on five or more drinks within the previous month.

Clearly, we must convey these crucial messages regarding birth defect prevention opportunities to the American people. Passage of the Birth Defects Prevention Act is a first step in this process.

The time has come for the U.S. Senate to join with groups such as the March of Dimes, the American Academy of Pediatrics, the Easter Seals Society, the National Association of Children's Hospitals, and many other organizations, in advocating the need for a national strategy to prevent these devastating defects.

The bill also has broad bipartisan support. As of today, the Birth Defects Prevention Act has 33 cosponsors.

Let me conclude by recognizing the hard work and dedication of the March of Dimes and their volunteers throughout America; and specifically, I want to single out Dr. Jennifer Howse, Jo Merrill, and Marina Weiss, for their daily involvement in trying to prevent the No. 1 cause of infant deaths, birth defects.

Our country is forever indebted to the March of Dimes and its 3 million dedicated volunteers for their efforts.

Mr. President, I send to the desk three articles to which I made reference, and I ask that they be printed in the RECORD.

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

**MORE WOMEN KNOW VITAMIN CAN PREVENT SERIOUS BIRTH DEFECTS, BUT FEW ARE TAKING IT, MARCH OF DIMES SURVEY FINDS**  
Health Knowledge and Behaviors During Childbearing Years Are Assessed in Major Opinion Poll

WHITE PLAINS, N.Y., JUNE 10.—A new nationwide survey shows that while more American women of childbearing age have heard of folic acid, a B vitamin that can greatly reduce their risk of having a baby with serious birth defects of the brain and spine, the proportion of women actually taking a multivitamin on a daily basis remains low.

Only 32 percent of women ages 18 to 45 take a daily multivitamin containing folic acid. Among women who were pregnant in the two years preceding the survey, only 23 percent reported taking a daily multivitamin before pregnancy began.

"Seven out of 10 women begin taking folic acid too late to reduce their risk of having a baby with a neural tube defect such as spina bifida or anencephaly," said Dr. Jennifer L. Howse, president of the March of Dimes Birth Defects Foundation, which commissioned the survey. "In order to be effective in preventing these birth defects, folic acid must be consumed before pregnancy and during the early months of pregnancy. Much remains to be done to ensure that more women get folic acid at the critical time and in the right amount to improve their chances of having a healthy baby."

The survey follows up a benchmark poll conducted two years ago by the March of Dimes to assess women's knowledge and behavior on a variety of issues relating to healthy pregnancy. In the 1997 survey conducted for the March of Dimes by The Gallup Organization under a grant from the U.S. Centers for Disease Control and Prevention, 2,001 women between the ages of 18 and 45 were asked questions designed to measure changes in awareness and behavior from 1995.

Awareness of folic acid jumped 14 percent points over the two-year period, from 52 percent of women in 1995 to 66 percent in 1997. Awareness of the U.S. Public Health Service recommendation that all women capable of having a baby consume 400 micrograms of folic acid daily to prevent neural tube defects rose from 15 percent in 1995 to 22 percent in 1997. Specific knowledge of the health benefits of folic acid nearly doubled: whereas only 9 percent of women knew in 1995 that folic acid can prevent birth defects, this figure rose to 16 percent in 1997.

Asked in 1995 and 1997 to name a food that is a good source of folic acid, about half of all women who had heard of folic acid were unable to do so. However, in 1997, 16 percent who had heard of folic acid correctly named orange juice as a good source, up from just 6 percent in 1995.

Although nearly all women agree that it is important for a woman who is planning to have a child to see her doctor before she is pregnant, only 27 percent of the women who have had a pregnancy say they actually made a visit to the doctor prior to conceiving.

Since 1995, the March of Dimes has conducted a public health education campaign called "Think Ahead" to inform women of childbearing age of some simple steps they can take before pregnancy to improve their chances of having a healthy baby, including consuming folic acid and getting a medical checkup.

"There were some significant improvements over the 1995 findings, but they fall far short of the levels that the March of Dimes would like to see," Dr. Howse said. "The survey shows that awareness of important health messages can increase when these messages are repeated continuously over time, but that behavior changes more slowly. Younger women especially could benefit from further education efforts."

She noted that women under age 25 are the least likely to consume vitamins daily, with only 23 percent reporting that they do so. However, this age group accounts for 39 percent of all births in the United States.

#### IMPORTANCE OF THE NEWS MEDIA

Dr. Howse pointed out the importance of the news media in informing women about folic acid. The survey found that 36 percent of women who have heard of folic acid say they learned about it from a magazine or

newspaper article, and 22 percent learned of it from radio or television. Fifteen percent of women say they received this information from their doctor.

Dr. Howse noted that although enriched flours for products such as bread, pasta, and cereal will be required to contain folic acid as of January 1, 1998, the amount of folic acid will not be sufficient to remove the need for daily multivitamin use.

She also said the March of Dimes urges passage of the Birth Defects Prevention Act (S. 419 and H.R. 1114), a bill currently before Congress that would establish a national birth defects surveillance, research, and prevention system. This system would include research and demonstration projects for the prevention of neural tube defects.

U.S. Secretary of Health and Human Services Donna E. Shalala said, "It is very important that we take advantage of the prevention opportunity offered by folic acid. We still have a lot of work to do to ensure that preventable birth defects do not continue to occur."

The March of Dimes survey results are based on telephone interviews with a national sample of 2,001 women ages 18 to 45 conducted between January 21 and March 3, 1997. For results based on samples of this size, one can say with 95 percent confidence that the error attributable to sampling and other random effects could be plus or minus 2 percentage points.

Copies of the March of Dimes survey, "Preparing for Pregnancy II," item #41-948-97, can be obtained for \$4.50 plus shipping and handling costs by calling toll-free 1-800-367-6630.

The March of Dimes is a national health agency whose mission is to improve the health of babies by preventing birth defects and infant mortality. Through its Campaign for Healthier Babies, the march of Dimes funds programs of research, community service, education and advocacy.

#### MORE U.S. WOMEN DRINK WHILE PREGNANT, STUDY SAYS

##### Increase Raises Risk of Fetal Alcohol syndrome

More pregnant women are drinking than in 1991, raising the risk that more babies will suffer mental retardation, learning disorders and other problems, the government reported yesterday.

A telephone survey by the Centers for Disease Control and Prevention found that 3.5 percent of 1,313 moms-to-be in 1995 admitted they had had seven or more drinks per week or binged on five or more drinks at once within the previous month. That's up from 0.8 percent of 1,053 pregnant women in 1991.

The sample suggests that 140,000 pregnant women nationwide were frequent drinkers in 1995, compared with 32,000 women in 1991. The CDC also said 16.3 percent of pregnant women surveyed in 1995 had at least one drink in the preceding month, compared with 12.4 percent in 1991.

The reason for the increase is unclear, but CDC researchers plan to reexamine the survey to try to find out. Drinking while pregnant can cause infants to be born with fetal alcohol syndrome, a lifelong condition that can include retardation, facial abnormalities, stunted growth and learning disorders.

The 1995 survey questioned 33,585 randomly selected women pregnant or not—ages 18 to 44. Of the total, more than half said they drank at least once within the past month, and 12.6 percent were frequent drinkers, those who have at least seven drinks a week or five or more at once. The percentages were similar to the 1991 figures, the CDC said.

Claire Coles, an expert on fetal alcohol syndrome, speculated that people may simply be more honest about their drinking

than in the earlier survey. In any case, she said, obstetricians and gynecologists need to talk to their patients about the dangers of alcohol.

[From USA Today, June 10, 1997]

**FEW WOMEN TAKE FOLIC ACID TO PREPARE FOR PREGNANCY**

(By Steve Sternberg)

Although many women of childbearing age now know that folic acid taken daily can avert birth defects, 78% still take a risk rather than a multivitamin, a new survey shows.

The survey of 2,001 women ages 18 to 45, released today by the March of Dimes Birth Defects Foundation, indicates that 66% know the value of folic acid in fetal development, up 14 percentage points from the March of Dimes' first such survey two years ago. Yet just 23% reported taking a multivitamin before their pregnancy began.

"The brain and the spinal cord develop in the first four weeks of pregnancy," says Richard Johnston, medical director of the White Plains, N.Y., foundation. As a result, he says, women must begin taking folic acid before the pregnancy for it to lower the child's risk of birth defects.

Folic acid is found in green leafy vegetables and liver. In 1992, the U.S. Public Health Service advised all women who could become pregnant to take 400 micrograms of folic acid a day to boost their odds of having a normal infant. The recommended daily allowance is 200 micrograms.

The nutrient is so critical for fetal development that the U.S. government last year required that 140 micrograms be added to cereals and bread, trying to boost women's dietary intake without masking a rare but dangerous form of anemia.

The March of Dimes and other groups have spent the last two years trying to get the message out.

If taken within a few weeks of conception, folic acid cuts by two-thirds the risk of two devastating birth defects: spina bifida, a paralyzing abnormality that leaves the nerves of the spine exposed, and anencephaly, in which an infant is born without a developed brain.

Each year, at least 2,500 children are born with one of these defects.

Joseph Molinari, a birth defects epidemiologist at the Centers for Disease Control and Prevention in Atlanta, says of the survey, "We think it's important, because it tells that women are learning about folic acid but not changing their behavior."

Mr. BOND. Mr. President, I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. President, I want to join other Members of the Senate in commending Senator BOND for his work in developing this legislation and for his strong commitment to this program. He has been interested in and committed to children over a long period of time—both in the Senate and as a Governor. I think all of us are very much aware of his leadership in the family and medical leave program a number of years ago, and in working closely with Senator DODD and me. This legislation is another indication of his strong commitment in terms of the most vulnerable in our society—the children, and particularly those that have some very special needs in the form of defects.

I join with him, too, in commending the March of Dimes and all of the organizations and all of the volunteers. The individuals who are part of these organizations spend hours and hours doing the hard and difficult work—knocking on doors, spending many hours away from their families in this volunteer commitment to make a difference to children. We too often forget about all of their dedication, hard work and commitment.

I think of the families in this country whose lives in one way or another have been touched by the March of Dimes and the voluntary organizations who have been supportive of the birth defects legislation. I join in thanking them. This is really their achievement, but most importantly the achievement for children; those that are born now and those that are yet to be born in the future whose lives will be enhanced and who will be enriched and will have healthier lives because of this legislation. Also, the parents of those children who will be relieved of a great deal of the anxiety and the concern as they love those children and see these children struggling to deal with some of the really serious kinds of birth defects that affect too many in our country.

As the good Senator has pointed out, so many of these defects are preventable. It would be one thing if they were unavoidable, but they are avoidable. If we develop the kind of approach that I think this legislation provides, we can really see an important difference made for many, many of our children.

As Senator BOND has pointed out, more than 150,000 infants are born with serious birth defects, making birth defects the leading cause of infant mortality in the United States. Families from all racial, ethnic, and economic groups share the risk of having a child born with a serious defect. It makes no difference from what part of this country you come. The danger is there of developing the kind of defects this legislation is focused to try to prevent.

Birth defects are also a leading cause of childhood morbidity and disability. Medical care and special education made necessary by these defects cost families and the Government billions of dollars a year and consume a disproportionate share of our health care resources.

Large numbers, as I mentioned, of these birth defects are preventable. For most, the cause is unknown. But each year thousands of children are born with defects such as spina bifida and fetal alcohol syndrome that are largely preventable. Fetal alcohol syndrome is a leading cause of mental retardation, and it affects approximately 8,000 infants per year, yet all of these cases are preventable.

We can do much more to help States to develop surveillance programs which count the number of babies born with birth defects and identify communities and populations at higher risk. Currently, only about half the States have

some kind of birth defects surveillance system in place.

We must also develop new and effective types of early intervention which can be integrated into our public health and medical care systems. Preventing birth defects will dramatically reduce the costs of medical care, for special education, and for social services for affected individuals and families.

The Birth Defect Prevention Act is a major step toward a national priority for surveillance, research, and prevention. The act will be overseen by the Centers for Disease Control and will provide grants to the States to establish a State-based birth defect surveillance program and establish regional centers for birth defect prevention research.

It will provide the States with funding for demonstration projects aimed at birth defect prevention as well as technical assistance to implement programs of proven effectiveness. There will be shared information when we find out that some programs have been very effective. We will be able to get that information out to other communities. This will be powerful in terms of enhancing local communities with information that will show the advantages of some of the programs that are proven effective.

It will broaden public and professional awareness of birth defects and prevention opportunities. There is enormous impact this can have in terms of sensitizing the whole medical profession about these needs and that can have a powerful effect in developing opportunities and modalities for prevention.

In this congressional session we have an unprecedented opportunity to prioritize children and children's health. Along with the Hatch and Kennedy legislation that expands health insurance coverage to uninsured children and improves access to prenatal care, this act will serve to improve health, prevent disease, and enhance the lives of children and families.

Even as we are meeting this afternoon, the Finance Committee is working through how to provide resources to the States to provide help and assistance to millions of American children that would qualify under the Medicare programs to make sure their health care needs are attended to. Senator HATCH and I are hopeful that before long we will have an opportunity again to address the Senate on our program which would ensure that good, comprehensive coverage for children in all of our States is fully funded and financed by an increase in the cigarette tax.

We will have the additional advantage of discouraging young teenagers from smoking.

So I again thank the Senator for his leadership and commend him for his efforts in this area. He has taken a concept and put it into legislation and passed it in a very, very short time.

But it is certainly consistent with his longstanding interest with children, and we look forward to work with him on other issues as well that affect children in this country.

Mr. DODD. Mr. President, I rise to support the Birth Defects Prevention Act. I commend Senator BOND for his work on this legislation, and I am pleased to have been one of its cosponsors. I am confident that this legislation will significantly enhance our understanding of birth defects and lower the frequency with which they occur.

Birth defects are the leading cause of infant mortality in this country, and in many cases, children with birth defects face a lifetime of disability.

The efforts of these children to cope with and overcome their disabilities are an inspiration to all of us. It is tragic, however, to think that, for so many, their struggles could have been prevented. With better education and health care for mothers, many birth defects can be avoided entirely. Yet, our country still has no national strategy for reducing the incidence of birth defects. That is why I am rising today in support of this legislation.

At the root of our prevention efforts is the need to increase the flow of information regarding birth defects. Without well-coordinated research efforts and surveillance, outbreaks of birth defects may go undetected.

This bill would provide Federal grants to State health authorities for the purpose of collecting and researching birth defects statistics. These grants are necessary since many States have no system in place for the monitoring of birth defects.

This bill would also establish at least five regional research programs that would collect and analyze information on the number, incidence, and causes of birth defects. In addition, it would institute the Center for Disease Control as the coordinating agency for birth defects prevention activities by establishing a clearinghouse within the CDC to collect and store data on birth defects. The CDC would also be responsible for facilitating the coordination of research and policy development to prevent birth defects.

But while efforts to prevent birth defects begin with education, the task of changing the behavioral patterns is far more difficult. While progress is being made in this struggle, there remains a great deal of work to be done. The findings of a March of Dimes study that was released this week provides a great illustration of this point.

A simple 400 mg daily dose of the B vitamin folic acid could prevent 50 to 70 percent of all cases of spina bifida and anencephaly. The recent March of Dimes survey found that 66 percent of all women know the value of folic acid in fetal development, marking a 14 percent increase over the past 2 years. However, just 23 percent of all women reported taking a multivitamin before their pregnancy began. Women are learning about folic acid but not changing their behavior.

As we all know, behavioral patterns do not change overnight, but if we continue to educate the population changes will occur, as evidenced by the fact that the number of women who smoke during pregnancy has dropped 29 percent since 1989.

While there is nothing that can be done to prevent most birth defects, it is unconscionable that every day in America children are being born with illnesses that we could prevent, and in the most severe cases, children are dying. I urge my colleagues to make a commitment to fighting the problem of birth defects, and I ask that they join me in supporting the Birth Defects Prevention Act of 1997.

CODY GROCE

Mr. FAIRCLOTH. Mr. President, I would like to take a moment to tell my colleagues about a very special individual I met recently. Cody Groce is an active, healthy, intelligent 5-year-old from Elkin, NC, who plans on becoming a doctor when he grows up. His story seems like that of any young man, however, Cody is special because he was born with a serious birth defect.

During a prenatal care visit Brenda Groce, Cody's mother, was told that the baby she was carrying had life-threatening urinary problems. At birth, Cody was admitted to a neonatal intensive care unit and had surgery to save his kidneys and his life.

Cody is now healthy and busy sharing his story with people across the country as the National Ambassador for the March of Dimes. I met Cody in March when he came to visit my office to tell me about his story and this important legislation.

There are 150,000 children, like Cody, that are born every year with a serious birth defect. And it is because of these children that we must pass S. 419, the Birth Defects Prevention Act of 1997.

This legislation establishes a national, State-based, birth defects surveillance, research and prevention system to help us to find the causes of birth defects like Cody's and prevent them. Birth defects surveillance programs can count the number of babies born with birth defects and identify communities and/or populations with higher risks. In addition, this legislation develops education and prevention programs for birth defects with known causes.

So, I ask my colleagues help my friend Cody and others like him by voting for S. 419, the Birth Defects Prevention Act of 1997.

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor the Birth Defects Prevention Act and want to urge all of my colleagues to join in support of this important measure. I am especially pleased that the legislative logjam that prevented the Senate's consideration of the bill earlier this week has now been broken, permitting us to do the work of the Senate.

In my roles as the president of the National Commission of Children and cochair of the Health Alliance, I have

had occasion to learn firsthand of the daily struggles of families of children with birth defects. These parents must be tireless advocates for their children each and every day to ensure that their child's health and education needs are met and to see that their child has the opportunity to reach his or her full potential. The struggles that these families face in their fight to get adequate insurance coverage for their children's medical needs are trials that no parent or child should have to endure. Perhaps the greatest tragedy is that in many cases, these birth defects could have been prevented, if only the parents had access to information on adequate nutrition and to quality prenatal care, or if our researchers had adequate funding to pursue their questions. That's exactly why this bill is so important.

The Birth Defects Prevention Act would authorize \$42 million for the establishment of a comprehensive national system of birth defects prevention programs with oversight by the Centers for Disease Control and Prevention. This would provide for a national, State-based birth defects surveillance system. It would authorize funding and CDC expertise to establish regional prevention research centers, as well as local prevention and intervention programs. It would also establish a national advisory committee on birth defects and a National Information Clearinghouse on Birth Defects.

This legislation is important because at the present time, less than half our States have a birth defects surveillance system. This has greatly limited our understanding of birth defects as well as our ability to prevent them. Birth defects are the leading cause of infant mortality, responsible for one out of every five infant deaths. Each year, 150,000 children are born with a serious birth defect. Birth defects are also the leading cause of childhood disability. Yet despite the high numbers of babies born each year with birth defects, we still do not know the causes of most birth defects. The establishment of a national tracking system would significantly advance our scientific understanding of birth defects.

As ranking member of the Committee on Veterans' Affairs, I have seen the struggles of men and women who worry that exposures to chemical agents they may have encountered in military service in Vietnam or the Persian Gulf may have contributed to birth defects in their children. I have heard testimony of men and women who bravely served in our military and who now are afraid to start a family or have more children because of these fears. The Institute of Medicine reported an association among our Vietnam veterans between exposure to Agent Orange and a greater risk of having a child with spina bifida. Now we are faced with the very difficult and emotional question of whether there is an increased rate of birth defects among gulf war veterans. The studies are underway, but none has provided a



clear answer that will adequately address our concerns. The studies will continue, but some of our difficulty in answering questions about veteran populations has to do with our poor understanding of birth defects. This legislation will help with these issues by increasing our scientific understanding of birth defects and increasing current prevention efforts in all populations. Therefore, I am proud to cosponsor this important bill.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. BOND. Mr. President, unless someone else wishes to speak, I think the distinguished Senator from Massachusetts and I are prepared to yield back.

I express my sincere thanks to Senator KENNEDY, who has long been a champion in this area. His very excellent statement does indicate the tremendous and compelling nature of this problem. This is a problem, unfortunately, that affects 150,000 children a year, but it never seems to get up on the radar screen.

Now, the fact that we are going to pass this on a voice vote—we had 33 sponsors. Actually, I ask unanimous consent that Senator HUTCHISON be added as a cosponsor.

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

Mr. BOND. That brings it to 34. I hope that will make the point that we are serious about it. That this is the fifth year, Mr. President, this has got to be passed is an outrage; this is a bill that nobody objects to. I think anybody would think it is common sense. But it just gets crowded off the agenda. I do not intend to let it get crowded off.

I thank the Senator from Massachusetts, the distinguished chairman of the committee, the Senator from Vermont, and their staffs. We included as a substitute the measure as originally passed last year, and I know that we can count on the committee to insist upon it. I cannot believe we will fail this year once again to pass a measure which can do so much to reduce hardship and suffering and needless heartbreak throughout America.

Mr. President, I am prepared to yield back my time.

Is there anyone else seeking time?

Mr. President, I yield back my remaining time and would not ask for the yeas and nays per the previous agreement. I ask it be adopted by voice vote.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

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

The amendment (No. 371) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 419), as amended, was passed.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. BOND. Mr. President, I will take only 1 minute and say a sincere thanks to Joe Pierle of my staff, who has worked on this measure and has had great cooperation with the Labor Committee. I also would thank previous staffers, Mark Hayes and Leanne Jerome, who have worked on this for 5 years now. And we hope this is the last time we have to do it.

Again, as I mentioned in my remarks, we very much appreciate and thank the leadership of the March of Dimes and the 3 million dedicated volunteers across this Nation.

I thank the Chair. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Since this is the time for commendation, I would just, if I could, note that Governor BOND, then, in 1981, was effective in developing a long-range prevention, screening and health care initiative in response to Missouri's infant death rate being among the highest in the Nation, and in the 1989-90 period the Better Child Care Act that was developed here in legislation. Just looking through the Senator's achievements—and, as I mentioned earlier, his work on family and medical leave—it is a very clear indication of the Senator's very strong commitment to children. It is something all of us know here, but I think it is well worthwhile having that referenced at the time that we pass this very important piece of legislation.

Again, I commend him and will try to find, if we can, other ways of working on children's issues as well.

I thank the Chair.

Mr. BOND. Mr. President, I thank the distinguished Senator from Massachusetts. It is always a pleasure to work with him in the many, many areas in which we agree. It is not all of them, but when we do agree it is a real pleasure to work with a champion of children's health and well-being.

I thank the Chair.

Mr. KENNEDY. I thank the Senator.

## MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to be speak for up to 10 minutes each.

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

Mr. LOTT. I yield the floor.

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

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

## 1997 SPRING PAGES

Mr. DASCHLE. Mr. President, I rise today to bid farewell to a wonderful group of young men and women who have served as Senate pages over the last 5 months.

This particular group has served with great distinction and has done a marvelous job maintaining a high standard of excellence in both the academic arena and the contributions they make to the day-to-day operations of the Senate.

Page life is not easy. In fact, most people may not fully appreciate the rigorous nature of the page's work. On a typical day, pages rise early and are in school by 6:15 a.m. After spending several hours each morning in school, the pages then report to the Capitol to prepare the Senate Chamber for the day's session. It is the responsibility of the pages to ensure that each Senator's desk has a copy of: The Senate Legislative and Executive Calendars; the legislation under consideration; and the CONGRESSIONAL RECORD, as well as any other document that a Senator might want to have available to colleagues.

Throughout the day, pages are called upon to perform a myriad of tasks. These tasks might include obtaining copies of documents for a Senator's use during debate; ensuring that copies of relevant documents are available for Senators and staff; running errands between the Capitol and the Senate Office Buildings, as well as providing assistance at the regularly scheduled conference luncheons.

Once the Senate has concluded business for the day, no matter what time, the pages return to the dorm and prepare for the next day's classes and Senate session and, we hope, get some much-needed sleep. Even with all of this, the Senate pages continually discharge their tasks efficiently and cheerfully.

Mr. President, it is my hope that we have given the pages some insight into the need for individuals to become involved in community and civic activities. The future of our Nation strongly depends on the generations who will

follow us in this august body. I look forward to the likely possibility that one or more of this fine group of young people will return here to serve as Members of the U.S. Senate.

In closing, I hope the experiences the pages have gained here will inspire them to return to their respective communities as better citizens and with a greater appreciation for public service. Speaking on behalf of all Democratic Members, we wish them well and thank them for a job well done. Good luck and best wishes for a bright and successful future.

Mr. President, I ask unanimous consent that a list of the 1997 spring pages be printed in the RECORD.

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

#### 1997 SPRING SENATE PAGES

##### DEMOCRATIC

Mary Elizabeth Begin (RI).  
Brian Burton (NY).  
Matthew Canter (WI).  
Amanda Croushore (WI).  
Andrea Hoekman (SD).  
Charlotte Houghteling (MA).  
Christina Monico (IL).  
Robert Mook (VT).  
George Nelson (MT).  
Karoline Pershell (MI).  
David Robinson (AR).  
Timothy Smith (TX).  
Shatika Starks (MD).  
Nathan Zukas (WI).

##### REPUBLICAN

Carmen Anderson (SC).  
LaKeisha Applegate (RI).  
Kathryn Brotherton (WA).  
Leslie Carter (SC).  
Danielle DeArment (VA).  
Hamilton Frey (MS).  
Whitney Gilliam (SC).  
Sarah Gregg (NH).  
Jayne Merner (RI).  
Catherine Mitchell (NC).  
Jordan Raphael (VT).  
Brian Reagan (UT).  
Joanna Steckler (VA).  
Matthew Wales (IN).  
Mercedes Weyher (UT).

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 11, 1997, the Federal debt stood at \$5,355,419,342,837.75. (Five trillion, three hundred fifty-five billion, four hundred nineteen million, three hundred forty-two thousand, eight hundred thirty-seven dollars and seventy-five cents)

One year ago, June 11, 1996, the Federal debt stood at \$5,136,928,000,000. (Five trillion, one hundred thirty-six billion, nine hundred twenty-eight million)

Five years ago, June 11, 1992, the Federal debt stood at \$3,942,238,000,000. (Three trillion, nine hundred forty-two billion, two hundred thirty-eight million)

Ten years ago, June 11, 1987, the Federal debt stood at \$2,293,413,000,000. (Two trillion, two hundred ninety-three billion, four hundred thirteen million)

Fifteen years ago, June 11, 1982, the Federal debt stood at \$1,075,173,000,000 (One trillion, seventy-five billion, one hundred seventy-three million) which reflects a debt increase of more than \$4 trillion—\$4,280,246,342,837.75 (Four trillion, two hundred eighty billion, two hundred forty-six million, three hundred forty-two thousand, eight hundred thirty-seven dollars and seventy-five cents) during the past 15 years.

#### THE 30TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. ALLARD. Mr. President, today, I would like to comment on this historic anniversary that we have reached. Today marks the 30th anniversary of the end of the Six-Day War, and the reunification of Jerusalem as the capital of Israel. It is not only a landmark for the people of Israel, and for Jews around the world, but for people of all faiths and all nationalities.

The 19 years that East Jerusalem was under the control of Jordan saw Jews and Israelis denied the chance to visit the holy sites in the eastern side. The dividing walls and the barbed wire have now come down. When Jerusalem was reunited, Israel opened the city up to all faiths, and that practice continues. Jews, Christians, and Muslims now mingle freely in the entire city.

Reunification did come at a great cost—the price paid was the Six-Day War. Israel launched a preemptive strike against the Arab troops massed against her, and was successful. It ended the dividing of Jerusalem, but it did not end the gunfire. There is still turmoil in Israel.

However, although the Mideast peace process is by no means over, we have perhaps reached a point, as described by Churchill, at the end of the beginning. The recognition and continuation of Jerusalem as the undivided capital of Israel is crucial to the ongoing peace process.

The United States Congress has recognized this fact, and through a series of actions has sought to insure that an undivided Jerusalem is the capital of the State of Israel. Senate Concurrent Resolution 106, in 1990, declared that Jerusalem must remain the undivided capital and called for Israel and the Palestinians to undertake peace negotiations. This war later cited by Prime Minister Rabin as having helped bring participants of the Declaration of Principles on Interim Self-Government Arrangements to the negotiating table. In 1995, the Jerusalem Embassy Act stated as a matter of U.S. Policy that Jerusalem should remain the undivided capital.

We now celebrate the 30th anniversary of the reunification of Jerusalem, and affirm our desire for that ancient city to remain reunited eternally. I ask, too, that Jerusalem eternally remain a symbol of freedom where all religions can share in visiting the holy city and be a model for religious tolerance and freedom throughout the globe.

#### NATO ENLARGEMENT AFTER PARIS

Mr. BIDEN. Mr. President, having recently returned from Paris and the signing of the NATO-Russia charter, I rise today to discuss what is one of the most important foreign policy questions facing the United States—and facing this body: The enlargement of the North Atlantic Treaty Organization to include several new democracies of Central Europe.

Mr. President, I know that what I have just said will at first seem counterintuitive to many Americans. Why is NATO enlargement so important? After all, the Soviet Union is but a bad memory, communism in Europe lives on in stunted form only in Serbia and Belarus, and no military threat in Europe is in sight.

Moreover, some will correctly point out, the Pacific Rim has become the world's premier area for economic growth, and Latin America, while also a prime opportunity for trade and investment, is vitally important to the United States because of problems like illegal immigration and drug trafficking.

So why are we bothering with Europe, much less tinkering with a hugely successful alliance like NATO?

Mr. President, these are legitimate questions that must be answered. I would submit, first of all, without minimizing the importance of Asia and Latin America, that Europe remains a vital area of interest for the United States for political, strategic, economic, and cultural reasons. A sizable percentage of the world's democracies are in Europe, and the continent remains a major global economic player and partner of the United States.

The European union, composed of 15 vibrant free-market democracies, has embarked upon an ambitious program to create an ever closer union with greater political, economic, and social integration. Most of Central and Eastern Europe has gone through several free elections, and democracy is putting down firm roots.

In economic terms, the European union, with a combined population a third larger than ours, has a combined gross domestic product that exceeds ours. While the United States has a larger—and, I might add, less balanced—trading relationship with Asia than with Europe, we invest far more in Europe.

Several new democracies in Central and Eastern Europe have highly educated work forces, already boast rapidly expanding economies, and already attract considerable American investment.

Moreover, most Americans trace their cultural roots to Europe, and millions retain personal ties to it. By any geopolitical standard, it would be a catastrophe for U.S. interests if instability would alter the current situation in Europe.

How might that instability occur? Well, no one believes that the Russian

army is poised to pour through the Fulda Gap in Germany—NATO's horror scenario for 45 years. The Russian army is in such pitiful shape that it could not even reconquer little Chechnya, a part of the Russian federation.

No, the threats to stability in Europe have changed, but they are, if anything, even more real than those of the cold war. We all know what they are. They are ethnic and religious hatred as horrifyingly shown in the hundreds of thousands killed, raped, made homeless, or otherwise brutalized in Bosnia.

They are the well-organized forces of international crime, whose tentacles extend from Moscow and Palermo to New York and Los Angeles.

True—but some might ask why the Europeans can't take care of their own problems? Mr. President, life is not fair. Unfortunately, the history of the 20th century has demonstrated that the United States must play a leading role in organizing the security of Europe. In World War I, in World War II, and lately in Bosnia and Herzegovina, without American leadership the countries of Europe have been unable to resolve their differences peacefully.

While American idealism has certainly played a role in our various interventions to rescue Europe, enlightened self-interest has been the dominant motive. Put simply: It is in the vital interest of the United States that stability be preserved in Europe.

How does that translate into 1997 terms? It means that we must lead the Europeans to create what is called in current policy jargon a new security architecture to guarantee stability to the areas most vulnerable to disruption.

To no one's surprise, I am talking about Central and Eastern Europe, where Newly Independent States are striving to create and solidify political democracy and free markets. It is a difficult process, which if not put into a larger framework could spin out of control.

It is in this context that the enlargement of NATO must be seen. During the cold war, NATO provided the security umbrella under which former enemies like France and Germany were able to cooperate and build highly successful free societies.

It was the framework in which former pariahs like Germany, Italy, and Spain could be reintegrated into democratic Europe. And it was NATO that kept the feud between Greece and Turkey from escalating to warfare.

The enlargement of NATO can now serve to move the zone of stability eastward to central Europe and thereby both prevent ethnic conflicts from escalating and forestall a scramble for new bilateral and multilateral pacts along the lines of the 1930's from occurring.

For if NATO were not to enlarge, the countries between Germany and Russia would inevitably seek other means to protect themselves. The question for

today is not "enlarge NATO or remain the same." The status quo is simply not an option.

In fact, we already have clear evidence of how NATO can act as a stabilizing influence in the region. Two years ago, NATO listed friendly relations with neighbors as one of the core criteria for joining the alliance. Merely the possibility of attaining membership rapidly induced centuries-old enemies like Hungary and Romania to bury the hatchet, conclude a treaty of friendship, and even begin intensive military cooperation. The same is true to a lesser extent between Hungary and Slovakia.

Italy and Slovenia have settled a long-festering property dispute. The Czech Republic and Germany have formally come to terms with the Nazis' war-time atrocities and with Czechoslovakia's post-war expulsion of 3 million sudeten Germans. I submit that none of these highly encouraging developments would have occurred without the carrot of admission to NATO having been offered.

Mr. President, there is one additional argument for NATO enlargement: The moral one. For 40 years the United States loudly proclaimed its solidarity with the captive nations of Central and Eastern Europe who were under the heel of Communist oppressors. Now that most of them have cast off their shackles, it is our responsibility to live up to our pledges to readmit them into the West through NATO and the European Union when they are fully qualified.

Let me be precise in my policy formulation. I believe it would be in our national interest for NATO to extend invitations to final negotiations for membership at its July summit in Madrid to Poland, the Czech Republic, Hungary, and Slovenia.

All of these countries have fulfilled the basic criteria for NATO membership—Political democracy, free-market economy, civilian control of the military, peaceful relations with neighbors, and a commitment to NATO principles and Trans-Atlantic security.

In each of these countries democracy and free-market capitalism are on sound footings. All four are able to assume the political, military, and financial responsibilities of membership.

Mr. President, this morning the administration announced that it will only support the candidacies at Madrid of Poland, the Czech Republic, and Hungary. I regret the omission of Slovenia from this list, but I recognize the political realities—especially among the current European members of NATO—that argued for this decision.

After my discussions last night with the President and his advisers, I am convinced that Slovenia will be the No. 1 candidate for membership in the second round of NATO enlargement—and in a short time.

For me, the logic of enlargement is inescapable. But because the issue is complex and remote from the daily

lives of most Americans, I also believe that it is critically important immediately to initiate a national debate on NATO enlargement.

No foreign policy, no matter how well-formulated, can be sustained without the informed consent of the American people, which is why we need to launch a national debate to explore the costs, obligations, and benefits to the United States of NATO enlargement. I have asked Chairman HELMS to hold hearings in the Senate Foreign Relations Committee; I believe they will be an essential part of this debate.

Meetings in non-governmental forums across the country are likewise essential if our people are to understand the profound importance of the issue before us.

I believe that when they have examined the facts, the American people will support us in our effort to enlarge the alliance and build the new European security architecture.

For 40 years after World War II, NATO bound together the democracies of Western Europe and North America in a military alliance to counter the threat of Soviet communism. The statesmen who crafted the Washington treaty of 1949 bequeathed their successors an alliance of unparalleled effectiveness, one that deterred aggression for four decades until its adversary collapsed from internal weakness.

Ironically, within the fruits of NATO's success lie the seeds of its possible demise. Alliances are formed to fight wars or to deter them. Once the adversary is gone, unless they adapt to meet changing threats, they lose their reason for being. My good friend from Indiana, Senator LUGAR, recognized this fact when he said that NATO must "go out of area or go out of business," and I wholeheartedly agree with him. For this reason too, the status quo is simply not an option.

Enlargement must be accompanied by a redefinition of NATO's mission. The Alliance's primary mission as outlined in article 5 of the Washington Treaty of April 4, 1949, remains the same: Treating an attack on one member as an attack on all and responding through the use of armed force if necessary. Now, in the current post-cold-war situation, non-article 5 missions like peacekeeping, sometimes in cooperation with non-NATO powers have become possible.

The SFOR joint effort in Bosnia and Herzegovina with Russia and several other non-NATO countries is an excellent example.

But what about our erstwhile adversary, Russia? Many ask whether enlarging NATO will not rekindle the cold war and strengthen the hand of hostile nationalists and communists in Russia. Again, this is not only a legitimate question to ask, but a necessary one.

Mr. President, I firmly believe that NATO enlargement need not adversely affect United States relations with Russia. I came to this conclusion on a

trip to Moscow and several central European capitals earlier this spring. My observations are contained in greater detail in a Foreign Relations Committee report that I wrote entitled: "Meeting the challenges of a Post-Cold War World: NATO Enlargement and U.S.-Russia Relations."

Although few Russians are fond of NATO enlargement, policymakers in Moscow have accepted it. Moreover, no Russian politician whom I met—from communist leader Zyuganov, to liberal leader Yavlinsky, to the nationalist General Lebed—believed that NATO enlargement constitutes a security threat to Russia.

In fact, nearly all politicians and experts whom I met understood the non-aggressiveness implicit in NATO's "three no's"—the Alliance's declarations of having no reason, intention, or plan in the current and foreseeable security environment permanently to station nuclear weapons or substantial combat forces of current members on the territory of new members.

Rather, the Kremlin's public opposition to enlargement is largely a psychological question connected with the loss of empire, wounded pride, and—most importantly—an uncertainty about Russia's place in the world of the 21st century.

As part of this uncertainty, most Russian leaders are worried about their country's being marginalized, and as a result they are eager to move forward with its bilateral relationship with the United States.

Mr. President, let us not kid ourselves. Never is a long time, and Russia's current weakened condition is sure to improve. We must continue to engage Russia politically, militarily, and economically.

The Clinton administration, together with our NATO allies, has already begun to do so. As I mentioned earlier, 2 weeks ago in Paris, the heads of government of the 16 NATO members and President Yeltsin signed the so-called "Founding Act on Mutual Relations, Cooperation and Security Between NATO and the Russian Federation." President Clinton asked me to accompany him to represent the United States at the signing ceremony.

Time does not permit me to go into detail about this lengthy document, except to say that it is a good start at binding Russia closer to the West and soothing its bruised feelings, without giving Moscow a decision-making role in NATO's core structures.

It creates a new body called the NATO-Russia Permanent Joint Council, which will serve as a forum for consultation on matters such as peacekeeping operations, conflict prevention, and combatting terrorism.

But let me reemphasize to my colleagues that the Alliance will not in any way be subordinated to the NATO-Russia Joint Council.

When NATO members gather to discuss alliance policy, no outside country will have any right or privilege to pre-

vent NATO from doing what is best for its member states. And no outside country will have any say in whether new countries are admitted to NATO.

Its purely consultative mandate, however, does not mean that the Joint Council cannot evolve into a truly valuable mechanism for promoting mutual trust.

As Russian officials better understand that NATO is not the rapacious caricature of Soviet propaganda, but rather a defensive alliance and force for security and stability in Europe, their animosity toward the organization may dissipate.

And by working together in the Joint Council, Russia can prove that it is a responsible partner for the West.

Through this mechanism and others, over time Moscow can come to realize that the enlargement of NATO by moving the zone of stability eastward to Central Europe will increase Russia's own security.

One problem, however, requires immediate attention. There needs to be a mechanism by which the countries invited at Madrid can participate in NATO before their full accession to membership.

I would suggest in this regard making the candidates observers to the North Atlantic Council.

I am pleased that the chairman of the Subcommittee on European Affairs of the Committee on Foreign Relations, my friend from Oregon, Senator SMITH, plans to hold a hearing on the NATO-Russia Founding Act to examine these issues in detail.

Mr. President, it is also essential that arms control agreements with Russia be ratified and expanded. Of special importance is getting the State Duma to ratify the START II Treaty and then, together with the United States, to move on to further reductions in START III. Despite recent press commentaries, I do not believe that the NATO-Russia Founding Act or NATO enlargement will substantially affect START II's ratification prospects in the Duma.

Moreover, as the NATO-Russia Founding Act recognizes, the treaty on Conventional Armed Forces in Europe [C.F.E.] must be adapted to reflect the changed environment. The overwhelming Senate ratification last month of the C.F.E. Flank document, together with its approval by the other twenty-nine states parties to the C.F.E. Treaty, augurs well for the C.F.E. adaptation negotiations.

In addition, it is vitally important that the United States continue its economic engagement with Russia, not through massive infusions of money, which Moscow, especially if it cleans up its corruption, does not need, but more through broadened investment and trade, expanded grassroots partnerships, and some targeted technical assistance.

Significantly, not a single senior official in Warsaw, Prague, Budapest, or Ljubljana whom I met wanted to isolate Russia from the West.

In order for NATO enlargement to proceed, both our current allies and the candidate countries invited to join at the Madrid Summit next month must agree to shoulder their fair share of financial costs and all mutual obligations. An agreement on sharing these costs is essential not only to enlargement, but to the continued viability of NATO itself.

The candidates for membership in NATO must assume the financial burden of making their armed forces interoperable with those of NATO members, in addition to meeting the costs of modernizing their militaries, which they must undertake in any event.

Other obligations are political and military, such as agreeing to come to the aid of allies, as described in article 5; allowing basing of NATO troops on their territory, if necessary; and allowing overflights of NATO aircraft, if necessary.

The February 1997 Pentagon study on NATO proposed a distribution of direct costs of enlargement whereby 15 percent would be assumed by the United States, 35 percent by the new members, and 50 percent by the other current members of NATO.

Calculating these ratios begins with the estimate that about 40 percent of direct enlargement enhancements could be nationally funded, and 60 percent common funded.

Estimated direct costs of enlargement total between \$9 and \$12 billion over 12 years, through 2009. Let me point out to my colleagues that it is only these direct costs that the United States would help pay for. Additional costs not directly related to enlargement will have to be paid for by our current allies and our new allies.

The central European countries must modernize their militaries—a cost they will incur whether or not they join NATO. Those costs are estimated at \$10 to \$13 billion through 2009. And the responsibility for bearing these costs rests solely with the governments of the four leading candidates.

Another pivotal issue is that our current allies must develop power projection capabilities, which the United States achieved in the 1980's, if they are to contribute to the new missions of the alliance.

While these capabilities will allow them to help defend new members, they are necessary even if NATO were not to enlarge. As a result, these costs of \$8 to \$10 billion over 12 years are, likewise, not a direct cost of enlargement, but they are essential to the future of NATO, and they must be borne alone by our current allies.

The expected U.S. contribution of \$150 to \$200 million per year for 10 years, although a small fraction of our total defense budget, is nonetheless not trivial, given our mandate to balance the U.S. Federal budget by the year 2002.

Mr. President, prospective new NATO members must keep that basic political fact of life in mind, lest they get

the erroneous impression that their accession to the alliance would be a painless, free ride.

The candidate countries must make the financial means available if they expect current members to ratify their accession to membership. As I told one Polish military official, "If you want to fly first class, you have to buy a first class ticket." They must realize that freedom isn't free, and security isn't cheap.

Having given this warning, I fear that the 50 percent share of direct enlargement costs allocated to the Western European NATO partners and Canada may, in fact, be politically more difficult than the 35 percent allocated to the new members, particularly after our current allies pay for their power projection enhancements.

One of the complicating factors is that the 11 European NATO members who are also members of the European Union are currently engaged in painful budget cutting in order to meet the Maastricht convergence criteria for Economic and Monetary Union [E.M.U.] on January 1, 1999. Those who qualify may be held to rigid fiscal discipline thereafter, if a stability pact is enforced without "political" criteria.

Resentment against this belt-tightening played a key role in the defeat of President Chirac's conservative coalition in the French elections on June 1st.

As a politician, I empathize with the challenge our European friends face. But we all have to make difficult choices, and if our European allies want continued American involvement in their security, they must step up to the plate.

In order for NATO to remain a vibrant organization with the United States continuing to play a lead role, the non-U.S. members must assume their fair share of direct enlargement costs and for developing power projection capabilities.

To do otherwise would cast the United States in the role of "the good gendarme of Europe"—a role that neither the American people, nor the Senate of the United States, would accept.

Mr. President, there is one more dark cloud looming on the horizon of European-American relations. I fear that a coincidence of events in the late spring of 1998 may make Senate ratification of NATO enlargement problematical. Just when the Senate is likely to be voting on amending the Washington Treaty to accept new members, American ground forces will be completing their withdrawal from Bosnia.

As it now stands, our European NATO allies will follow suit, repeating an "in together, out together" mantra, despite a United States offer to make air, naval, communications, and intelligence assets available to a European-led follow-on force, with an American Rapid Reaction Force on standby alert "over the horizon" in Hungary or Italy.

Many of my colleagues, mindful of the repeated calls by some European

NATO members, led by France, for more European leadership in the alliance and a sturdier "European pillar" within NATO, may see in the European refusal to maintain troops in Bosnia evidence of inequitable burden-sharing or—worse still—may question the worth of NATO altogether.

Therefore, I believe that our European NATO partners, especially France and the United Kingdom, should reconsider their unwillingness to lead a post-SFOR ground force in Bosnia after mid-1998.

Mr. President, international organizations other than NATO also have meaningful security components and should be encouraged to intensify their efforts.

The Organization for Security and Cooperation in Europe [O.S.C.E.], which during the past few years has undertaken conflict-prevention, crisis management, and electoral missions in Nagorno-Karabakh, Abkhazia, Chechnya, Bosnia, and Albania, will likely continue to grow in importance. The United States is playing an increasingly important role in the O.S.C.E. And should continue to do so.

The European Union also plays a profound role in stabilizing the continent. The E.U.'s immense economic clout has made it vital to the development of central and Eastern Europe, and it is therefore virtually inconceivable that even a non-NATO E.U. member state would be the object of aggression.

The E.U. hopes some day to create a common foreign and security policy, and in the recent past France concentrated on giving the E.U. an independent military dimension through the Western European Union [W.E.U.].

Two events in the 1990's have altered this development. First, the Gulf war revealed how far the U.S. was ahead of Europe in military technology. Second, NATO endorsed a European security and defense identity within the alliance, which would allow European members to carry out contingency operations under W.E.U. political control and strategic direction.

As a result, Paris reconsidered and now intends to re-enter NATO's integrated command. Its demand, however, for European control of the southern command in Naples—a nonstarter idea, totally rejected by the United States—is complicating the issue.

There is, though, a sub-surface tension between NATO and the E.U. from the early 1990's the E.U. firmly proclaimed that NATO enlargement had to precede E.U. expansion [the accession 2 years ago of Austria, Finland, and Sweden excepted]. Some observers have feared that the E.U. has used NATO enlargement as a pretext for postponing the admission of qualified central and Eastern European countries.

Now that NATO has set a 1999 date for completion of its first round of enlargement, the E.U. should move ahead with its own expansion. A first-round target date of 2002 has been cited and should be met.

In the meantime, as President Clinton advocated 2 weeks ago in the Hague, western governments and private enterprise should cooperate on investment mechanisms to assist the economies of the new democracies to move rapidly forward.

Public opinion polls in Poland, the Czech Republic, and Hungary reveal that, to a greater or lesser degree, the citizenries are unclear about the mutual military obligations that NATO membership entails.

With these data in mind, I have personally urged the three national governments quickly to embark upon public education campaigns so that invitations to join NATO in Madrid in July will not catch their populations off guard and unaware of the action their governments are proposing.

The process of NATO enlargement must not lead to the drawing of new lines through Europe. In order to prevent such a development, NATO must make unmistakably clear that the first round of enlargement is not the last, but rather the beginning of an ongoing process.

Moreover, NATO should take steps to strengthen and deepen ties with candidate countries that do not receive invitations at Madrid, in preparation for their joining the alliance at a future date. The newly created Euro-Atlantic Partnership Council, an enhanced partnership for peace program, and bilateral agreements should all be used to underscore the ongoing nature of the NATO enlargement process.

To sum up, NATO is necessarily transforming itself from an alliance that defended its members against the Soviet threat into an alliance that allows democracies to maintain stability in Western Europe and that extends that zone of stability to central and Eastern Europe to deter conflicts and prevent crises from escalating.

An enlarged NATO will allow the new, free-market democracies of Central Europe to undertake their share of the burden of the common defense of their continent. It will allow them to cooperate with one another and with neighboring alliance members. And, contrary to what many critics have argued, it will allow them to save money in providing for their defense.

There will continue to be other institutions essential for European security affiliated with NATO such as the new Euro-Atlantic Partnership Council to enable closer cooperation between NATO and nonalliance countries in the partnership for peace.

There will be a joint commission between NATO and Ukraine similar to the NATO-Russia Permanent Joint Council. And there continue to be fundamentally important organizations like the European Union and the O.S.C.E., all of which I discussed earlier.

By combining NATO enlargement with a formalized relationship with Russia in the new permanent joint

council, the United States and its allies can take advantage of the historic opportunity presented by the end of the cold war and lay the foundation for long-term European security.

I believe it is squarely in our national interest to do so, and in the coming year as the Senate prepares to exercise its constitutional responsibility of ratifying or rejecting the accession protocols to the Washington Treaty, I will continue to speak out on the course of NATO enlargement.

I thank the Chair and yield the floor.

#### MESSAGES FROM THE PRESIDENT

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

##### EXECUTIVE MESSAGES REFERRED

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

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

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 11:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 543. An act to provide certain protection to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

At 12:05 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1757. An act to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.

At 5:37 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1871. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

##### ENROLLED BILL SIGNED

A message from the House of Representatives, delivered by one of its

reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1871. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 12, 1997 he had presented to the President of the United States, the following enrolled bill:

S. 543. An act to provide certain protection to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2142. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2143. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2144. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2145. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2146. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2147. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2148. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2149. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2150. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2151. A communication from the Secretary of Education, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2152. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2153. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2154. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2155. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2156. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2157. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2158. A communication from the Attorney General, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2159. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2160. A communication from the Chairman of the Board, National Credit Union Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2161. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2162. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2163. A communication from the Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.



EC-2164. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2165. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2166. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2167. A communication from the Chairman of the Board of Directors, Federal Reserve System, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2168. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2169. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC-2170. A communication from the Chairman of the National Bankruptcy Review Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC-2171. A committee from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List received on June 2, 1997; to the Committee on Governmental Affairs.

EC-2172. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Prevailing Rate Systems" (RIN3206-AH88) received on June 2, 1997; to the Committee on Governmental Affairs.

EC-2173. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for April 1997; to the Committee on Governmental Affairs.

EC-2174. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Government Performance and Results Act; to the Committee on Governmental Affairs.

EC-2175. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Career Transition Assistance" (RIN3206-AH26) received on June 10, 1997; to the Committee on Governmental Affairs.

EC-2176. A communication from the Chief Operating Officer and President of the Resolution Funding Corporation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC-2177. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmit-

ting, a draft of proposed legislation entitled "The Statistical Confidentiality Act"; to the Committee on Governmental Affairs.

EC-2178. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC-2179. A communication from the Commissioner of the National Center for Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the report entitled "The Condition of Education 1997"; to the Committee on Labor and Human Resources.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-139. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Foreign Relations.

#### RESOLUTION

Whereas, antipersonnel land mines kill or maim an average of 71 persons per day, the majority of whom are civilian; and

Whereas, the estimated 80,000,000 to 110,000,000 antipersonnel land mines strewn across at least 64 countries, cause havoc in the economics of developing nations: refugees cannot return home, farmers cannot till fields, relief shipments cannot be delivered, herd animals cannot approach water holes, health care systems are overwhelmed by land mine victims and clearance costs are extraordinary; and

Whereas, the ecological and economic impact of antipersonnel land mines has yet to be fully calculated; they render arable land useless, and contribute to over-farming of suitable land; and

Whereas, the United States has been a major producer and exporter an antipersonnel land mines for more than the past 25 years; and

Whereas, the cost, to the American taxpayers of salaries, equipment, transportation, and other needs of removing antipersonnel land mines was approximately \$17,000,000 from 1989 to 1996 and will continue to adversely affect the civilian sector of the United States economy; and

Whereas, despite international momentum for a global ban on antipersonnel land mines, a recent United Nations conference failed to negotiate a ban; and

Whereas, at the Ottawa International Strategy Conference in Ottawa, Canada in October, 1996, the governments of 50 nations adopted the "Ottawa Process" recognizing the urgent need for a ban on antipersonnel mines and outlined actions for reaching a ban rapidly in the hope of signing a treaty to ban antipersonnel land mines in Ottawa in December, 1997; therefore be it

*Resolved*, That the Massachusetts House of Representatives urges the United States to take action to negotiate an international ban on the manufacture, stockpiling, transfer and use of antipersonnel land mines, with a view to completing the negotiations as soon as possible, by active participation in the Ottawa process by which an international treaty banning antipersonnel land mines will be ready for signing in December, 1997; and be it further

*Resolved*, That a copy of these resolutions be forwarded by the Clerk of The House of Representatives to the President of the United States, the Presiding Officers of the

Congress and to the Members thereof from this Commonwealth.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 363. A bill to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination Program (Rept. No. 105-27).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 63. A resolution proclaiming the week of October 19 through October 25, 1997, as "National Character Counts Week."

S. Res. 92. A resolution designating July 2, 1997, and July 2, 1998, as "National Literacy Day."

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

John D. Trasvina, of California, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

Margaret M. Morrow, of California, to be United States District Judge for the Central District of California.

(The above nominations were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DOMENICI (for himself, Mr. BOND, Mr. KERRY, Ms. SNOWE, Ms. LANDRIEU, Mr. KEMPTHORNE, Mr. BUMPERS, Mr. HARKIN, Mr. KOHL, Mr. LAUTENBERG, Mr. DASCHLE, Mr. LEVIN, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. CLELAND, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, Mrs. HUTCHISON, Mr. BURNS, Mrs. BOXER, Mr. SPECTER, Mr. MOYNIHAN, Mr. SANTORUM, and Mr. BINGAMAN):

S. 888. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. HATCH, Mrs. BOXER, and Mr. JEFFORDS):

S. 889. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 890. A bill to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. FAIRCLOTH, Mr. SESSIONS, Mr. HUTCHINSON, Mr. DEWINE, Mr. COATS, Mr. ASHCROFT, and Mr. COVERDELL):

S. 891. A bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. SMITH of Oregon, Mr. WYDEN, Mr. BUMPERS, Mr. THOMAS, Mr. HUTCHINSON, Mr. BOND, Mr. GREGG, Mr. REID, Mr. FORD, Mr. ROBB, Mr. INOUE, Mr. SANTORUM, Mr. BREAUX, Mr. HOLLINGS, Mr. GLENN, and Mr. DURBIN):

S. 892. A bill to amend title VII of the Public Health Service Act to revise and extend the area health education center program; to the Committee on Labor and Human Resources.

By Mrs. BOXER:

S. 893. A bill to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school; to the Committee on Energy and Natural Resources.

S. 894. A bill to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe; to the Committee on Indian Affairs.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 895. A bill to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake"; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. HAGEL, Mr. KERREY, Mr. MCCAIN, Mr. CLELAND, Mr. KEMPTHORNE, Mr. INOUE, Mr. LUGAR, Mr. MCCONNELL, Mr. LEVIN, Mr. HATCH, Mr. LIEBERMAN, Ms. SNOWE, Mr. KERRY, Mr. GRASSLEY, Mr. ROBB, Mr. CHAFEE, Mr. BREAUX, Mr. SMITH of Oregon, Mrs. FEINSTEIN, Mr. MOYNIHAN, Mr. SPECTER, Mr. BUMPERS, Ms. COLLINS, Mr. DURBIN, Mr. JEFFORDS, Mr. REID, Mr. DODD, Mr. D'AMATO, Mr. BYRD, Mr. CAMPBELL, Mr. CONRAD, Mr. ROCKEFELLER, Mr. JOHNSON, Mr. BINGAMAN, Mr. DORGAN, Mr. DASCHLE, Ms. MIKULSKI, Mr. TORRICELLI, Mr. LAUTENBERG, Ms. LANDRIEU, Mr. REED, Mr. WELLSTONE, Mr. KENNEDY, Mr. BRYAN, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. KOHL, Mrs. BOXER, Mr. HARKIN, Mrs. MURRAY, Mr. FORD, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, and Mr. WYDEN):

S. 896. A bill to restrict the use of funds for new deployments of antipersonnel landmines, and for other purposes; to the Committee on Armed Services.

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

S. 897. A bill to make permanent certain authority relating to selfemployment assistance programs; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. MACK, and Mr. D'AMATO):

S. 898. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Finance.

By Mr. DODD:

S. 899. A bill to amend the Solid Waste Disposal Act to provide for flow control of municipal solid waste; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. DEWINE):

S. 900. A bill to provide for sentencing enhancements and amendments to the Federal Sentencing Guidelines for offenses relating to the abuse and exploitation of children, and for other purposes; to the Committee on the Judiciary.

By Mr. KEMPTHORNE:

S. 901. A bill to provide Federal tax incentives to owners of environmentally sensitive lands to enter into conservation easements for the protection of habitat; to amend the Internal Revenue Code of 1986 to allow a deduction from the gross estate of a decedent in an amount equal to the value of real property subject to an endangered species conservation agreement; and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BYRD (for himself, Mr. HAGEL, Mr. HOLLINGS, Mr. CRAIG, Mr. INOUE, Mr. WARNER, Mr. FORD, Mr. THOMAS, Mr. DORGAN, Mr. HELMS, Mr. LEVIN, Mr. ROBERTS, Mr. ABRAHAM, Mr. MCCONNELL, Mr. ASHCROFT, Mr. BROWNBACK, Mr. KEMPTHORNE, Mr. THURMOND, Mr. BURNS, Mr. CONRAD, Mr. GLENN, Mr. ENZI, Mr. INHOPE, Mr. BOND, Mr. COVERDELL, Mr. DEWINE, Mrs. HUTCHISON, Mr. GORTON, Mr. HATCH, Mr. BREAUX, Mr. CLELAND, Mr. DURBIN, Mr. HUTCHINSON, Mr. JOHNSON, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NICKLES, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH of Oregon, Mr. BENNETT, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRASSLEY, Mr. ALLARD, and Mr. MURKOWSKI):

S. Res. 98. A resolution expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change; to the Committee on Foreign Relations.

By Mr. DASCHLE:

S. Res. 99. A resolution to encourage consumers to consult with their pharmacists in connection with the purchase and use of over-the-counter drug products; to the Committee on Labor and Human Resources.

By Mr. HUTCHINSON (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. FAIRCLOTH, Mr. TORRICELLI, Mr. REID, Mr. SMITH of New Hampshire, Mr. SANTORUM, Mr. HAGEL, Mr. CRAIG, Mr. MACK, Mr. KOHL, Mr. MURKOWSKI, and Mr. ASHCROFT):

S. Con. Res. 32. A concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BOND, Mr. KERRY, Ms. SNOWE, Ms. LANDRIEU, Mr. KEMPTHORNE, Mr. BUMPERS, Mr. HARKIN, Mr. KOHL, Mr. LAUTENBERG, Mr. DASCHLE, Mr. LEVIN, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. CLELAND, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, Mrs. HUTCHISON, Mr. BURNS, Mrs. BOXER, Mr. SPECTER, Mr. MOYNIHAN, Mr. SANTORUM, and Mr. BINGAMAN):

S. 888. A bill to amend the Small Business Act to assist the development of small business concerns owned and

controlled by women, and for other purposes; to the Committee on Small Business.

THE WOMEN'S BUSINESS CENTERS ACT OF 1997

Mr. DOMENICI. Mr. President, I am pleased to introduce today a bill that strengthens this country's small business sector, and that is the Women's Business Centers Act of 1997. I am also extremely pleased to have the chairman of the Committee on Small Business, Senator BOND, join me on this bill as my principal cosponsor, along with the ranking Democrat from the Small Business Committee who is also an original cosponsor. I note the arrival on the floor of Senator KERRY from Massachusetts. He is the ranking member of the Committee on Small Business.

There are a number of Senators in a very limited period of time who have joined us from both sides of the aisle. I ask unanimous consent that those Senators who are listed in my statement be original cosponsors, because they have indicated a desire to do that.

I thank the ranking member from Massachusetts for his diligence. He has procured a number of cosponsors, and we have also. I believe from the committee itself we have overwhelming support. I would like to take a couple of minutes to explain what we are doing.

First, let me acknowledge that in the U.S. House of Representatives, starting last year, Congresswoman NANCY JOHNSON took a lead in this matter and introduced a women's business bill. I introduced the companion bill in the Senate. By way of the recent history of this issue, we have been funding the women's business centers through appropriations. I take a great deal of pride in saying for the last few years, while the administration either did not fund this effort or reduced it in half, we funded it fully with the assistance of Chairman BOND, Senator HUTCHISON, and others, at \$4 million a year. We are asking that this effort, which we will explain briefly, now be funded at \$8 million a year.

Mr. President, I say to my fellow Senators, it might come as a shock to many that the fastest growing part of America's small business is women's small business. As a matter of fact, 2 years ago, we had a startling statistic that women-owned businesses employed more people—even then, 2 years ago—than all of the 500 major corporations in America. That means that there is a major business impact in America. Women are doing marvelously well by adding more women's ownership to the business sector. There is more diversification and more segments of the American population are becoming owners of businesses or have a real opportunity to do so.

In my particular State, there exists an entity that helps women's small businesses expand, in some instances, get started. I am very proud of that organization, and, frankly, it is growing. One will note that our bill varies a little bit from Representative JOHNSON'S

in that we don't want the funds under our bill to be restricted to only those 22 or so States who do not have centers, but rather with the discretion of the administrator, to also use the funds in those States to expand growing programs.

In a very orderly and organized way, without a lot of overhead, women's business centers, by various names, are helping women who have an idea about a small business, providing them with technical assistance, in some instances to provide micro loans, and in all instances to provide the knowledge and wherewithal and planning that is necessary so that they start off on the right foot.

I have had the luxury of visiting with many of the women who are being helped in our State by our women's business center. I have been startled. If I could share by way of anecdote with the Senate, if we had enough time, some of the exciting things women are doing in trying to set up their own businesses and how successful they are, it would take me a long, long time. But let me suggest, there is no lack of willingness to compete and take a risk, which is very, very important to being entrepreneurs, and that is not something that is solely in the province of men. Across America, women are succeeding in business with relish and gusto.

There are many statistics and numbers that we could now talk about in terms of how we go about concluding that this is an important part of the private sector—this women's entrepreneurship in America, and the creation of new jobs in America. Suffice it to say that it is the fastest growing portion of the American small business group.

Women are succeeding and they are not succeeding in any less numbers, less percentages of success than are men. So what we are encouraging is that every State has one of these centers, and it is modeled after successful ones across this country. In my case, we have the Women's Economic Self-Sufficiency Team, which has a corporate name of WESST corp. It is the only technical assistance group of this type in our State devoted to women's business needs. It is doing a marvelous job of helping hundreds of women find out whether their business idea has a chance of succeeding, giving them technical assistance, in some instances getting them loans through normal loan channels, and in some instances using some of the small moneys they get for startup loans.

Funds for this program are small, but the women's business centers derive from a grand idea with a marvelous goal. You can't do much better. Senator BURNS, who occupies the Chair, wants to be added as a cosponsor, and I so request.

We are also very pleased the ranking member of the committee, Senator KERRY, is joining us in support of this measure, along with other Senators

serving on the committee: Senators KEMPTHORNE, SNOWE, LANDRIEU, BUMPERS, HARKIN, LEVIN, LIEBERMAN, and WELLSTONE. As well, we welcome and appreciate the support of other non-committee cosponsors: Senators KAY BAILEY HUTCHISON, MOSELEY-BRAUN, KOHL, LAUTENBERG, DASCHLE, MIKULSKI, and CLELAND.

Mr. President, the Women's Business Centers Act of 1997 bill reflects our commitment for a stronger and more dynamic program for women-owned businesses. Supporting women's businesses is not just common sense, it makes economic sense.

The National Foundation for Women Business Owners cites these statistics to illustrate the importance of women-owned businesses to our U.S. firms, and provide employment to 26 percent of U.S. workers. They contribute over \$2.3 trillion in annual revenues to the U.S. economy. Since 1987, women-owned businesses have grown in number by 78 percent. And, they have done so in non-traditional areas such as construction, wholesale trade, transportation, communications, and manufacturing. Forty percent of women business owners have been in business 9 years or longer.

Given these phenomenal statistics, it is time we give more attention to this critical segment of our business community. Women-owned businesses are run by creative and professional entrepreneurs who employ millions of workers and deliver trillions of dollars into our communities. At the same time, these entrepreneurs are far too often overlooked and underestimated by our banking and financial communities, as well as by the Small Business Administration.

I believe it is fair to say that a significant number, if not most, women entrepreneurs have achieved their goals and successes because they are disciplined and committed. We can probably say the same about men who have achieved their business objectives. The difference, however, is that we know there has been a disproportionate amount of training, technical assistance, procurement opportunities, and ready access to capital for male entrepreneurs compared to women.

Despite these disparities, women business owners have achieved their monumental feats because of their business acumen, self-reliance, ingenuity, and dogged determination. Since it is projected that women will own 50 percent of all businesses by the year 2000, the time is now to assist these women entrepreneurs.

Looking at the Small Business Administration's [SBA] record, we can congratulate them on their slowly but surely improvement in the percentage of loan guarantees to women borrowers. Within SBA's 7(a) and 504 loan programs, the agency reports that it has tripled its number of loans to women borrowers from 3,588 in 1992 to 11,452 in 1996. That represents an increase in the dollar amount from \$634

million in 1992 to \$1.6 billion in 1996. That is the pretty side of the picture.

Turn the picture over, however, and these figures mean that women recipients constitute approximately one-fifth of the total loan clientele and receive approximately one-seventh of the loan guarantee funds. This is at a time when the SBA reports that over the last decade, "new women-owned firms—one-third of all firms—have grown at twice the rate of men-owned businesses." I do not suggest this SBA picture is all bleak, but I do believe the record is less than optimal, and considerably more effort must be given to addressing women's business needs.

This year we are committed to improving and enlarging the scope of the SBA's women's program.

One of the most beneficial programs within the SBA is the Women's Business Centers Program, managed by the Office of Women's Business Ownership. I personally know the excellent record of these centers, of which there are 53 sites in 28 States.

In my State of New Mexico, I have talked with the clients and toured their businesses. Thanks to the able leadership of the centers' personnel, these businesses are growing financially, employing new personnel, and creating new markets for their goods and services.

In New Mexico, the Women's Economic Self-Sufficiency Team—WESST corp—is the only business and technical assistance organization specifically focused on the needs of women. Its mission is to facilitate the startup and growth of women- and minority-owned businesses.

Its target market is low-income, unemployed, and underemployed women. Among its important accomplishments is its expansion to five additional sites, thereby providing much-needed assistance to both rural and urban women across our vast State. Since incorporating in 1988, WESST corp has facilitated the startup and growth of over 500 small businesses. This has created more than 750 jobs and businesses which have average annual gross receipts of \$75,000. WESST corp has also established a low-interest revolving loan fund, with 75 percent of the loans extended to rural women and 65 percent to startups.

Under the direction of the very able and creative Agnes Noonan, WESST corp is one of New Mexico's best business services. WESST corp is one of the 28 State organizations that participates in the SBA's Women's Business Centers Program. It is obvious that its contributions are critical to our State's economy.

Between 1987 and 1996, U.S. census figures indicate that the number of New Mexico women-owned firms increased by 60 percent, employment increased by 138 percent, and sales grew by 154 percent. Women-owned firms in New Mexico employ nearly 115,000 people and generate nearly \$11 billion in sales. Moreover, women-owned firms

account for 41 percent of all firms in New Mexico, provide employment for 35 percent of its workers, and generate 21 percent of its business sales.

As Agnes Noonan says,

Women's business centers across the United States play a critical role in helping women develop and grow successful small businesses. The acquisition of technical business skills is obviously important. Equally important, however, is the provision of long-term mentoring and support without which many women would never make it beyond an initial orientation session.

It is important that Women's Business Centers, like WESST corp, continue to target their expertise to the thousands of potential and existing women entrepreneurs. These centers are able to leverage public and private resources to help their clients develop new businesses or expand existing ones. The centers' personnel are skilled professionals who give specialized assistance to women.

For example, the Women's Business Development Center in Miami, FL, reports that its programs are:

tailored to meet the specific needs of the community, i.e., evening and weekend classes, counseling at business sites and other non-traditional methods of providing entrepreneurial training and technical assistance. Classes are often held in Spanish and other languages. Many sites provide child care, transportation and distance training when necessary.

I am 100 percent behind establishing business centers in States that do not have them. At the same time, based upon the extraordinary record of WESST corp in New Mexico, it is also equally important that an existing business center be allowed to expand its services into other geographical sites that will serve women entrepreneurs who would not, or could not, otherwise be served at the so-called flagship center. The primary business site has established its record of activities and services, and it is able to offer valuable expertise and guidance to the new center. Therefore, I believe very strongly that requests for replication of existing programs into new sites must also be given a fair and honest appraisal for financial assistance.

This bill will strengthen the Women's Business Centers Program across the United States. The bill will allow the SBA program to extend its assistance to the individual State organizations from 3 years to 5 years. This will enable the State centers to have a longer period of time to develop their private sector funding base.

Additionally, we have modified the Federal to private matching requirements to ensure the centers have sufficient time to develop the one Federal to each non-Federal dollar match by the 4th year of activity. Most important, this bill authorizes up to \$8 million for assisting existing centers, developing new State programs, or for replicating business center sites in other geographical areas. This is an increase in funding for the business centers' programs from the present, and modest, \$4 million annual funding.

Senator BOND and I, along with the other cosponsors of the bill, strongly support expansion of the SBA's Women's Business Centers Program. We know how instrumental these programs are in helping women entrepreneurs, and how very critical these businesses are to families, communities, and the overall economic well-being of our States. We urge other Members of the Senate to join us in support of this small but powerful program.

I yield the floor now for Senator BOND who does a marvelous job with the Small Business Committee, has made it a viable active entity, and I thank him for his support.

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

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

S. 888

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Business Centers Act of 1997".

#### SEC. 2. WOMEN'S BUSINESS TRAINING CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended to read as follows:

##### "SEC. 29. WOMEN'S BUSINESS TRAINING CENTERS.

"(a) FINANCIAL ASSISTANCE.—The Administration may provide financial assistance to private organizations to conduct 5-year projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

"(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

"(2) management assistance, including training and counseling in how to plan, organize, staff, direct and control each major activity and function of a small business concern; and

"(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

"(b) CONDITIONS.—

"(1) NON-FEDERAL CONTRIBUTIONS.—As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

"(A) in the first, second, and third years, 1 non-Federal dollar for each 2 Federal dollars;

"(B) in the fourth year, 1 non-Federal dollar for each Federal dollar; and

"(C) in the fifth year, 2 non-Federal dollars for each Federal dollar.

"(2) FORM OF NON-FEDERAL CONTRIBUTIONS.—One-half of the non-Federal matching assistance under this section may be in the form of in-kind contributions which are budget line items only, including office equipment and office space.

"(3) FORM OF FEDERAL CONTRIBUTIONS.—The Federal financial assistance authorized pur-

suant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

"(4) FAILURE TO OBTAIN PRIVATE FUNDING. If any recipient of assistance fails to obtain the required non-Federal contribution during any project—

"(A) it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded by the Administration; and

"(B) prior to approving assistance to such organization for any other projects, the Administration shall specifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

"(c) SUBMISSION OF 5-YEAR PLAN.—Each applicant organization for assistance under this section initially shall submit a 5-year plan to the Administration on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of 5 years per women's business center site.

"(d) EVALUATION OF APPLICANTS.—

"(1) IN GENERAL.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration.

"(2) CRITERIA.—The selection criteria referred to in paragraph (1) shall include—

"(A) the experience of the applicant in conducting programs or on-going efforts designed to impart or upgrade the business skills of women business owners or potential owners;

"(B) the present ability of the applicant to commence a project within a minimum amount of time; and

"(C) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged.

"(e) ESTABLISHMENT OF OFFICE.—There is established within the Administration the Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises, as such term is defined in section 408 of the Women's Business Ownership Act of 1988. The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'small business concern owned and controlled by women', either start-up or existing, includes any small business concern—

"(A) that is not less than 51 percent owned by one or more women; and

"(B) the management and daily business operations of which are controlled by one or more women; and

"(2) the term 'women's business center site' means one or more women's business centers established in conjunction with another women's business center in another location within a State or region—

“(A) that reaches a distinct population that would otherwise not be served;

“(B) whose services are targeted to women;

“(C) whose scope, function, and activities are similar to those of the primary women's business center in conjunction with which it was established.

“(g) REPORTS TO CONGRESS.—

“(1) IN GENERAL.—The Administration shall prepare and transmit a biennial report to the Committee on Small Business of the House of Representatives and the Committee on Small Business of the Senate on the effectiveness of all projects conducted under the authority of this section.

“(2) CONTENTS.—The reports required by paragraph (1) shall provide information concerning—

“(A) the number of individuals receiving assistance;

“(B) the number of start-up business concerns formed;

“(C) the gross receipts of assisted concerns;

“(D) increases or decreases in profits of assisted concerns; and

“(E) the employment increases or decreases of assisted concerns.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$8,000,000 per year to carry out the projects authorized by this section. Notwithstanding any other provision of law, the Administration may use such expedited acquisition methods as it deems appropriate to achieve the purposes of this section, except that it shall ensure that all eligible sources are provided a reasonable opportunity to submit proposals.”

(b) APPLICABILITY.—Any organization conducting a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) on the day before the effective date of this Act may extend such project to 5 years and receive financial assistance according to section 29(b) of the Small Business Act, as amended by this Act, and subject to procedures established by the Administrator in coordination with the Office of Women's Business Ownership established by this Act.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it is with great pleasure that I rise today to join my distinguished colleague, Senator DOMENICI, in introducing the Women's Business Centers Act of 1997. I appreciate the kind words, but Senator DOMENICI has long been the leading proponent of women-owned businesses. He has worked hard to secure the additional funding for the centers. I am delighted to work with him on the bill.

Also I am very pleased that my ranking member on the Small Business Committee, Senator KERRY, and many of our colleagues are working together with Senator DOMENICI and us as original cosponsors of the bill.

I think once again this is an opportunity for Congress to demonstrate its strong support for effective programs serving current and future women entrepreneurs. It was just 1 year ago that many of my colleagues will remember that the administration sought to zero out the budget for women's business demonstration sites, and Congress stepped in to ensure full funding. Now we are reaching for new heights—making the program an ongoing effort to fund women's business centers through 5-year grants.

The Committee on Small Business began its work in this session of Congress with the cooperation of my ranking member at a hearing on women-owned and home-based businesses. I will talk more about that in just a few moments. But the hearing we held then and others has provided the committee with extensive testimony and letters of endorsement on the important economic contribution being made by women entrepreneurs and the role played by women business centers. With nearly 8 million firms owned by women—a third of all firms—and 18.5 million people are employed by women-owned firms, which is 1 of 4 working men and women in the U.S., the contribution of women-owned businesses to the economy, which includes nearly \$2.3 trillion in sales, deserves recognition and encouragement.

In my home State of Missouri, there are approximately 120,000 women-owned businesses. And, in 1997, the recipient of the Avon Women of Enterprise Award is Georgia Buchanan, president and CEO of All Pro Construction in Grandview, MO. In 1995, Georgia's company was also recognized by the SBA as the National Minority Construction Firm of the Year.

Last year, Missouri's entrepreneurs were recognized as well when Phyllis Hannan, owner of Laser Mark It and Laser Light Technologies, was named SBA's National Small Businessperson of the Year.

We have other women business leaders, including Carol Jones, of Springfield, who operates a large and well-respected realty company, in addition to her civic work and service on the Federal Home Loan Bank Board, and Stella Olson, who is serving as a member of the Small Business Fairness Board for SBA region 7 and is the owner of STAT Enterprises, Inc., a transcription company.

These women are all local success stories taking an active role in expanding their own businesses with management financing and market training necessary for its success.

The Women's Business Centers Act of 1997 recognizes the important contributions made by the 53 women's business centers located in 28 States. The bill increases the level of funding authorized for establishing additional women's business centers to \$8 million per year for 3 years, double when compared to the current authorization of \$4 million per year. The Clinton administration's budget request for fiscal year 1998 is \$4 million. Significantly, the additional funding is intended to ensure that women's business centers exist in all 50 States.

Other important provisions of this bill include allowing Centers receiving funds on the day prior to enactment to apply to extend their eligibility for funding for 2 additional years. Also, for all women's business centers receiving funds under this bill, the private sector match is structured to facilitate a smoother transition to self-sufficiency.

The program is designed to provide seed money for women's business centers that can then flourish with the financial support of the local community. Training and services are to be tailored to the local community, and the grantees running the centers must have the requisite experience and commitment to deliver the services suited to women in the area.

The introduction of this bill coincides with the work of the Committee on Small Business to reauthorize the programs of the Small Business Administration, the SBA. The committee has supported the creation and expansion of business development centers dedicated to the unique needs of women who are either current or potential business owners. The women's business centers created under this bill will provide the tried and true ongoing training and assistance, offered by the current demonstration sites, to ensure that their clients have the skills and know-how to build and maintain successful businesses.

This is a win-win bill. It provides women owning businesses or those women preparing to start new small businesses with the tools necessary to support their transition and the challenges faced when trying to expand.

I look forward to working with my colleagues to advance this bill as part of the Small Business Reauthorization Act of 1997. The concepts endorsed today will be incorporated with other reforms so that the services delivered by SBA and its numerous resource partners are beneficial to men and women alike. The committee has important work to do in this regard, and we appreciate Senator DOMENICI and Representative JOHNSON's efforts in this regard.

Mr. DOMENICI. Mr. President, I have sent the bill to the desk for appropriate referral, but I ask unanimous consent that it be held at the desk before being referred for the remainder of the day in case others want to cosponsor it. They can be original cosponsors.

The PRESIDING OFFICER. Without objection, it will be held at the desk.

Mr. DOMENICI. Mr. President, whatever time I have remaining—I do not believe Senator BOND needs any additional time—I yield to Senator KERRY, and he can control it with other Members. I think there is adequate time for others who need it, but I yield whatever time I have to Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized, and the Chair informs him he has 12 minutes.

Mr. KERRY. I thank the Senator from New Mexico. I want to thank the distinguished Senator for his leadership on this issue and also the Senator from Missouri, the chairman of the Small Business Committee. I am delighted to join with both of them. I think this will have an enormous, positive impact, and their leadership is greatly appreciated.

I am pleased to stand in support as we introduce the Women's Business

Centers Act of 1997. Nine years ago, when we first established a demonstration program for helping women-owned businesses attain capital and assistance in business development, a lot of people had some doubts about it. The legislation brought together the SBA and independent organizations in order to deliver assistance to women-owned businesses.

Nine years ago, Mr. President, many people in the country were skeptical about the need for women-owned business assistance. There was a kind of perception problem with respect to whether or not it was needed and whether or not a lot of women in the country were going to take advantage of it and, in some cases, doubts even by some about whether or not they could. Everything in the years since then has destroyed the stereotypes. It changed attitudes and has proven that the people who believed in this effort were correct.

The program has matured since its creation. And, to date, nearly 50,000 American women have been served by 54 sites in 28 States and the District of Columbia.

The bill that we introduce today is really only underscoring a small part of the many contributions that women make to the economy of this country. One of the reasons that we are currently enjoying such a significant economic boom is because of the contributions in the last few years from women-owned entrepreneurs.

The Committee on Small Business is particularly pleased to champion this program. All of my Democratic colleagues from the Small Business Committee—Senators BUMPERS, LEVIN, HARKIN, LIEBERMAN, WELLSTONE, CLELAND, and LANDRIEU—have joined us in sponsoring this bill which will make the program permanent.

The program is operated by SBA's Women's Business Ownership Office, which also would become permanent under the legislation. With the SBA's help, we have begun to tap the remarkable resource of women-owned businesses that has been proven to exist over the course of the last years. I know that many knew it always existed, but this pilot project has really given the evidence greater weight than it has ever had before. And I think this should pass overwhelmingly.

Mr. President, women-owned businesses have been a critical component of the remarkable growth spurt we are enjoying in the country. According to the Census Bureau, women-owned businesses represent one-third of all U.S. companies, and they annually contribute more than \$1.5 trillion in sales to the U.S. economy. The National Federation of Women Business Owners and Dun & Bradstreet reported that 7.7 million women-owned businesses employ more people than the Fortune 500 companies. So we must provide a strong policy that allows these women to meet their greatest potential and allow this country to benefit from the full measure of their endeavors.

We know that women entrepreneurs are breaking records. Women-owned sole proprietorships have a startup rate twice that of male-owned businesses. Between 1987 and 1992, the number of women-owned businesses increased by 43 percent, while businesses overall only grew by 26 percent. During the same time, employment by women-owned firms grew 100 percent. Particularly notable, women-owned companies with 100 or more workers increased employment by 158 percent, more than double the rate for all U.S. firms of similar size.

This country needs to preserve and to foster that special entrepreneurial spirit. And the Women's Business Centers Act is a great way to do that.

In Massachusetts, the 147,000 women-owned businesses represent over one-third of all the companies in our State. And through the SBA's women demonstration program—the program which this bill would make permanent—the Center for Women & Enterprise, Inc., was established in Boston in 1995. In just 2 years, the center has served over 1,000 women business owners, 40 percent of which are minorities.

The center offers scholarships for low-income women and provides courses, workshops, and one-on-one counseling. One hundred cities and towns in eastern Massachusetts are benefiting from the work of the center. I want to see that success continue. We can do that, and we can replicate it in State after State by making the women's business centers and the Women's Business Ownership Office permanent assets of the SBA programs.

In addition to counseling, women business owners need access to capital. Women are vital players in business, and yet their access to capital for funding business enterprise has been limited, and it is still limited. The SBA is trying to meet that demand by increasing access to capital.

From 1992 until 1995, the number of SBA guaranteed loans going to women quadrupled. They received \$3.8 billion in SBA guaranteed loans during that period of time. And in fiscal year 1996, women-owned businesses received nearly \$2 billion in loans from SBA guarantees.

So access to capital is beginning to improve for women business owners, but we need to guarantee that we support programs that continue that trend.

Last month, I helped kick off a national initiative undertaken by the SBA's Women's Business Ownership Office, the National Women's Business Council, and the Federal Reserve Bank in Boston, to convene workshops throughout the United States. These meetings bring together women business owners, lenders, and policymakers to discuss how to expand capital markets to meet the increasing demand of women-owned businesses.

With input from the women's community, I have concluded that this issue is one that is going to be ad-

dressed at different levels. We need more micro-loans for startup businesses. We need more business development and technical assistance, more loan package counseling, and more access to venture and angel capital sources.

This program is one key way to maximize women-owned businesses and to wisely use Government resources to boost the private sector's success.

I join with Senator DOMENICI and Senator BOND in urging our colleagues to support the Women's Business Centers Act of 1997. It will provide \$8 million in funding that will be used to provide matching grants for women's centers, and the bill will make the program and the Women's Business Ownership Office a permanent part of the important work that the SBA is doing to guarantee opportunity for all of those who wish to create jobs in this country.

We hope to establish sites in every State to serve women entrepreneurs with the passage of this act. And I hope that our colleagues will overwhelmingly support it.

Mr. President, I ask unanimous consent that Senator SPECTER and Senator BOXER also be added as cosponsors.

Mr. President, I reserve the balance of time for other Senators wishing to speak on this bill.

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

Mr. SPECTER. Mr. President, I have sought recognition to announce my cosponsorship of the Domenici-Bond Women's Business Centers Act of 1997, which will reauthorize this valuable program administered by the Small Business Administration's, the SBA's, Office of Women's Business Ownership.

Women-owned businesses are a major driving force for America's economy. As of 1996, there were nearly 8 million women-owned businesses nationwide, employing more than 18.5 million people and generating close to \$2.3 trillion in sales. According to the National Foundation for Women Business Owners, women-owned businesses are growing faster than the overall economy in each of the top 50 metropolitan areas in the United States, including Philadelphia and Pittsburgh. In a study released in March 1997, the foundation reported that as of 1996, Philadelphia's 127,100 women-owned enterprises employed 448,500 people and generated over \$56 billion in sales, and Pittsburgh's 54,800 women-owned enterprises employed 141,800 people and generated over \$17 billion in sales. These numbers are truly impressive and highlight the significant impact of women in business on Pennsylvania's economy.

Established through the Women's Business Ownership Act of 1988, the women's business centers have been vital in providing services and programs that support and accelerate women's business ownership. My constituents are fortunate to be served by the Women's Business Development Center, located in Philadelphia. Since



its formation in July 1995, the center has provided information, business assessment, training, and counseling sessions to over 3,000 prospective, emerging, and established women business owners. It is critical to reauthorize the activities of these centers to ensure that women-owned businesses have the resources necessary to prosper and grow.

Specifically, the Women's Business Centers Act of 1997 would double the authorized appropriation for the women's business centers to \$8 million, authorize 5 years of project funding for new centers, extend funding for existing centers for an additional 2 years, and modify the Federal funding match requirements to facilitate self-sufficiency of the centers.

This legislation complements my efforts on behalf of minority and women-owned business enterprises. On April 23, 1997, I reintroduced the Minority and Women Capital Formation Act, S. 635, which provides targeted tax incentives for investors to invest equity capital in minority and women-owned small businesses, as well as venture capital funds dedicated to investing in minority and/or women-owned businesses.

I also worked to secure a \$500,000 grant through the Small Business Administration in fiscal year 1997 to support the activities of the National Education Center for Women in Business, located at Seton Hill College in Greensburg, PA. The center promotes women's business ownership by conducting collaborative research, providing educational programs and curriculum development, and serving as an informational clearinghouse for women entrepreneurs.

In conclusion, Mr. President, I urge my colleagues to support swift adoption of the Women's Business Centers Act of 1997 so that we can meet the needs of America's emerging women business owners, which are critical to the economic health of our Nation.

Mr. WELLSTONE. Mr. President, I am very pleased to join my colleagues today as an original cosponsor of the Women's Business Centers Act of 1997. I thank the chairman of the Small Business Committee, Senator BOND, as well as Senators DOMENICI and KERRY, for their leadership on this issue.

As a member of the Small Business Committee, I have followed the success of the women's business demonstration sites—two of which are in Minnesota. I would like to note the effectiveness and good work of those two organizations: Women in New Development, or WIND, of Bemidji, MI, and the Women's Business Center, which is operated in association with the White Earth Reservation Tribal Council in Mahanomen, MI.

This program, and these centers, fill a crucial need in many communities across the country. They deliver needed technical assistance, and they ultimately help provide tremendous economic benefits.

I recently received a letter from Mary Turner, director of the White Earth center. She pointed out that her center and others operated through the program are committed to delivering services aimed at promoting self-sufficiency, and which are "as diverse as the women we serve—women of color, women on public assistance moving on to self-employment, rural and urban women, and women starting home-based businesses."

Mr. President, the bill will reauthorize the women's demonstration sites, increasing the program's annual funding and authorizing demonstration sites to receive funding for 5 years rather than the current 3 years. I look forward to working with the chairman and other members of our committee to include this measure as part of our broader reauthorization of SBA programs.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. HATCH, Mrs. BOXER and Mr. JEFFORDS):

S. 889. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

THE RETIREMENT SECURITY FOR THE 21ST CENTURY ACT

Mr. GRAHAM. Mr. President, today, as I did once before in January of this year, I rise to speak about an issue which is of vital importance to this Nation, the retirement security of our people into the 21st century.

Mr. President, the facts are startling. Fifty-one million working Americans are not covered by any type of retirement plan. An incredible 87 percent of workers employed by small businesses, businesses with fewer than 20 employees, have no private retirement or pension coverage. Less than 40 percent of the 33 million Americans, age 65 and older, today collect a pension. These numbers are very, very disturbing.

There are three foundations for a secure retirement: Social Security, personal savings, and a pension. Each one of these foundations is eroding. Social Security is unlikely to increase. Personal savings rates are falling. Fewer of today's workers will retire with a lifetime pension.

In January, I spoke and mentioned some of the reasons that pension coverage fails to reach so many workers. Some of those reasons include the fact that our work force is changing. For the most part, our pension laws have not kept pace with the changes in the American work force. Think about current workers in an era of tremendous employee mobility—you don't work an entire career for one company, as was the typical pattern for our parents and grandparents. Small business is a tremendously vital part of our economy. Yet, those very small businesses are faced with obstacles in establishing retirement plans.

There has been a decline in union membership, and unionized workers are the most apt to be covered under a defined benefit retirement plan. There is

a shift away from manufacturing jobs toward service and retail, and, again, pension coverage is higher in manufacturing sectors than in these new expanding areas of the American economy.

Knowing that these trends will continue, it is obvious that we need to make certain that our pension laws have kept pace with the changing American work force. My goal is to ensure that each American who works hard for 30, 40 years, or more, has every opportunity for a secure and comfortable retirement. I share this goal with many of my colleagues, including Senators ORRIN HATCH, CHARLES GRASSLEY, and JOHN BREAUX, all of whom join me today in introducing this bipartisan bill.

To achieve the goal that every American who works hard for a lifetime will have a secure retirement and pension, we have focused on five areas: Expanded coverage for small businesses, women's equity issues, portability, pension security and enforcement, and simplification. Those, Mr. President, are the five areas of impact for the legislation that we introduce today.

I have been honored to participate with some of my colleagues' efforts to build retirement security for American workers. Senator DASCHLE has created a Democratic pension task force, which led to the introduction of S. 14 on the first day of this session.

Senators MOSELEY-BRAUN, MURRAY, and SNOWE have furthered the debate in helping women achieve a sound retirement, with the Comprehensive Women's Pension Protection Act.

Senators CONRAD and HATCH have focused on clarifying nondiscrimination rules for governmental plans.

Senator BOXER has fought to protect pension assets from abuse in 401(k) plans.

Senator GREGG's leadership has guided the Republican pension task force to introduce its pension proposal earlier this week.

The attention that this issue has received in the Congress highlights its importance to the American people. I am ready to work together and find the common ground that will form the foundation for a secure retirement for millions of Americans.

We will take a common bipartisan approach that will be necessary for both sides of the aisle, both employers and employees, in order to build that foundation for the future. We need to be able to offer businessowners and their workers unencumbered portability, administrative simplicity and the confidence that their plans are secure and well funded.

To be honest, when I first saw the statistics of how many people are ill prepared for retirement, I was amazed. I started asking "Why?" Why do we have over 50 million Americans not prepared for their retirement? I asked Floridians directly. I have spoken with large and small chambers of commerce.

In my career, I have had the opportunity to spend a workday working directly with the people of our State at

more than 300 businesses. I have worked side by side with small business owners, with executives, and their employees.

My staff, visiting a chamber of commerce in central Florida, recalls the answer given as to why small businesses have few pension plans: "Administrative costs and red tape."

When I traveled to Orlando to discuss this bill, I had the arduous task of bringing along the United States Code books and current regulations dealing with pension and retirement. They are overwhelming just by their weight alone.

Our Nation's small businesses need simple options. They should be focusing on what they do best—growing their businesses, growing our economy, not attempting to apply a pension law that was written 30 or more years ago for large businesses to their current circumstances. It is crucial that we make it as uncomplicated as possible for our Nation's businesses to offer their employees retirement security.

We need to cut back on paperwork, eliminate obstacles to starting pension plans, streamline the complex regulations, and provide employers with the guidance and support they need to continue their valuable efforts.

In the end, all of these provisions will encourage employers to offer pension plans because of the lower administrative costs and reduction of red tape.

Let me mention a few specific ideas which are incorporated in this legislation.

Small businesses are the most vital sector of today's economy. This is where job growth is, and all indications are where it will accelerate in the future. Yet, small businesses face many challenges in providing a secure retirement for their employees: Higher administrative costs to manage a plan; a fluctuating income stream—some years profits are up; and sometimes they are down—and a lack of resources to keep current with changing laws and regulations.

This chart demonstrates the problem. Workers in America with a retirement plan: According to the Small Business Administration, if you work for a company that employs 20 or fewer persons, your chances of having a retirement plan are 13 percent; if you work for a firm with between 21 and 100 employees, your chances are 38 percent; if you work for a firm that employs over 500 people, 72 percent of the time you will be covered by a pension and retirement program.

We need to make it a wise business decision for small businessowners to establish a retirement plan for themselves and for their employees. We need to offer simple creative solutions to expand pension coverage for small businesses.

Payroll deductions for individual retirement accounts is one example, Mr. President, of the kind of change which is made in this legislation.

Even with every effort made for simplification, some businesses won't be

able to establish a retirement plan. But even the smallest of small businesses can help their employees. Any step we take to facilitate putting money away for retirement is a step in the right direction.

Payroll deductions are the easiest manner of savings. This provision will facilitate the contributions to IRAs by direct deduction from payrolls.

Modification of the topheavy rules is another step that will facilitate small businesses providing retirement programs. What are topheavy rules? These are rules which were created to assure that private pension plans were not disproportionately tilted toward highly compensated individuals. These rules affect small businesses much more than large companies. Because topheavy rules are excessively cumbersome, small businesses simply don't offer retirement plans for any of their employees.

Our provisions attempt to address this inequity by repealing the family aggregation rules and simplifying the definition of key employees and compensation.

It is important that retirement plans benefit all employees—but, if we can modify these rules to help small family businesses prepare for retirement, millions of Americans would be better off in their retirement years.

Another area of special concern, Mr. President, in this legislation is the impact that old pension and retirement policies have on women. We know that women are coming into the work force in much larger numbers than they did in previous generations. We know that women are the most mobile component of our work force. They change jobs more frequently. They move in and out of the work force as family and other responsibilities dictate. Women tend, during their career, to care for children and aging parents, which makes it difficult for them to stay in one job long enough to secure the benefits that require long periods of employment.

Statistics show that women will live longer in retirement than men. Therefore, they need more, not less, financial resources for their retirement years. Historically during a career, women will earn less than men, thus making it more difficult for them to save for retirement. The provisions that we include in our women and family equity section help both women and men, but they disproportionately help women.

Some of the specific concerns women face during their working careers:

Time away from work for child care, lower salaries, or divorce.

This section can provide a growing sector of our working population a fair chance at a productive and secure retirement.

It provides for faster vesting of employers' matching contribution. Under current law, employers may require up to 5 years of service before an employee is entitled to the employer's matching contribution to the business' defined contribution plan.

Twenty percent of our work force age 45 to 64 have been in their current jobs less than 4 years. That is a huge sector of the work force who are most likely not to stay long enough to vest in their retirement plan. Women are a disproportionate share of that huge portion of the work force. By reducing the vesting period from 5 years to 3 years, we more accurately reflect the changes in our work force.

Spousal IRA is another example of a provision in the current law which particularly adversely affects women. In an American culture where we see more and more two-career couples, we need to encourage each of them to save in every way possible.

Under current law, if one spouse is participating in a retirement program at his or her job, no matter how small, the other spouse is precluded from a tax deductible individual retirement account. Senators ROTH and BREAU have worked long and hard on this issue, and we have included the results of their efforts in this proposal. It eliminates one barrier that has stood in the way of many two-career families providing for two individuals' pension and retirement security. Individual retirement accounts have proven to be one of the most effective ways to plan for future financial security. Working couples should be encouraged to plan and save through this option. We want to eliminate this barrier to save.

Another aspect that particularly affects women is the fact that they are subject to periodic discontinuity in their employment careers.

As the father of four daughters and eight grandchildren, I know all the joy a child can bring a family and how much planning is needed for the new parents to assure that they and their children can provide for their future years.

Many employees today are taking unpaid leave to spend a few weeks or months with a newborn or a newly adopted child. But by doing so, they may be taking a step away from their own retirement security by not being able to make their usual contributions to their retirement plan. Our provision allows them to do so when they return to the job.

This proposal is modeled after legislation that Congress adopted after the gulf war in which returning veterans were allowed to make a contribution to their retirement programs to cover the period that they were away from their job serving their Nation. We will help our Nation's new parents in the same way that we helped returning veterans.

Saving for retirement is not an easy task. It takes dedication month after month. Under this provision, we will make certain that the good savings habits that parents have started can be sustained even if they take time away from work to be with a newborn child.

Another factor that peculiarly affects women is the issue of portability—the ability to move retirement benefits from one job to the next.

Just looking at some of the current statistics, we know that the average American worker over the course of a 40-year career will have seven different employers. The average worker in a 40-year career will have seven different employers. Our pension laws were written in an era that didn't anticipate this modern mobility of the work force.

Americans' retirement dreams can be dimmed by the consequences of moving from job to job. They will have less retirement assets. Often there is no choice but to make a job change. A spouse gets transferred to another city to keep the family together; the other spouse moves as well. We in Congress have been in favor of keeping families together. Let's make certain that the family is not hurt in later years by a difficult retirement, a constrained retirement, because of that very mobility. An employee can be downsized. Companies can go bankrupt. Hard-working recent college graduates can move up the career ladder. Each of these involve job changes.

Mr. President, one of the things that has distinguished the American economy from many other industrialized nations has been this very factor of our mobile work force, that people were willing to move where there were new opportunities, where the changes in the economy dictate that it was to their advantage as well as to the Nation's advantage for people to move from one job to the other. We shouldn't constrain that by imposing a penalty on their long-term retirement security because they have done what is in their interest and what is in the interest of our dynamic economy.

When such moves occur, we need to mobilize the pension money, to put wheels under it, to make it as portable as the people who will benefit by those retirement savings. Providing employees with a vehicle to take their pension money with them during their working careers will allow the accrual of larger pensions making it easier on the worker and the employers to keep track of retirement funds.

How can we do this? We can do it through several proposals which are incorporated in the bill that I introduce today. Similar defined contribution plans should be able to roll over one into the other. Money in a retirement stream should be kept there until retirement. When you leave one job for another, your retirement savings should be able to travel with you.

Mr. President, today American workers have their retirement plans in many different types of specific forms. Well known is the 401(k) plan; also, plans for workers who are employed by nonprofit organizations, workers who are employed by the Government, individual retirement accounts.

What we provide in our legislation is that, if a worker moves, for instance, from a Government employment to a private employment, they would be able to carry with them their accumulated retirement benefits from their

previous plan into their new employment.

This will require the consent of both the employees and the new employer to do so. But the law will no longer erect arbitrary barriers against such transition of employment benefits.

All of these plans have their own specific but generally relatively marginal differences. But they all have one common purpose—that is, allowing workers to save for retirement. This ability to move plans as employment history requires a movement will facilitate achieving that objective.

Mr. President, we also need to encourage businesses to allow their employees to do this. We will eliminate the fear among businesses that by accepting a new employee's previous retirement assets, the business risks the disqualification of its own plan.

Once a pension plan is in place, Congress needs to assure that the assets are invested wisely and securely. America's workers are depending on the assets that are accumulating in retirement plans. Our laws protecting pension assets need to give them the confidence that they need to rely on these plans in retirement.

There should be stronger penalties for fraud and embezzlement of plans. We say clearly to the pension fund managers and administrators: If you are guilty of fraud or embezzlement, then your own pension will be at risk. Workers who are hurt by your action will be compensated out of your pension. America's pension fund managers have a sacred trust to millions of employees who will depend on their expertise and skills for a sound retirement. If that trust is broken, harsh sanctions are in order for the guilty party, or managers.

There should be greater access to information by employees as to what is the status of their pension retirement fund. Pension security will be enhanced by an educated work force. Employees with the necessary information will be able to watch over their own retirement assets. A vital aspect of retirement security is keeping pension participants fully informed of what they have in their plans and what to expect when they retire.

Senator GRASSLEY is to be commended for his efforts in this area, making sure that employees receive accurate information and properly computed pensions.

To help employees plan for their retirement, we propose annual benefit statements for all defined contributions plans and every 3 years for defined benefits plans.

These statements will help all employees plan carefully and would also help to reduce pension miscalculations. We are acting in an anticipatory way to cut off what we think could be a future threat to retirement security.

Once we have made every effort to keep our Nation's pension assets protected from fraud and abuse, let us protect these assets from ourselves.

There is already a consumer credit crisis in this country. Millions of American families are overextended, carrying huge balances on multiple credit cards month to month.

Our measure will prohibit 401(k) or similar retirement assets from being tied to credit cards. If these credit cards were allowed, we would be putting Americans on the slippery slope, spending retirement assets before retiring.

Mr. President, I mentioned that one of our principal areas of concern is simplification, to make it easier for all the participants in the retirement security process to know, to be in compliance with the standards and therefore to be encouraged to provide more adequately for their retirement.

Summary plan descriptions and a summary of major modifications will now be substituted for the detailed reporting requirements which are currently required. One less report will be filed. The Department of Labor probably has millions of these current detailed reports stockpiled.

Under our proposal, the Labor Department retains the right to request one of these reports from a company, but for simplification's sake let us not require the reports to be sent in unless they are actually needed.

We are also sanctioning the use of electronic communications. Our pension laws should get on the information highway. We have asked the Department of the Treasury to look to the use of e-mail and modern technology in administering pension plans. It is common sense. It is simpler to use. It is less expensive. It will encourage particularly small businesses to provide retirement plans.

Mr. President, common sense is the foundation of this proposal, to make the punishment for failure to comply with the standards fit the crime. Under current law, the IRS can threaten to disqualify an entire pension plan for inadvertent errors. We are proposing intermediate sanctions, sanctions which are proportionate to the error that has been committed.

The IRS is to be commended for several programs they have initiated to work with businesses in this area. We want to codify elements of those plans that are already in practice. As an example, a plan should not be disqualified if a company finds and fixes an error prior to an Internal Revenue Service audit. Rank-and-file employees will not be taxed even if a plan is disqualified.

Senators HATCH and CONRAD have led the effort to permanently exclude governmental plans from nondiscriminatory rules. Congress placed a temporary moratorium on those rules in 1977. Since then, we have addressed this issue every few years. After two decades, common sense says let us make this permanent.

Mr. President, preparing this generation of workers for retirement is, in my view, almost an issue of national security. We know that beginning early in

the 21st century there will be a surge of Americans who will reach retirement age. How well prepared those millions of Americans are for the years after retirement will have a significant impact on the economic, personal, and national security of this Nation. A strong economic future depends upon this.

Mr. President, you represent a State with significant numbers of persons who have chosen to live there in retirement. That is also true of my State of Florida. Every time I go home to my State, I see the result of persons who have conscientiously planned for their retirement—families that have worked hard, invested wisely, saved diligently, and are now enjoying the benefits of retirement in our State.

Collectively, we Americans could learn a lot from this generation. I want to provide this generation with every possible opportunity to have the same lifestyle as our parents are currently enjoying. To achieve this goal, we need businesses to work together with their employees. We need Republicans and Democrats to collaborate in a bipartisan solution to those inhibitions which are currently resulting in over 50 million Americans not having pension retirement plans. We need to work together to find the common ground and to take steps now on the items upon which we agree. Every time we can make pensions more portable, simpler, fairer to women, more attractive to small businesses, more secure, we are helping every American reach their retirement goal. We are making a significant contribution to a better America.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 890. A bill to dispose of certain Federal properties located in Dutch John, UT, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; to the Committee on Energy and Natural Resources.

THE DUTCH JOHN PRIVATIZATION ACT OF 1997

Mr. BENNETT. Mr. President, I am pleased to introduce the Dutch John Privatization Act of 1997 with my colleague from Utah, Senator HATCH.

I want to explain to my colleagues the history of this community. The town of Dutch John, UT, was established in 1958 by the Bureau of Reclamation to house personnel and equipment during the construction of the Flaming Gorge Dam and Reservoir on the Green River. During this construction period, the town housed over 2,000 people. After the completion of the dam, Dutch John continued to serve as the residence of approximately 175 people, including Federal Government employees and others associated with the Flaming Gorge Dam and Recreation Area.

To this day, basic services for Dutch John, as well as the operative and administrative costs for the town, have been an unnecessary financial burden for the Bureau of Reclamation and the

U.S. Forest Service. The cost of providing the full range of community facilities and services—including that of the landlord for the town—have substantially risen over the years, approaching \$1 million annually. The time has arrived to transfer the ownership and maintenance of this town into local hands.

For several years, the involved Federal agencies have worked with Daggett County officials and residents in drafting a Dutch John privatization proposal that would protect all affected interests. The outcome of this process is the Dutch John Privatization Act of 1997. This legislation would provide for the transfer of selected Federal property into private ownership; dispose several residential units, public building and facilities; provide for a transition to local government administration and reduce long-term Federal expenditures.

This legislation would transfer approximately 2,400 acres of land, identified by the U.S. Forest Service and the Bureau of Reclamation as no longer necessary to fulfill the agencies' mission, out of Federal ownership. Residents would have the ability to purchase the homes they currently rent from the Bureau of Reclamation at fair market value. Federal agencies would retain ownership of identified needed facilities, including the U.S. Forest Service warehouse and office complex, the Bureau of Reclamation industrial complex, certain personnel housing and the heliport.

As the Federal Government ceases to provide basic community services, such as roads, water, and sewer, local government would be required to assume these responsibilities. Daggett County would receive an annual grant from public power revenues, for 15 years, in order to offset the costs of transition while a traditional community tax base is created.

This bill is a win-win situation. The Federal Government will initially save more than one-half million dollars per year, and after 15 years, will eliminate altogether an expensive obligation. Dutch John will be a self-sustaining community while providing necessary services for the 2 million people that visit the Flaming Gorge National Recreation Area each year.

After 25 years, Dutch John as a government-run town has become an anachronism. This legislation is in the best long-term interest of Federal, State, and local governments. I urge my colleagues to join me in saving the Federal Government the costs of administering the town of Dutch John while providing the means to start a community with a small-resort commercial base in one of the most remote parts of Utah.

Mr. HATCH. Mr. President, I rise, along with Senator BENNETT, to introduce the Dutch John Privatization Act. Dutch John, a city in Daggett County, UT, was established in 1958 by the Bureau of Reclamation to provide a com-

munity for the construction and operation of the Flaming Gorge Dam on the Green River. The dam was completed in 1964.

This bill will remove the 2,400 acre township from Federal ownership by allowing for a buy-out of homes by existing lessees and permittees at fair market value and for a transition to local government ownership over 15 years.

This legislation is the result of years of discussion among local, State, and Federal officials, including the Bureau of Reclamation, U.S. Forest Service, and Daggett County.

During the construction of Flaming Gorge Dam, the population of Dutch John reached more than 2,000 people. Today this remote town has approximately 175 persons. As small as it is, the Federal Government still pays about \$1 million each year to run the city. As the landlord for Dutch John, the Federal Government must provide the water infrastructure, the sewer system, city roads, and various other public goods and services.

Privatizing Dutch John would release the Federal Government from the burden of the operation and maintenance of this town. The current mandate and budget constraints of the Bureau of Reclamation and the U.S. Forest Service act as disincentives for the Federal Government to invest in Dutch John.

This legislation will allow Federal agencies to retain control and ownership of facilities they have identified as needed for continued Government operation. Homes and properties not retained by the Federal Government will be sold at fair market value to current renters. Holders of federally issued permits and leases would have the right to purchase their underlying leased or permitted land at fair market value. All other properties will be transferred to Daggett County, and the revenues from these sales would be used for costs related to Dutch John.

Under this bill, Daggett County will receive a \$300,000 annual grant for the next 15 years as it takes over responsibility for the town's governance and infrastructure. During this transition period, Daggett County would be able to create a local tax base to fund future maintenance, sanitary, and public safety services.

Currently, an environmental assessment is underway that will analyze the need for additional commercial recreation services for national recreation area and Ashley National Forest visitors. We will certainly review these recommendations carefully.

Nevertheless, this legislation reflects the work of many individuals who have worked hard to create a viable plan for the future of Dutch John and that will allow residents to become self-governed. Self-governance, after all, is the cornerstone of our federal system, and Dutch John has been, for all intents and purposes, a Federal colony.

We urge our colleagues to join us in supporting independence for Dutch John.

By Mr. ABRAHAM (for himself, Mr. FAIRCLOTH, Mr. SESSIONS, Mr. HUTCHINSON, Mr. DEWINE, Mr. COATS, Mr. ASHCROFT, and Mr. COVERDELL):

S. 891. A bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes; to the Committee on Governmental Affairs.

THE FAMILY IMPACT STATEMENT ACT OF 1997

Mr. ABRAHAM. Mr. President, on April 21 President Clinton issued an Executive order purporting to defend America's children from environmental health and safety risks. At the very end of this order was a simple, but cryptic statement. That statement was, "Executive Order 12606 of September 2, 1987 is revoked."

With that simple statement, Mr. President, without consulting this body or so much as naming the order revoked, President Clinton struck an unnecessary and uncalled for blow against American families and children.

Executive Order 12606 of September 2, 1987, signed by President Reagan, was one of the most important policy statements of the last 25 years.

As stated in its preamble, that Executive order was intended "to ensure that the autonomy and rights of the family are considered in the formulation and implementation of policies by Executive departments and agencies."

That Executive order, which President Clinton so blithely, almost mutely discarded, required our Federal bureaucracy for the first time to consider their actions' effects on the families of this nation.

More than any Government program, America's children are protected, nurtured and given the means they need to lead good lives by their families. No national village can replace the constant care and attention of parents.

By allowing Executive agencies to ignore the effects of their policies on families, President Clinton promises more harm to children than any Executive order he signs could possibly cure.

Because of President Reagan's Executive order, it was the official policy of this country that our bureaucrats must think about families as they formulate and apply rules and regulations.

Do we seriously believe, Mr. President, that the American family no longer needs protection?

Do we seriously believe that Federal rules, regulations, and programs no longer have serious effects on our families?

Do we seriously believe that bureaucrats here in Washington will just naturally craft everything they do so as to serve the interests of our families?

I do not think so, Mr. President. In fact I am convinced that now more than ever our families need our protection. I am convinced that we must ensure that those who work for the Federal Government stop and think about how what they are doing effects our families.

That is why, along with Senators FAIRCLOTH, SESSIONS, TIM HUTCHINSON, DEWINE, COATS, and ASHCROFT, I am introducing the Family Impact Statement Act of 1997. This legislation will reinstate our national policy requiring that Federal bureaucrats consider the effects of their actions on our families.

Specifically, and mirroring the Executive order recently revoked by the President, the Abraham-Faircloth Family Impact Statement Act would require that executive departments assess measures that may have significant impact on family formation, maintenance and general well-being in light of the following questions:

1. Does this action by Government strengthen or erode the stability of the family and, particularly, the marital bond?

2. Does this action strengthen or erode the authority and rights of parents in the education, nurture, and supervision of their children?

3. Does this action help the family perform its functions, or does it substitute governmental activity for that function?

4. Does this action by Government increase or decrease family earnings? Do the proposed benefits of this action justify the impact on the family budget?

5. Can this activity be carried out by a lower level of Government or by the family itself?

6. What message, intended or otherwise, does this program send to the public concerning the status of the family?

7. What message does it send to young people concerning the relationship between their behavior, their personal responsibility, and the norms of our society?

Again, mirroring the Executive order President Clinton recently revoked, Abraham-Faircloth would require that the head of the department or agency involved in any policy significantly affecting family well-being certify in writing that such measures have been assessed in light of these criteria. The department or agency head also must provide an explanation of how such measures will enhance family well-being.

The Office of Management and Budget will then, to the extent permitted by law, ensure that the policies of the executive departments and agencies are applied in light of these criteria.

In addition, Mr. President, this legislation will require that the White House Office of Policy Development assess existing and proposed policies and regulations that impact family well-being in light of the same criteria. That office will then provide evaluations on those measures to the Office of Management and Budget, and advise the President on policy and regulatory actions that may be taken to strengthen the institutions of marriage and the family in America.

Mr. President, this legislation will restore a crucial protection for the fundamental institution on which our so-

ciety is based. By requiring that our departments and agencies consider the impact of their actions on our families it will protect those families from intrusive policies that undermine them, their children's lives, and our social fabric.

I urge my colleagues to join with me to make bureaucrats consider our families' well-being before they act. I urge them to support Abraham-Faircloth.

I yield the floor.

By Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. SMITH of Oregon, Mr. WYDEN, Mr. BUMPERS, Mr. THOMAS, Mr. HUTCHINSON, Mr. BOND, Mr. GREGG, Mr. REID, Mr. FORD, Mr. ROBB, Mr. INOUE, Mr. SANTORUM, Mr. BREAU, Mr. HOLLINGS, Mr. GLENN, and Mr. DURBIN):

S. 892. A bill to amend title VII of the Public Health Service Act to revise and extend the area health education center program; to the Committee on Labor and Human Resources.

THE AREA HEALTH EDUCATION CENTER PROGRAM EXTENSION ACT

Mr. GRAHAM. Mr. President, I rise today to introduce legislation in conjunction with Senator MCCAIN and 16 of our colleagues to reauthorize the Area Health Education Center Program under title VII of the Public Health Service Act.

Unfortunately, the law of supply and demand does not always operate to the benefit of rural Americans or the working poor in the health care marketplace. Whether individuals live three counties away from the nearest full-service clinic or just across town, often their access to primary and preventive care is limited.

While recent attention has focused on controlling run-away health care costs, the problem is not only one of cost, but also one of allocation. We need to allocate both our abundant supply of health professionals and the highly concentrated resources of our world class academic health centers to individuals who are underserved in the health care marketplace.

Since its inception in 1973, one of the most effective means of redistributing and reallocating manpower has been the Federal and State-funded Area Health Education Centers Program [AHEC]. AHEC's serve as bridges between medical schools and our Nation's underserved rural and inner-city communities, recruiting and training primary care providers and health professionals, and providing continuing education to existing providers. Nine years ago, the AHEC Program was expanded to include the Health Education Training Centers Program [HETC], which are designed to address the persistent unmet health care needs of population groups such as migrants, minorities, and others.

As Governor of Florida, I became aware of the accomplishments of AHEC's in addressing the maldistribution of health professionals in underserved areas of other southern States

such as North Carolina and helped catalyze the initial interest for the development of AHEC's in my State. Since then, I have been pleased to see AHEC's and more recently HETC's grow and flourish throughout Florida and throughout the country.

Based at each of the State's medical schools, Florida's four AHEC programs now cover all 67 counties in the State. The programs and their 10 affiliated centers conduct activities that address regional and State priorities in areas such as public and school health, recruitment of health professionals to medically underserved communities, and special health needs of migrant and immigrant populations.

With more than 44 AHEC programs operating in 42 States, we are finally approaching the full evolution of AHEC into a national system with an infrastructure through which to reach those communities and populations in greatest need of basic health services. In 1994, 80 of 142 allopathic and osteopathic medical schools were involved with AHEC and HETC programs nationally, and 13 percent of the Nation's total medical school enrollment obtained community-based training through the program.

AHEC's effectiveness lies in this unique ability to combine the resources of academic health centers with those of medically underserved communities and in such a way that enhances the primary care training while increasing access to care. This role continues to increase in importance as States struggle to adjust to changes in medical reimbursements, limitations on welfare, and cutbacks in social services.

One of the most important contributions AHEC's have made in Florida and around the Nation is in the training of health professionals in collaboration with local health education institutions, public health departments, community health centers, rural hospitals, local school systems, and volunteer organizations. As a result AHEC's have generated a great deal of academic and community support. During fiscal year 1994, 32 AHEC programs received \$22 million in Federal allocations; this was matched by approximately \$106 million in State and local funds. These programs have had such success in gaining local and State funds because State legislators and community leaders have witnessed the very real impact and benefits that AHEC's bring to the lives of the people in their States and communities.

Despite promising health care reforms and increased enrollment in managed care networks, the number of uninsured and underinsured Americans continues to rise. Hundreds of counties throughout the United States are still without doctors, and for many low-income families, whether they be located in the inner-city or a small, rural community, preventive dental care is considered a luxury.

Because these problems have yet to be resolved, and because AHEC is need-

ed as much today as when it was created, Senator MCCAIN and I are sponsoring this legislation to reauthorize AHEC, as we did successfully in 1992. This reauthorization already enjoys widespread bipartisan support—a testament to the pliable nature of this program in meeting the needs of diverse communities. In their first 25 years, AHEC's around the country have repeatedly shown that the sum total of Federal and State dollars that they have been allocated has been money well spent. We would like to see this successful program extended for 5 more years.

Thanks to AHEC, the face of health professions education is changing into a more community-centered enterprise that places higher priority on the everyday needs of all Americans, including those who historically have been underserved. While we have already begun to see the results of this change, many challenges lie ahead in the ongoing effort to ensure access to health care for all Americans. With the contribution of AHEC, our communities and academic health centers will have the means necessary to work together and meet those challenges.

Mr. President, I invite my colleagues to join Senator MCCAIN and me in supporting the reauthorization of this important program which targets health care services to our Nation's most underserved areas. I ask unanimous consent that the full text of the bill and letters of support from the Association of American Medical Colleges and the American Association of Colleges of Osteopathic Medicine be printed in the RECORD.

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

S. 892

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Area Health Education Center Program Extension Act".

#### SEC. 2. AREA HEALTH EDUCATION CENTER PROGRAM.

Section 746 of the Public Health Service Act (42 U.S.C. 293j et seq.) is amended to read as follows:

#### "SEC. 746. AREA HEALTH EDUCATION CENTER PROGRAMS.

"(a) AUTHORITY FOR PROVISION OF FINANCIAL ASSISTANCE.—

"(1) ASSISTANCE FOR PLANNING, DEVELOPMENT, AND OPERATION OF PROGRAMS.—

"(A) IN GENERAL.—The Secretary shall award grants to and enter into contracts with schools of medicine and osteopathic medicine and incorporated consortia made up of such schools, or the parent institutions of such schools, for projects for the planning, development and operation of area health education center programs that—

"(i) improve the recruitment, distribution, supply, quality and efficiency of personnel providing health services in underserved rural and urban areas and personnel providing health services to populations having demonstrated serious unmet health care needs;

"(ii) increase the number of primary care physicians and other primary care providers

who provide services in underserved areas through the offering of an educational continuum of health career recruitment through clinical education concerning underserved areas in a comprehensive health workforce strategy;

"(iii) carry out recruitment and health career awareness programs to recruit individuals from underserved areas and underrepresented populations into the health professions;

"(iv) prepare individuals to more effectively provide health services to underserved areas or underserved populations through field placements, preceptorships, the conduct of or support of community-based primary care residency programs, and agreements with community-based organizations such as community health centers, migrant health centers, Indian health centers, public health departments and others;

"(v) conduct health professions education and training activities for students and medical residents;

"(vi) conduct at least 10 percent of medical student required clinical education at sites remote to the primary teaching facility of the contracting institution; and

"(vii) provide information dissemination and educational support to reduce professional isolation, increase retention, enhance the practice environment, and improve health care through the timely dissemination of research findings using relevant resources.

"(B) PROJECT TERMS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the period during which payments may be made under an award under subparagraph (A) may not exceed—

"(I) in the case of a project, 12 years or

"(II) in the case of a center within a project, 6 years.

"(ii) EXCEPTION.—The periods described in clause (i) shall not apply to—

"(I) projects that have completed the initial period of Federal funding under this section and that desire to compete for model awards under paragraph (2)(A); and

"(II) projects that apply for awards under subsection (d) regardless of whether such projects have completed their initial period of Federal funding under this section.

#### "(2) ASSISTANCE FOR OPERATION OF MODEL PROGRAMS.—

"(A) IN GENERAL.—In the case of any entity described in paragraph (1)(A) that—

"(i) has previously received funds under this section;

"(ii) is operating an area health education center program; and

"(iii) is no longer receiving financial assistance under paragraph (1);

the Secretary may provide financial assistance to such entity to pay the costs of operating and carrying out the requirements of the program as described in 746(a)(1).

"(B) MATCHING REQUIREMENT.—With respect to the costs of operating a model program under subparagraph (A), an entity, to be eligible for financial assistance under subparagraph (A), shall make available (directly or through contributions from State, county or municipal governments, or the private sector) recurring non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs.

"(C) LIMITATION.—The aggregate amount of awards provided under subparagraph (A) to entities in a State for a fiscal year may not exceed the lesser of—

"(i) \$2,000,000; or

"(ii) an amount equal to the product of \$250,000 and the aggregate number of area health education centers operated in the State by such entities.



“(b) REQUIREMENTS FOR CENTERS.—

“(1) GENERAL REQUIREMENT.—Each area health education center that receives funds under this section shall encourage the regionalization of health professions schools through the establishment of partnerships with community-based area health education centers.

“(2) SERVICE AREA.—Each area health education center that receives funds under this section shall specifically designate a geographic area or medically underserved population to be served by the center. Such area or population shall be in a location removed from the main location of the teaching facilities of the schools participating in the program with such center.

“(3) OTHER REQUIREMENTS.—Each area health education center that receives funds under this section shall—

“(A) assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs;

“(B) arrange and support rotations for students and residents in family medicine, general internal medicine or general pediatrics, with at least one center in each program being affiliated with or conducting a rotating osteopathic internship or medical residency training program in family medicine, general internal medicine, or general pediatrics in which no fewer than 4 individuals are enrolled in first-year positions;

“(C) conduct interdisciplinary training that involves physicians and other health personnel including, where practicable, public health professionals, physician assistants, nurse practitioners, and nurse midwives; and

“(D) have an advisory board, at least 75 percent of the members of which shall be individuals, including both health service providers and consumers, from the area served by the center.

“(c) CERTAIN PROVISIONS REGARDING FUNDING.—

“(1) ALLOCATION TO CENTERS.—Not less than 75 percent of the total amount of Federal funds provided to an entity under this section shall be allocated by an area health education center program to the area health education centers. Such entity shall enter into an agreement with each center for purposes of specifying the allocation of such 75 percent of funds.

“(2) OPERATING COSTS.—With respect to the operating costs of the area health education program of an entity receiving funds under this section, the entity shall make available (directly or through contributions from State, county or municipal governments, or the private sector) non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs, except that the Secretary may grant a waiver for up to 75 percent of the amount of the required non-Federal match in the first three years in which an entity receives funds under this section.

“(d) HEALTH EDUCATION AND TRAINING CENTERS.—

“(1) REQUIREMENTS.—A health education training center shall be an entity eligible for funds under this section that—

“(A) addresses the persistent and severe unmet health care needs in States along the border between the United States and Mexico and in the State of Florida, and in other urban and rural areas with populations with serious unmet health care needs;

“(B) establishes an advisory board comprised of health service providers, educators and consumers from the service area;

“(C) conducts training and education programs for health professions students in these areas;

“(D) conducts training in health education services, including training to prepare community health workers; and

“(E) supports health professionals practicing in the area through educational and other services.

“(2) ALLOCATION OF FUNDS.—The Secretary shall make available 50 percent of the amounts appropriated for each fiscal year under subsection (e) for the establishment or operation of health education training centers through projects in States along the border between the United States and Mexico and in the State of Florida.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) AREA HEALTH EDUCATION CENTER PROGRAMS.—

“(A) IN GENERAL.—There is authorized to be appropriated to carry out this section, other than subsection (d), \$40,000,000 for each of the fiscal years 1998 through 2002.

“(B) REQUIRED OBLIGATION.—Of the amounts appropriated under subparagraph (A) for each fiscal year, the Secretary may obligate for awards under subsection (a)(2)—

“(i) not less than 20 percent of such amounts in fiscal year 1998;

“(ii) not less than 25 percent of such amounts in fiscal year 1999;

“(iii) not less than 30 percent of such amounts in fiscal year 2000;

“(iv) not less than 35 percent of such amounts in fiscal year 2001; and

“(v) not less than 40 percent of such amounts in fiscal year 2002.

“(C) HEALTH EDUCATION AND TRAINING CENTERS.—There is authorized to be appropriated to carry out subsection (d), \$10,000,000 for each of the fiscal years 1998 through 2002.

“(2) SENSE OF CONGRESS.—It is the sense of the Congress that—

“(A) every State have an active area health education center program in effect under this section; and

“(B) the ratio of Federal funding for the model program under section 746(a)(2) should increase over time and that Federal funding for other awards under this section shall decrease so that the national program will become entirely comprised of programs that are funded at least 50 percent by State and local partners.”.

ASSOCIATION OF AMERICAN  
MEDICAL COLLEGES,  
Washington, DC, June 11, 1997.

Hon. BOB GRAHAM,  
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: The Association of American Medical Colleges (AAMC) strongly supports your legislation to reauthorize the Area Health Education Centers (AHEC) and Health Education Training Centers (HETC) programs, which are authorized under Title VII of the Public Health Service Act.

The Area Health Education Center Program Extension Act will protect the primary objectives of the AHEC and HETC programs, which seek to train physicians and other health professionals to provide primary and preventive medical services to communities that are medically underserved. The flexibility and innovativeness of AHEC programs distinguish them among Title VII programs. Medical schools have led AHEC programs successfully since the inception of the program by Congress. The success of the AHEC program is very much due to the ability of the centers to make the substantial resources of medical schools and their parent institutions available to medically underserved communities. It is essential to these communities that these linkages be preserved.

In a nation with over 2,000 health professions shortage areas and a changing health care delivery system, the federal government

and health professions community must continue to develop innovative ways to train physicians and other health professionals to address the health care needs of the medically underserved. The goal of the AHEC and HETC programs is to provide the catalyst to develop long-term collaborations between medical schools and the community-based health care delivery centers.

Thank you for your leadership on this issue. We look forward to working with you to sustain this vital partnership between medical schools and the communities they serve.

Sincerely,

JORDAN J. COHEN, M.D.

AMERICAN ASSOCIATION OF COL-  
LEGES OF OSTEOPATHIC MEDICINE,  
Chevy Chase, MD, June 12, 1997.

Hon. BOB GRAHAM,  
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: The American Association of Colleges of Osteopathic Medicine is very pleased to endorse the Area Health Education Centers Program Extension Act. The AHEC program provides clinical training opportunities to health professions students in rural settings by extending the resources of academic health centers in need of health care and education. Through this linkage, AHEC projects form networks of health related institutions to provide educational services to students, faculty, and practitioners, and ultimately improve health care delivery.

Senator Graham, we applaud your and Senator McCain's leadership in introducing this important legislation. Please contact us if we can be of assistance.

Sincerely,

DOUGLAS L. WOOD, D.O., Ph.D.,  
President.

Mr. MCCAIN. Mr. President, I am proud to join my colleague Senator BOB GRAHAM in sponsoring the reauthorization legislation for the national Area Health Education Center Program.

The Graham-McCain reauthorization legislation represents the consensus opinion of the Area Health Education Center community nation-wide. The Area Health Education Center Program Extension Act strives to not only reauthorize the existing act, but to do so in an innovative manner.

Currently, 42 States participate in the AHEC program which originated in 1976 when Congress recognized the lack of quality health care available in our country—especially in our rural and low income urban communities. Too many of these cities and towns did not have access to primary medical care services. Too many communities were losing their bright, educated youth to the larger, economically strong cities and medical communities. Our rural and low income communities were faced with many disadvantages including shortages of physicians and a lack of access to basic health care services.

In response to the health care problems facing our rural and low income urban communities, Congress created the Area Health Education Center Program to generate partnerships between medical schools or academic health centers and rural areas throughout a State. Through these partnerships the AHEC program strives to improve the supply and distribution of health care

professionals while increasing access to quality health care.

The AHEC programs work to meet the medical needs of underserved areas by creating and implementing innovative methods and educational partnerships. Each AHEC program is individually established and created on a State-by-State basis and provides health professional student training, continuing professional education, student recruitment and placement, development of remote site learning resources, and other projects designed to influence the quantity and distribution of health personnel. Several years ago, this program was expanded to include the Health Education Training Center (HETC) program which addresses the high impact needs which exist in certain areas—particularly those along the Mexican-American border.

However, despite all the progress and success of the AHEC and HETC programs over the last 21 years, the need for recruiting and keeping health care professionals still remains a challenge for many of our rural and low-income urban communities. This is why Senator GRAHAM and I, along with 16 of our colleagues are introducing the Area Health Education Center Program Extension Act.

The Graham-McCAIN reauthorization of the Area Health Education Center Program Extension Act would reauthorize for 5 years the core AHEC program and the existing HETC program. This bill would allow the Secretary of Health and Human Services to award grants and enter into contracts with schools of medicine and osteopathic medicine to develop AHEC and HETC programs.

Under this bill, AHEC and HETC programs are required to continue improving the distribution of health professionals in communities with serious, unmet health care needs. The programs are also required to increase the number of primary care providers in underserved areas while recruiting individuals from these areas and from populations not equally represented into health professions. In addition, the AHEC and HETC programs are responsible for conducting training and education activities for health care students, including medical residents.

Initially, funding for AHEC programs is a Federal responsibility. However, after the first 6 years of operation the AHEC program must obtain 50 percent of their funding from their State, county or municipal government or the private sector in order to continue receiving matching Federal funding.

It is important that we continue to support and promote programs like AHEC and HETC which have developed and are implementing innovative, effective and efficient approaches for making high quality health care accessible throughout our Nation, particularly in rural communities, border States and low-income urban areas.

I believe the AHEC and HETC programs are both bright lights with re-

gard to the potential for addressing the health provider shortage and unmet medical needs in our country. Both the AHEC and HETC programs have clearly demonstrated they are fulfilling a very definite need and ought to be reauthorized and extended. These programs have tremendous potential to continue assisting in effectively addressing the critical health problems in our communities. I urge all of my colleagues to review this important legislation and consider joining us as a cosponsor of this bill.

By Mrs. BOXER:

S. 893. A bill to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, CA, to the Dos Palos Ag Boosters for use as a farm school; to the Committee on Energy and Natural Resources.

DOS PALOS MIDDLE SCHOOL LAND EXCHANGE  
LEGISLATION

Mrs. BOXER. Mr. President, I am pleased to introduce legislation that would provide the U.S. Department of Agriculture [USDA] the authority to sell much needed land to a local school district in my State of California.

This legislation will grant the USDA the authority to sell 22 acres of land in Dos Palos, CA to either a non-profit group or the Dos Palos School District. The transfer would be based upon an established fair market value of the land, determined by the USDA.

The local community will reap many benefits from this legislation. The school district plans to use the land to establish a farm school to educate and train students and beginning farmers. Under the district's farm school proposal, high school and middle school students will actually farm the land in order to learn all aspects of modern agriculture practices—including irrigation and conservation methods, integrated pest management, agricultural marketing and administration. In addition, the proceeds from the farm school will enable the students to purchase their own equipment and supplies for use at the site. Implementation of this proposal ensures that the land remain in agricultural use for years to come.

This legislation enjoys bi-partisan support, and companion legislation has been introduced by Congressman GARY A. CONDIT in the House. The local school district, the community of Dos Palos, CA, and the USDA have also expressed their support. During the 104th Congress the legislation received expedited review by the House Agriculture Committee, and passed the House by voice vote. Unfortunately, the Senate failed to pass this legislation before adjournment even though there was no known opposition from the leadership or the Senate Agriculture Committee.

By Mrs. BOXER:

S. 894. A bill to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe; to the Committee on Indian Affairs.

THE HOOPA VALLEY SOUTH BOUNDARY  
ADJUSTMENT ACT

Mrs. BOXER. Mr. President, I am pleased to introduce legislation that would allow the Hoopa Valley Tribe to obtain lands of deep cultural and historical significance.

The Hoopa Valley Tribe has resided in Hoopa Valley, beginning at the mouth of the Trinity River Canyon in Humboldt County, for 10,000 years. In the 1950s, a settlement agreement between the Hoopa Valley Tribe and the U.S. Government designated a 12-by-12 mile area for the Hoopa Valley Reservation. When this land was surveyed and demarcated, a "dog-leg" was created along the southern boundary which omitted certain lands the tribe has deemed culturally and religiously significant.

My legislation will remedy this situation by transferring 2,641 acres of the Six Rivers National Forest to the Hoopa Valley Tribe. I join the U.S. Forest Service in commending the Hoopa Valley Tribe for its history of natural resource management and expertise. This legislation enjoys broad bipartisan support in California and in the House, where it was sponsored by Congressman FRANK D. RIGGS.

During the 104th Congress, the House version of this legislation was unanimously approved. Unfortunately, despite approval from the administration and the Senate Indian Affairs Committee, the legislation was never brought before the full Senate for a vote. I encourage my colleagues to act quickly to provide the Hoopa Valley Tribe with lands necessary to maintain their cultural and religious heritage.

By Mrs. BOXER (for herself and  
Mrs. FEINSTEIN):

S. 895. A bill to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake"; to the Committee on Energy and Natural Resources.

THE TRINITY LAKE NAME DESIGNATION ACT

Mrs. BOXER. Mr. President, I am pleased to introduce legislation that would change the name of the Clair Engle Lake in northern California to its commonly known name, Trinity Lake.

Clair Engle Lake is the largest body of recreational water in Trinity County. Every year, thousands of recreational users from all over California come to the lake to fish, boat, hike, and camp.

Since the reservoir was created by the building of the Trinity Dam, local citizens have referred to the lake as Trinity Lake. This usage has been widely adopted by almost all of the general public as well as by Federal, State, and local officials. In fact, this widespread usage of a name other than the official name has become the cause of confusion for visitors and tourists, and has had a negative economic impact on the lake community.

My legislation would end this confusion by renaming the lake to Trinity

Lake. My legislation is supported by the Trinity County Board of Supervisors as well as the Bureau of Reclamation. I also am pleased to be working with Representative WALLY HERGER who has introduced similar legislation in the House of Representatives.

By Mr. LEAHY (for himself, Mr. HAGEL, Mr. KERREY, Mr. MCCAIN, Mr. CLELAND, Mr. KEMPTHORNE, Mr. INOUE, Mr. LUGAR, Mr. MCCONNELL, Mr. LEVIN, Mr. HATCH, Mr. LIEBERMAN, Ms. SNOWE, Mr. KERRY, Mr. GRASSLEY, Mr. ROBB, Mr. CHAFEE, Mr. BREAUX, Mr. SMITH of Oregon, Mrs. FEINSTEIN, Mr. MOYNIHAN, Mr. SPECTER, Mr. BUMPERS, Ms. COLLINS, Mr. DURBIN, Mr. JEFFORDS, Mr. REID, Mr. DODD, Mr. D'AMATO, Mr. BYRD, Mr. CAMPBELL, Mr. CONRAD, Mr. ROCKEFELLER, Mr. JOHNSON, Mr. BINGAMAN, Mr. DORGAN, Mr. DASCHLE, Ms. MIKULSKI, Mr. TORRICELLI, Mr. LAUTENBERG, Ms. LANDRIEU, Mr. REED, Mr. WELLSTONE, Mr. KENNEDY, Mr. BRYAN, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. KOHL, Mrs. BOXER, Mr. HARKIN, Mrs. MURRAY, Mr. FORD, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, and Mr. WYDEN):

S. 896. A bill to restrict the use of funds for new deployments of antipersonnel landmines, and for other purposes; to the Committee on Armed Services.

#### THE LANDMINE ELIMINATION ACT OF 1997

Mr. LEAHY. Mr. President, I rise to introduce legislation, with 56 cosponsors—Democrats and Republicans, conservatives and liberals, men and women—to ban new deployments of antipersonnel landmines beginning in the year 2000.

I am honored to be joined by Senator CHUCK HAGEL, who was injured by landmines in Vietnam, and who is the chief cosponsor of this bill.

I also want to give special thanks to Senators BOB KERREY and JOHN MCCAIN, both decorated Vietnam veterans, who are cosponsors of this bill and know far better than I about the terror landmines inflict on our own soldiers. In and out of Congress, those who know these weapons best, hate them most.

Landmines have some marginal military value. So, for that matter, do chemical weapons. But the damage done by these hidden killers long after the guns fall silent and the armies have gone home far outweigh whatever small benefits they add to our enormous and unsurpassed military arsenal.

The victims are not only innocent civilians. There were more than 64,000 American casualties from landmines in Vietnam. If that is not appalling enough, the overwhelming majority of those mines contained U.S. components. They were made here, and they

killed and maimed our soldiers halfway around the world.

In Bosnia, more than 250 soldiers under U.N. and NATO commands have been injured, and 29 killed, by landmines. Every American casualty from enemy causes in Bosnia has been from landmines.

And that does not include the thousands of civilians who have fallen victim to these indiscriminate weapons, and the thousands more who will lose their legs, their arms, their eyesight and their lives in the future. For some 68 countries, the bridge to the 21st century is strewn and landmines. 100 million of them.

The purpose of this legislation is to exert U.S. leadership. But what we propose here is no different, indeed it does not go as far, as what others have already done. Great Britain, Canada, Germany, South Africa are some of the countries who have unilaterally renounced their production, use, and export of these weapons, and are destroying their stockpiles.

Some 72 nations have said they will meet in Ottawa this December to sign a treaty banning the weapons, and I suspect that number will continue to climb. Our country has not said if we will go to Ottawa. Why is this administration—which showed such moral leadership on chemical weapons to isolate the rogue nations—putting the United States in the role of a helpless giant when it comes to antipersonnel landmines? Why can we not use that same moral suasion, as others have done? We are not a pariah nation, and we should not act like one.

The United States shows leadership worthy of a great and powerful nation when we are bold on a practical and moral issue like this. We squander that potential and are no different from other nations when we sit on the sidelines, as the administration has done here.

For the past 5 years, the leadership on banning landmines has come from Congress. I hope the President will step forward to move the United States into the front ranks of this global effort, along with Canada and our other allies.

Before some in the Pentagon start drumming up opposition to this bill, I would urge them to consider who is supporting it, and why we support it. Every Member of the Senate who has seen combat is a cosponsor of this bill. This is not about taking away a weapon the Pentagon needs. It is about beginning the next century by renouncing a weapon that does not belong in the arsenal of civilized nations. The Pentagon has far more to gain if the use of antipersonnel landmines is made a war crime.

Finally, to those in the Pentagon who say that so-called smart mines—that are designed to self-destruct automatically—are the solution to this problem, I challenge them to find me a landmine that is smart enough to tell the difference between a soldier and a child. And let us not fool ourselves—

the rest of the world does not use self-destruct mines, and they are not going to. They are not going to feel pressured to give up their mines, if we refuse to renounce smart mines. We saw that with chemical weapons, and with the nuclear test ban. There is no substitute for U.S. leadership.

I recognize that the Pentagon may be institutionally incapable of giving up a weapon that has some value, however marginal. Their job is to protect American soldiers, and there are undoubtedly instances when antipersonnel landmines have done that. But they should consider the horrendous casualties these weapons have inflicted on our troops. And they should recognize that just because a weapon has some marginal value does not justify its use when the victims are overwhelmingly innocent civilians, indeed whole societies.

Ultimately, it is a political decision, and the President, as Commander in Chief, needs to act. The question no longer is whether we will ban antipersonnel landmines, but when. This bill moves us closer to that goal.

There is only one way to stop this, and that is to stop it. And the sooner the United States does that, as others have done, the sooner the world can sweep these weapons into the dustbin of history.

Mr. HAGEL. Mr. President, I am proud to serve as the principal Republican sponsor of this important legislation. I want to express my gratitude to my colleague from Vermont, Senator LEAHY, for the dedication and leadership he has shown in bringing this issue before the U.S. Senate.

I approach this issue from two perspectives. First, I've had a real life experience with this issue. My brother and I were wounded twice together in Vietnam as a result of landmines. Second, I am a strong supporter of our military. It's important that we not take any action that would inhibit the military's ability to fight and win wars, do their jobs, and maintain valuable weapons options and strategies.

However, we are dealing with a different world than we fought in world wars, Korea and Vietnam. Our recent military actions have been actions where we've been in and out relatively quickly. I am concerned with the effects of laying down mines and then leaving them behind when our troops leave. There are already an estimated 110 million landmines in the ground around the world, and the destruction that these mines continue to inflict on innocent lives is devastating. It's the indiscriminate nature of their killing that makes landmines so hideous.

I believe this legislation addresses a number of the concerns expressed by the military. Exemptions have been provided for when the military needs specific options, such as Korea and the use of antitank mines and claymores.

We have a responsibility to those who've served and those who are now serving in the military and the peoples

of the world to take a close look at this issue. This question comes down to, is this really a military option we need today? I don't believe it is. After careful study and consideration and seeking the opinions of many present and former military commanders, I have decided that America should show leadership on this issue. We can take the moral high ground and still insure a strong, flexible military. I am proud that my five Senate colleagues who are also Vietnam combat veterans have joined me in support of this legislation.

Mr. FEINGOLD. Mr. President, I am pleased to rise as an original cosponsor of the bill to prohibit U.S. deployment of antipersonnel landmines introduced today by the Senator from Vermont [Mr. LEAHY] and the Senator from Nebraska [Mr. HAGEL]. I want to commend the Senator from Vermont for his countless hours of work to ban antipersonnel landmines.

As we all know, Mr. President, antipersonnel landmines continue to ravage the populations of war-torn areas around the world long after the last shot has been fired and the soldiers have gone home. These weapons pose an enduring threat to postwar reconstruction efforts and to innocent civilians in places such as Bosnia, Angola, and Cambodia. These instruments of war lay in fields where children now play or where farmers seek to grow food for the local populations. In fact, displaced populations are often unable to return to their homes because of the presence of unmarked landmines, and roads have been rendered useless since they cannot be traveled. Antipersonnel landmines cause such high levels of civilian casualties, 500 wounded or killed per week in fact, that they have been called weapons of mass destruction in slow motion.

In 1995, this body went on record against landmines by passing an amendment offered by the Senator from Vermont [Mr. LEAHY] to the fiscal year 1996 Department of Defense authorization bill which I was pleased to cosponsor. That amendment imposed a moratorium on the use of antipersonnel landmines except in limited circumstances.

While, unfortunately, we can never be sure that war-torn areas are completely clear of all active landmines, the current Leahy-Hagel bill will prohibit any U.S. agency from deploying or arming any new antipersonnel landmines after January 1, 2000. This bipartisan legislation also contains language relating to the deployment of landmines on the Korean Peninsula. While I believe that this is an important first step in the eventual elimination of new landmines from the face of the Earth, there is much work still to be done.

I, and many other Senators, believe that this legislation represents the least we can do on this subject. Because of this view, I wrote to President Clinton in February to express my contention that a ban on antipersonnel

landmines should be an urgent priority for the United States.

In that same letter, I voiced my support for the so-called Ottawa initiative, which calls for a total ban on the production, storage, trade, or use of antipersonnel landmines and includes a plan to develop and sign a treaty by December 1997. In my view, the administration's decision to pursue negotiations through the United Nations Conference on Disarmament, rather than the Ottawa initiative, jeopardizes the likelihood that the Ottawa initiative will succeed. I believe that we should work within the framework of the Ottawa initiative because it is the best avenue currently available to a total worldwide ban on landmines.

As a member of the Foreign Relations Committee and the ranking member of the Subcommittee on African Affairs, I cannot ignore the approximately 110 million unexploded landmines across the globe. To their credit, some of the countries whose landscapes are riddled with these weapons have begun to take positive steps to ban their further use. In February, the South African Government announced its intention to ban the use, production, development, and stockpiling of antipersonnel landmines. In a news conference announcing this decision, the South African defense minister said that the "indiscriminate use [of landmines] has had a devastating effect internationally, in Africa and in our region. In Angola, the number of amputations resulting from antipersonnel landmines is, tragically, one of the highest in the world, and in Mozambique, thousands of these mines remain unexploded."

The worldwide devastation caused by landmines was discussed earlier this year at the Fourth Annual NGO Conference in Landmines in Maputo, Mozambique. While the conference focused on clearing landmines from Southern Africa, the tales of destruction and death could apply to many areas of the globe. Since the 1992 Peace Agreement ending the civil war in Mozambique, more than 100 people have been killed by landmines, two-thirds of them children. Mr. President, we owe it to these children—who have seen too much violence and death in their young lives—to make sure they have a safe place to play. And we owe it to our young men and women in uniform, who have represented our Nation so well across the globe, to make sure that the United States will cease deploying new landmines.

In closing, Mr. President, this legislation is an important first step in protecting future generations from the devastation that many face on a daily basis all over the world. This bill gives the United States the opportunity to take a leadership role in the banning of antipersonnel landmines. This is an opportunity we should not miss.

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

S. 897. A bill to make permanent certain authority relating to self-employment assistance programs; to the Committee on Finance.

THE SELF-EMPLOYMENT REAUTHORIZATION ACT

Mr. WYDEN. Mr. President, today I am introducing legislation with Senator D'AMATO to reauthorize the Self-Employment Assistance [SEA] Program. The Self-Employment Assistance Program takes an innovative and cost-effective approach to helping eligible dislocated workers become self-sufficient: It enables them to use their weekly unemployment checks to start their own businesses. The law has helped turn the unemployment safety net into a trampoline of opportunity for thousands of unemployed.

Today, in 38 States the unemployed who wish to start their own businesses are forced to give up their weekly unemployment compensation checks as soon as their company starts generating revenue—but before it provides enough income to support them. It is exactly this problem the Self-Employment Assistance Program is designed to correct. It gives many skilled workers the chance to get back to work faster and helps create new jobs as well.

In a few short years, the Self-Employment Assistance Program (Public Law 103-182; title V) has enabled thousands of unemployed Americans to use their unemployment compensation to establish new businesses. Modeled on experiments in Massachusetts and Washington, self-employment programs can create jobs at no cost to the taxpayer. Using existing funds, the Massachusetts program created dozens of new businesses but actually paid \$1,400 less unemployment per worker than the State average. The Washington program created more than 600 new jobs and the firms were paying an average of \$10.50 an hour to workers they had hired.

In Oregon, 122 UI claimants enrolled in SEA last year; 76 completed the program. These entrepreneurs are now running an auto repair shop, a marine maintenance and repair shop, distributing cleaning products to resorts and restaurants along the Oregon Coast and setting up a computer cleaning service.

In Grants Pass, OR, one participant said she could not have developed her publication business without SEA. It helped keep her afloat financially while she pursued her self-employment goal. She received counseling from the local Small Business Development Center, and through the Center she was able to contact potential customers.

In Sweet Home, OR, another woman said the SEA program gave her the chance to have an income as she was starting up her day care business. She presently cares for nine children by herself and has plans to increase enrollment and add another teacher and three aides. The Small Business Development Center at Linn-Benton Community College helped her develop her

business plan and locate financial resources.

Over the past 3 years, 10 States used the 1993 legislation to create Self-Employment Assistance programs: California, Connecticut, Delaware, Maine, Maryland, Minnesota, New Jersey, New York, Oregon and Rhode Island. To date, DoL has approved six States plans (California, Delaware, Maine, New Jersey, New York and Oregon) and four of these—Delaware, Maine, New York and Oregon—are actually up and running.

Here's how the program works. States are given the flexibility to establish Self-Employment Assistance [SEA] programs as part of their unemployment insurance [UI] programs. It permits States to provide income support payments to the unemployed in the same weekly amount as the worker's regular unemployment insurance [UI] benefits would otherwise be. It permits claimants to work full-time on starting their own business instead of searching for traditional wage and salary jobs.

The law directs the DoL to review and approve State SEA program plans. In States that operate SEA programs, new UI claimants who may be eligible for SEA are identified through worker profiling—automated systems that use a set of criteria to identify those claimants who are likely to exhaust their UI benefits and need reemployment assistance. State SEA program provide participants on a weekly or bi-weekly basis the same amount as regular UI benefits while they are getting their business off the ground. SEA participants are required to participate in technical assistance programs—entrepreneurial training (accounting, cash flow, finances, taxes, etc.), business counseling (business plans, marketing, legal requirements, insurance, etc.), and finance—to ensure they have the skills necessary to operate a business. Finally, SEA programs are required to operate at no additional cost to the unemployment trust fund: the law stipulates that the payment of SEA allowances may not result in any additional benefits charges the unemployment trust fund.

Individuals may choose at any time to opt out of the SEA program; they may resume collection of regular unemployment compensation until the total amount of regular unemployment compensation paid and the SEA paid equals the maximum benefit amount. States, through the title III of the Job Training Partnership Act and Small Business Development Centers, support the costs of providing basic SEA program services, like business counseling and technical assistance, but may allow participants to pay for more intensive counseling and technical assistance.

In effect, the program eliminates a high hurdle for those who have the ingenuity, motivation and energy to start their own businesses. In those States with SEA programs, an unem-

ployed worker no longer has to choose between receiving UI benefits and starting a new business.

Mr. President, as we move into the global economy of the 21st century, we must adopt fresh strategies so that our skilled but unemployed workers can start anew in the private sector. Harvard Business School reported last year that from 1978 to 1996, 22 percent of the workforce, or 3 million workers, at the country's top 100 companies had been laid off, and that 77 percent of all the layoffs involved white collar workers. Many of these highly-skilled and motivated workers want to start their own firms. Congress should not stand in their way. Renewal of the Self-Employment Assistance Program will give those States with programs continued flexibility to help unemployed workers create their own businesses and should encourage those without programs to establish them.

Our bipartisan bill promotes the spirit of entrepreneurship. It carries forward a reasonable and sensible reform of the unemployment insurance system at no cost to the taxpayer.

I would like to thank Senator D'AMATO for joining me as an original cosponsor of this bill. New York has a very active and successful Self-Employment Assistance Program, and I look forward to working closely with him to see this important program reauthorized.

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

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

S. 897

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

#### **SECTION 1. SELF-EMPLOYMENT ASSISTANCE PROGRAMS.**

(a) IN GENERAL.—Paragraph (2) of section 507(e) of the North American Free Trade Agreement Implementation Act (26 U.S.C. 3306 note) is hereby repealed.

(b) CONFORMING AMENDMENTS.—Subsection (e) of section 507 of such Act is further amended—

(1) by amending the heading after the subsection designation to read "EFFECTIVE DATE.—"; and

(2) by striking "(1) EFFECTIVE DATE.—" and by running in the remaining text of subsection (e) immediately after the heading therefor, as amended by paragraph (1).

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. MACK, and Mr. D'AMATO):

S. 898. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Finance.

#### **THE REAL ESTATE INVESTMENT TRUST SIMPLIFICATION ACT**

Mr. HATCH. Mr. President on behalf of myself and Senators BAUCUS, MACK, and D'AMATO, I rise today to introduce the Real Estate Investment Trust Tax Simplification Act of 1997. This legislation would simplify and reform the tax

law concerning Real Estate Investment Trusts [REITs]. Similar legislation has been introduced in the House by Representative E. CLAY SHAW, Jr. along with many of our House colleagues.

REIT's were designed to allow small investors to invest in large real estate projects that they otherwise could not afford, including apartment buildings, office buildings, shopping centers, malls, warehouses, etc. Real Estate Investment Trusts have become a very popular form of investment as indicated by the fact that the market capitalization in the whole industry has risen from \$9 billion in 1991 to over \$100 billion today.

Mr. President, if a REIT properly follows all of the rules, it is not normally taxed at the entity level, but passes through most items of income to the shareholders to report on their own individual tax returns. However, there are many minefields for the unwary that can inadvertently penalize investors and even the general public in some circumstances. This bill is designed to alleviate these complexities and uncertainties.

Let me share with my colleagues an example of the difficulties facing small investors. Under the current rules, in order to gain the benefits of REIT taxation, the investment has to be passive in nature. Hence, the normal procedure is for the REIT to buy the underlying property and lease it out to tenants. However, the REIT must be careful not to provide directly to the tenants any services that are not customary in the real estate business. If this rule is violated, severe consequences can follow. For example, under a literal interpretation of the law, if a REIT that operates a retail mall provides wheelchairs to the customers of the retail tenants, or even assists the tenant in moving into its space, the entity's very status as a REIT could be placed in jeopardy. This is ridiculous and needs to be changed.

Furthermore, current law imposes a tax on a REIT that retains capital gains and imposes a second level of tax on the REIT shareholders when they later receive the capital gain distribution. We need to make the changes necessary to help unsuspecting investors to avoid double taxation. This bill would adopt the corresponding mutual fund rules governing taxation of retained capital gains by passing through a credit to shareholders capital gains taxes paid at the corporate level. The bill would also conform a REIT's 95-percent annual distribution requirement to a mutual fund's 90-percent requirement.

Mr. President, this bill also relaxes some of the current law's onerous penalties for failing to perform some recordkeeping requirements. Currently, a REIT could lose its favored tax status simply by failing to send out or receive back shareholder demand letters for the purpose of verifying the fact that no five or fewer parties own controlling interest in the REIT. So, even though

the REIT in fact meets this test, Mr. President, simply by failing to have on file sufficient shareholder letters substantiating this fact, all of the REIT shareholders could face the extremely harsh penalty of REIT disqualification and double taxation.

Rather than penalizing the REIT so severely for this oversight, Mr. President, this bill would impose a \$25,000 penalty for failing to comply with this requirement, if the failure is inadvertent in nature. The penalty would rise to \$50,000 in the case of willful non-compliance. I believe my colleagues would agree that this approach makes much more sense than the current rules. It serves as an adequate incentive to keep the appropriate records without causing the unsuspecting, innocent investors severe and unnecessary tax penalties.

Mr. President, this bill also addresses other problems that are detailed in the summary of the bill that I ask unanimous consent to be included in the RECORD after my remarks.

I do not believe this bill is controversial. And, according to the Joint Committee on Taxation, it will have a negligible effect on revenues. It is also important to note that this bill is endorsed by the National Association of Real Estate Investment Trusts, which represents a high percentage of the REIT industry. Whenever we can do things to simplify the Tax Code without causing substantial revenue loss or negative policy consequences we should do it.

Mr. President, this is an opportunity for us to do just that in the area of real estate investment trusts. I urge my colleagues on both sides of the aisle to join me in reforming and simplifying the tax law regarding this very difficult and complex area of the law.

Mr. President, I ask unanimous consent that the text of the bill and a detailed summary of its provisions be printed in the RECORD.

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

S. 898

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

#### SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the “Real Estate Investment Trust Tax Simplification Act of 1997”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

#### TITLE I—REMOVAL OF TAX TRAPS FOR THE UNWARY

##### SEC. 101. CLARIFICATION OF LIMITATION ON MAXIMUM NUMBER OF SHAREHOLDERS.

(a) RULES RELATING TO DETERMINATION OF OWNERSHIP.—

(1) FAILURE TO ISSUE SHAREHOLDER DEMAND LETTER NOT TO DISQUALIFY REIT.—Section

857(a) (relating to requirements applicable to real estate investment trusts) is amended by adding “and” at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(2) SHAREHOLDER DEMAND LETTER REQUIREMENT; PENALTY.—Section 857 (relating to taxation of real estate investment trusts and their beneficiaries) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) REAL ESTATE INVESTMENT TRUSTS TO ASCERTAIN OWNERSHIP.—

“(1) IN GENERAL.—Each real estate investment trust shall each taxable year comply with regulations prescribed by the Secretary for the purposes of ascertaining the actual ownership of the outstanding shares, or certificates of beneficial interest, of such trust.

“(2) FAILURE TO COMPLY.—

“(A) IN GENERAL.—If a real estate investment trust fails to comply with the requirements of paragraph (1) for a taxable year, such trust shall pay (on notice and demand by the Secretary and in the same manner as tax) a penalty of \$25,000.

“(B) INTENTIONAL DISREGARD.—If any failure under paragraph (1) is due to intentional disregard of the requirement under paragraph (1), the penalty under subparagraph (A) shall be \$50,000.

“(C) FAILURE TO COMPLY AFTER NOTICE.—The Secretary may require a real estate investment trust to take such actions as the Secretary determines appropriate to ascertain actual ownership if the trust fails to meet the requirements of paragraph (1). If the trust fails to take such actions, the trust shall pay (on notice and demand by the Secretary and in the same manner as tax) an additional penalty equal to the penalty determined under subparagraph (A) or (B), whichever is applicable.

“(D) REASONABLE CAUSE.—No penalty shall be imposed under this paragraph with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.”

(b) COMPLIANCE WITH CLOSELY HELD PROHIBITION.—

(1) IN GENERAL.—Section 856 (defining real estate investment trust) is amended by adding at the end the following new subsection:

“(k) REQUIREMENT THAT ENTITY NOT BE CLOSELY HELD TREATED AS MET IN CERTAIN CASES.—A corporation, trust, or association—

“(1) which for a taxable year meets the requirements of section 857(f)(1), and

“(2) which does not know, or exercising reasonable diligence would not have known, whether the entity failed to meet the requirement of subsection (a)(6),

shall be treated as having met the requirement of subsection (a)(6) for the taxable year.”

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 856(a) is amended by inserting “subject to the provisions of subsection (k),” before “which is not”.

##### SEC. 102. DE MINIMIS RULE FOR TENANT SERVICE INCOME.

(a) IN GENERAL.—Paragraph (2) of section 856(d) (defining rents from real property) is amended by striking subparagraph (C) and the last sentence and inserting:

“(C) any impermissible tenant service income (as defined in paragraph (7)).”

(b) IMPERMISSIBLE TENANT SERVICE INCOME.—Section 856(d) is amended by adding at the end the following new paragraph:

“(7) IMPERMISSIBLE TENANT SERVICE INCOME.—For purposes of paragraph (2)(C)—

“(A) IN GENERAL.—The term ‘impermissible tenant service income’ means, with respect to any real or personal property, any amount

received or accrued directly or indirectly by the real estate investment trust for—

“(i) services furnished or rendered by the trust to the tenants of such property, or

“(ii) managing or operating such property.

“(B) DISQUALIFICATION OF ALL AMOUNTS WHERE MORE THAN DE MINIMIS AMOUNT.—If the amount described in subparagraph (A) with respect to a property exceeds 1 percent of all amounts received or accrued during such taxable year directly or indirectly by the real estate investment trust with respect to such property, the impermissible tenant service income of the trust with respect to the property shall include all such amounts.

“(C) EXCEPTIONS.—For purposes of subparagraph (A)—

“(i) services furnished or rendered, or management or operation provided, through an independent contractor from whom the trust itself does not derive or receive any income shall not be treated as furnished, rendered, or provided by the trust, and

“(ii) there shall not be taken into account any amount which would be excluded from unrelated business taxable income under section 512(b)(3) if received by an organization described in section 511(a)(2).

“(D) AMOUNT ATTRIBUTABLE TO IMPERMISSIBLE SERVICES.—For purposes of subparagraph (A), the amount treated as received for any service (or management or operation) shall not be less than 150 percent of the direct cost of the trust in furnishing or rendering the service (or providing the management or operation).

“(E) COORDINATION WITH LIMITATIONS.—For purposes of paragraphs (2) and (3) of subsection (c), amounts described in subparagraph (A) shall be included in the gross income of the corporation, trust, or association.”

##### SEC. 103. ATTRIBUTION RULES APPLICABLE TO TENANT OWNERSHIP.

Section 856(d)(5) (relating to constructive ownership of stock) is amended by adding at the end the following: “For purposes of paragraph (2)(B), section 318(a)(3)(A) shall be applied under the preceding sentence in the case of a partnership by taking into account only partners who own (directly or indirectly) 25 percent or more of the capital interest, or the profits interest, in the partnership.”

#### TITLE II—CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES

##### SEC. 201. CREDIT FOR TAX PAID BY REIT ON RETAINED CAPITAL GAINS.

(a) GENERAL RULE.—Paragraph (3) of section 857(b) (relating to capital gains) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

“(D) TREATMENT BY SHAREHOLDERS OF UN-DISTRIBUTED CAPITAL GAINS.—

“(i) Every shareholder of a real estate investment trust at the close of the trust's taxable year shall include, in computing his long-term capital gains in his return for his taxable year in which the last day of the trust's taxable year falls, such amount as the trust shall designate in respect of such shares in a written notice mailed to its shareholders at any time prior to the expiration of 60 days after the close of its taxable year (or mailed to its shareholders with its annual report for the taxable year), but the amount so includible by any shareholder shall not exceed that part of the amount subjected to tax in subparagraph (A)(ii) which he would have received if all of such amount had been distributed as capital gain dividends by the trust to the holders of such shares at the close of its taxable year.

“(ii) For purposes of this title, every such shareholder shall be deemed to have paid, for



his taxable year under clause (i), the tax imposed by subparagraph (A)(ii) on the amounts required by this subparagraph to be included in respect of such shares in computing his long-term capital gains for that year; and such shareholder shall be allowed credit or refund as the case may be, for the tax so deemed to have been paid by him.

“(iii) The adjusted basis of such shares in the hands of the shareholder shall be increased with respect to the amounts required by this subparagraph to be included in computing his long-term capital gains, by the difference between the amount of such includible gains and the tax deemed paid by such shareholder in respect of such shares under clause (i).”

“(iv) In the event of such designation, the tax imposed by subparagraph (A)(ii) shall be paid by the real estate investment trust within 30 days after the close of its taxable year.

“(v) The earnings and profits of such real estate investment trust, and the earnings and profits of any such shareholder which is a corporation, shall be appropriately adjusted in accordance with regulations prescribed by the Secretary.

“(vi) As used in this subparagraph, the terms ‘shares’ and ‘shareholders’ shall include beneficial interests and holders of beneficial interests, respectively.”

**(b) CONFORMING AMENDMENTS.—**

(1) Clause (i) of section 857(b)(7)(A) is amended by striking “subparagraph (B)” and inserting “subparagraph (B) or (D)”.

(2) Clause (iii) of section 852(b)(3)(D) is amended by striking “by 65 percent” and all that follows and inserting “by the difference between the amount of such includible gains and the tax deemed paid by such shareholder in respect of such shares under clause (ii).”

**SEC. 202. REDUCTION OF DISTRIBUTION REQUIREMENT.**

Clauses (i) and (ii) of section 857(a)(1)(A) are each amended by striking “95 percent (90 percent for taxable years beginning before January 1, 1980)” and inserting “90 percent”.

**TITLE III—OTHER SIMPLIFICATION**

**SEC. 301. MODIFICATION OF EARNINGS AND PROFITS RULES FOR DETERMINING WHETHER REIT HAS EARNINGS AND PROFITS FROM NON-REIT YEAR.**

Subsection (d) of section 857 is amended by adding at the end the following new paragraph:

“(3) DISTRIBUTIONS TO MEET REQUIREMENTS OF SUBSECTION (a)(2)(B).—Any distribution which is made in order to comply with the requirements of subsection (a)(2)(B)—

“(A) shall be treated for purposes of this subsection and subsection (a)(2)(B) as made from the earliest accumulated earnings and profits (other than earnings and profits to which subsection (a)(2)(A) applies) rather than the most recently accumulated earnings and profits, and

“(B) to the extent treated under subparagraph (A) as made from accumulated earnings and profits, shall not be treated as a distribution for purposes of subsection (b)(2)(B).”

**SEC. 302. TREATMENT OF FORECLOSURE PROPERTY.**

**(a) GRACE PERIODS.—**

(1) INITIAL PERIOD.—Paragraph (2) of section 856(e) (relating to special rules for foreclosure property) is amended by striking “on the date which is 2 years after the date such trust acquired such property” and inserting “as of the close of the 3d taxable year following the taxable year in which such trust acquired such property”.

(2) EXTENSION.—Paragraph (3) of section 856(e) is amended—

(A) by striking “or more extensions” and inserting “extension”, and

(B) by striking the last sentence and inserting: “Any such extension shall not extend the grace period beyond the close of the 3d taxable year following the last taxable year in the period under paragraph (2).”

(b) REVOCATION OF ELECTION.—Paragraph (5) of section 856(e) is amended by striking the last sentence and inserting: “A real estate investment trust may revoke any such election for a taxable year by filing the revocation (in the manner provided by the Secretary) on or before the due date (including any extension of time) for filing its return of tax under this chapter for the taxable year. If a trust revokes an election for any property, no election may be made by the trust under this paragraph with respect to the property for any subsequent taxable year.”

(c) CERTAIN ACTIVITIES NOT TO DISQUALIFY PROPERTY.—Paragraph (4) of section 856(e) is amended by adding at the end the following new flush sentence:

“For purposes of subparagraph (C), property shall not be treated as used in a trade or business by reason of any activities of the real estate investment trust with respect to such property to the extent that such activities would not result in amounts received or accrued, directly or indirectly, with respect to such property being treated as other than rents from real property.”

**SEC. 303. SPECIAL FORECLOSURE RULE FOR HEALTH CARE PROPERTIES.**

Section 856(e) (relating to special rules for foreclosure property) is amended by adding at the end the following new paragraph:

“(6) SPECIAL RULE FOR QUALIFIED HEALTH CARE PROPERTIES.—For purposes of this subsection—

“(A) ACQUISITION BY LEASE TERMINATIONS.—The term ‘foreclosure property’ shall include any qualified health care property acquired by a real estate investment trust as the result of the termination or expiration of a lease of such property.

“(B) GRACE PERIOD.—In the case of a qualified health care property which is foreclosure property solely by reason of subparagraph (A), in lieu of applying paragraphs (2) and (3)—

“(i) the qualified health care property shall cease to be foreclosure property on the date which is 2 years after the date such trust acquired such property, and

“(ii) if the real estate investment trust establishes to the satisfaction of the Secretary that an extension of the grace period in clause (i) is necessary to the orderly leasing or liquidation of the trust’s interest in such qualified health care property, the Secretary may grant 1 or more extensions of the grace period for such qualified health care property.

Any such extension shall not extend the grace period beyond the date which is 6 years after the date such trust acquired such qualified health care property.

(C) INCOME FROM INDEPENDENT CONTRACTORS.—For purposes of applying paragraph (4)(C) with respect to qualified health care property which is foreclosure property, income derived or received by the trust from an independent contractor shall be disregarded to the extent such income is attributable to—

“(i) leases existing on the date the real estate investment trust acquired the qualified health care property, or

“(ii) leases extended or entered into after the trust acquired such property from lessees pursuant to terms set forth in such existing leases or on terms under which the trust receives a substantially similar or lesser benefit in comparison to the previous lease for such property.

(D) QUALIFIED HEALTH CARE PROPERTY.—The term ‘qualified health care property’

means any real property (including interests therein), and any personal property incident to such real property, which—

“(i) is a health care facility, or

“(ii) is necessary or incidental to the use of a health care facility.

For purposes of the preceding sentence, the term ‘health care facility’ means a hospital, nursing facility, assisted living facility, or other licensed health care facility which extends medical or nursing or ancillary services to patients and which, immediately before the termination, expiration, default, or breach of the lease of or mortgage secured by such facility, was operated by a provider of such services which was eligible for participation in the Medicare program under title XVIII of the Social Security Act with respect to such facility.”

**SEC. 304. PAYMENTS UNDER HEDGING INSTRUMENTS.**

Section 856(c)(6)(G) (relating to treatment of certain interest rate agreements) is amended to read as follows:

“(G) TREATMENT OF CERTAIN HEDGING INSTRUMENTS.—Except to the extent provided by regulations, any—

“(i) payment to a real estate investment trust under an interest rate swap or cap agreement, option, futures contract, forward rate agreement, or any similar financial instrument, entered into by the trust in a transaction to reduce the interest rate risks with respect to any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets, and

“(ii) gain from the sale or other disposition of any instrument described in clause (i), shall be treated as income qualifying under paragraph (2).”

**SEC. 305. EXCESS NONCASH INCOME.**

Section 857(e)(2) (relating to determination of amount of excess noncash income) is amended—

(1) by striking subparagraph (B),

(2) by striking the period at the end of subparagraph (C) and inserting a comma,

(3) by redesignating subparagraph (C) (as amended by paragraph (2)) as subparagraph (B), and

(4) by adding at the end the following new subparagraphs:

“(C) the amount (if any) by which—

“(i) the amounts includible in gross income with respect to instruments to which section 860E(a) or 1272 applies, exceed

“(ii) the amount of money and the fair market value of other property received during the taxable year under such instruments, and

“(D) amounts includible in income by reason of cancellation of indebtedness.”

**SEC. 306. PROHIBITED TRANSACTION SAFE HARBOR.**

(a) IN GENERAL.—Clause (iii) of section 857(b)(6)(C) (relating to certain sales not to constitute prohibited transactions) is amended by striking “(other than foreclosure property)” each place it appears and inserting “(other than exempt property)”.

(b) EXEMPT PROPERTY.—Subparagraph (D) of section 857(b)(6) is amended by adding at the end the following new clause:

“(viii) The term ‘exempt property’ means—

“(I) foreclosure property, and

“(II) property which, while held by the real estate investment trust, was compulsorily or involuntarily converted (within the meaning of section 1033).”

**SEC. 307. SHARED APPRECIATION MORTGAGES.**

(a) BANKRUPTCY SAFE HARBOR.—Section 856(j) (relating to treatment of shared appreciation mortgages) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) COORDINATION WITH 4-YEAR HOLDING PERIOD.—

“(A) IN GENERAL.—For purposes of section 857(b)(6)(C), if a real estate investment trust is treated as having sold secured property under paragraph (3)(A), the trust shall be treated as having held such property for at least 4 years if—

“(i) the secured property is sold or otherwise disposed of pursuant to a case under title 11 of the United States Code,

“(ii) the seller is under the jurisdiction of the court in such case, and

“(iii) the disposition is required by the court or is pursuant to a plan approved by the court.

“(B) EXCEPTION.—Subparagraph (A) shall not apply if—

“(i) the secured property was acquired by the trust with the intent to evict or foreclose, or

“(ii) the trust knew or had reason to know that default on the obligation described in paragraph (5)(A) would occur.”

(b) CLARIFICATION OF DEFINITION OF SHARED APPRECIATION PROVISION.—Clause (ii) of section 856(j)(5)(A) is amended by striking “gain” each place it appears and inserting “gain or appreciation in value”.

#### SEC. 308. WHOLLY OWNED SUBSIDIARIES.

Section 856(i)(2) (defining qualified REIT subsidiary) is amended by striking “at all times during the period such corporation was in existence”.

### TITLE IV—EFFECTIVE DATE

#### SEC. 401. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.

#### REIT TAX PROVISIONS

The tax provisions in the Real Estate Investment Trust Simplification Act (“REITSA”) fall within three broad categories.

1. Traps For The Unwary. First, current law disqualifies a REIT that satisfies all required ownership tests but does not follow certain administrative details relating to shareholder demand letters. REITSA would replace the potential disqualification with a reporting penalty imposed on a REIT's failure to follow IRS notification rules.

Second, REITSA would create a de minimis exception to current law so that a REIT's rental income would not be disqualified if it performs nominal, although impermissible, services for a tenant.

Third, REITSA would correct a technical “glitch” in which stock ownership attribution may occur between unrelated partners. The current constructive ownership rule results in certain rents received by a REIT not qualifying for the REIT income tests.

2. Mutual Fund Conformity. First, current law taxes a REIT that retains capital gains, and imposes a second level of the tax on the REIT shareholders when later they receive the capital gain distribution. REITSA would mirror the corresponding mutual fund rules governing taxation of retained capital gains by passing through a credit to shareholders for capital gains taxes paid at the corporate level.

Second, REITSA would conform a REIT's 95% annual distribution requirement to a mutual fund's 90% requirement.

3. Other Simplification Measures. First, REITSA would make a technical change to how a REIT computes its earnings & profits (“E&P”). Since 1986, a REIT must distribute all pre-REIT earnings and profits within its first REIT taxable year or lose its REIT status. However, if a REIT has unexpected year-end earnings, the normal ordering rules governing E&P distributions create a substantial risk that a new REIT may fail to dis-

tribute all of its pre-REIT E&P, notwithstanding its good faith efforts to comply with the distribution requirement. REITSA would correct the ordering rules for accumulated E&P distributions to make it easier for a new REIT to comply with the distribution requirement.

Second, REITSA would simplify the administration of the REIT foreclosure property rules by: (a) extending the time period for the foreclosure election from 2 to 3 years; (b) coordinating the foreclosure property independent contractor rule with the primary independent contractor rule for REITs; and (3) creating a more practical definition of independent contractor for certain health care properties.

Third, REITSA would update the current REIT hedging rule to include income from all hedges of REIT liabilities.

Fourth, REITSA would extend an exception to the current 95% distribution rule to include other forms of phantom income, e.g., income from the discharge of indebtedness.

Fifth, REITSA would correct a problem in the wording of Congress' past liberalization of the safe harbor from the 100% excise tax on prohibited transactions, i.e., sales of property in the ordinary course of business. The proposal would not count as a dealer sale property that is involuntarily converted.

Sixth, REITSA would create a safe harbor to the shared appreciation mortgage (“SAM”) rules that would not penalize a REIT lender for the borrower's bankruptcy. The proposal also would clarify that SAMs could be based on appreciation in value as well as gain.

Last, REITSA would codify an IRS ruling position by allowing a REIT to use a wholly-owned subsidiary to hold property even if the subsidiary previously had been owned by a non-REIT.

By Mr. DODD:

S. 899. A bill to amend the Solid Waste Disposal Act to provide for flow control of municipal solid waste; to the Committee on Environment and Public Works.

#### THE MUNICIPAL SOLID WASTE DISPOSAL ACT

Mr. DODD. Mr. President, today, I am introducing the Solid Waste Disposal Act of 1997. It seeks to correct the May 1994 Supreme Court Decision in the matter of Carbone versus Town of Clarkstown which has had a devastating impact on Connecticut and States around the country. This bill is very similar to the proposal that overwhelmingly passed the Senate in the last Congress by a vote of 94 to 6. It protects communities and taxpayers that have invested hundreds of millions of dollars to build economical and environmentally clean solid waste facilities—only to see those dollars now potentially lost because of the Carbone decision. Carbone held that towns and cities cannot control the flow of solid waste to facilities it has built or operated.

In this bill, flow control authority, would remain with those communities that were operating or constructing disposal facilities or had contracted for such disposal prior to the Carbone decision. There is no prospective flow control; in fact, the authority would cease 30 years after enactment of the legislation.

Approximately 35 States were adversely affected by the Carbone deci-

sion, which invalidated local flow control authority an issue that is vital to the fiscal soundness and public safety of States and localities. The Justices left it to Congress to reinstate flow control, and it is my belief that if Congress does not enact this legislation, States will continue to suffer environmentally and financially.

State and local governments and State-created entities have a vested interest in how solid waste produced within their borders is transported and disposed of. Flow control is the backbone of Connecticut's integrated waste management plan. My State and many others had the foresight to plan ahead—to move away from landfills toward a more environmentally and economically sound system of recycling and waste-to-energy facilities. And it had been working.

Localities made significant capital investments to construct expensive waste disposal facilities. In Connecticut, they incurred almost \$750 million in debt. More than 80 percent of municipalities in Connecticut have contracts with the State's six waste-to-energy facilities.

By 1991, the recycling rate had increased to 23 percent, but has remained flat since 1994. In 1989, there were 50 landfills, and today, there are only three, a sign of Connecticut's progress in devising a better way to dispose of its solid waste.

Revenues from the facilities, used to pay off the bonds, were to be ensured by flow control authority. Without the ability to direct waste to appropriate facilities, these revenue bonds are in jeopardy. Municipalities entered into put or pay contracts—wherein they agree to dispose of a set amount of waste at a designated facility or pay a penalty. Now, after Carbone they are forced to pay for the shortfall created by trash moving to cheaper, less environmentally friendly disposal areas. Facilities in Connecticut are reporting tonnage reductions of more than 20 percent. That translates into hundreds of thousands of dollars in lost revenue from reduced energy production and tipping fees—what the waste haulers pay to dump the trash.

At a time when Congress is working to ease the tax burden on working families, the Carbone case will cause taxes to increase for a great many Connecticut residents if towns are unable to meet their trash quotas. Citizens would be forced to pay twice—first, to have their waste transported, and again to cover the put-or-pay requirement.

This legislation strikes an appropriate balance between the interests of communities who must dispose of their solid waste and the interests of the haulers paid to move it. I am confident that if we pass this flow control legislation, Connecticut municipalities, and localities around the Nation will be able to administer their solid waste management systems in environmentally sound and fiscally responsible manners.

I understand Senator CHAFEE is currently working to craft legislation on this subject. I look forward to working with him and my other colleagues to resolve this complex problem facing our States and localities. Furthermore, I hope my colleagues will join me in supporting this bill.

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

S. 899

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Solid Waste Disposal Act of 1997".

#### SEC. 2. STATE AND LOCAL GOVERNMENT CONTROL OF MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

##### "SEC. 4011. STATE AND LOCAL GOVERNMENT CONTROL OF MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL.

"(a) DEFINITIONS.—In this section:

"(1) DESIGNATE.—The term 'designate', in reference to the action of a State, political subdivision, or public service authority in designating a waste management facility, means to authorize, require, or contractually commit that all or any portion of the municipal solid waste or recyclable material that is generated within the boundaries of the State, political subdivision, or public service authority be delivered to waste management facilities or facilities for recyclable material or a public service authority identified by the State, political subdivision, or public service authority.

"(2) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of municipal solid waste or voluntarily relinquished recyclable material and direct municipal solid waste or voluntarily relinquished recyclable material to a designated waste management facility or facility for recyclable material.

"(3) LEGALLY BINDING PROVISION OF THE STATE OR POLITICAL SUBDIVISION.—For purposes of the authority conferred by subsections (b) and (c), the term 'legally binding provision of the State or political subdivision' includes a put or pay agreement that designates waste to a waste management facility that was in operation on or before December 31, 1988, and that requires an aggregate tonnage to be delivered to the facility during each operating year by the political subdivisions that have entered put or pay agreements designating that waste management facility. The entering into of a put or pay agreement shall be considered to be a designation (as defined in subsection (a)(1)) for purposes of this title.

"(4) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—The term 'municipal solid waste' means solid waste generated by the general public or from a residential, commercial, institutional, or industrial source, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible material and noncombustible material such as metal and glass, including residue remaining after recyclable material has been separated from waste destined for disposal, and including waste material removed from a septic tank, seepage pit, or cesspool (other than from portable toilets).

"(B) EXCLUSIONS.—The term 'municipal solid waste' does not include—

"(i) waste identified or listed as a hazardous waste under section 3001 or waste reg-

ulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

"(ii) waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606) or any corrective action taken under this Act;

"(iii) medical waste listed in section 11002;

"(iv) industrial waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling;

"(v) recyclable material; or

"(vi) sludge.

"(5) POLITICAL SUBDIVISION.—The term 'political subdivision' means a political subdivision of a State.

"(6) PUBLIC SERVICE AUTHORITY.—The term 'public service authority' means—

"(A) an authority or authorities created pursuant to State legislation to provide individually or in combination solid waste management services to political subdivisions;

"(B) other body created pursuant to State law; or

"(C) an authority that was issued a certificate of incorporation by a State corporation commission established by a State constitution.

"(7) PUT OR PAY AGREEMENT.—The term 'put or pay agreement' means an agreement that obligates or otherwise requires a State, political subdivision, or public service authority to—

"(A) deliver a minimum quantity of municipal solid waste to a waste management facility; and

"(B) pay for that minimum quantity of municipal solid waste even if the stated minimum quantity of municipal solid waste is not delivered within a required period of time.

"(8) RECYCLABLE MATERIAL.—The term 'recyclable material' means material that has been separated from waste otherwise destined for disposal (at the source of the waste or at a processing facility) or has been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic material such as food and yard waste, or reuse (other than for the purpose of incineration).

"(9) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means a facility that collects, separates, stores, transports, transfers, treats, processes, combusts, or disposes of municipal solid waste.

"(b) AUTHORITY.—

"(1) IN GENERAL.—Each State, political subdivision, or public service authority may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction by directing the municipal solid waste or recyclable material to a waste management facility or public service authority or facility for recyclable material, if the flow control authority—

"(A)(i) had been exercised before May 15, 1994, and was being implemented on May 15, 1994, pursuant to a law (including an ordinance or regulation) or other legally binding provision of the State or political subdivision; or

"(ii) had been exercised before May 15, 1994, without regard to whether implementation of such a law (including an ordinance or regulation) or other legally binding provision of the State or political subdivision was prevented by an injunction, temporary restraining order, or other court action, or was suspended by the voluntary decision of the State or political subdivision because of the pendency of a court action; or

"(B) has been implemented by designating before May 15, 1994, the particular waste management facilities or public service authority to which the municipal solid waste or recyclable material is to be delivered, which facilities were in operation as of May 15, 1994, or were in operation before May 15, 1994, and were temporarily inoperative on May 15, 1994.

"(2) LIMITATION.—The authority of this section extends only to the specific classes or categories of municipal solid waste to which flow control authority requiring a movement to a waste management facility was applied on or before May 15, 1994 (or, in the case of a State, political subdivision, or public service authority that qualifies under subsection (c), to the specific classes or categories of municipal solid waste for which the State, political subdivision, or public service authority before May 15, 1994, had committed to the designation of a waste management facility).

"(3) LACK OF CLEAR IDENTIFICATION.—With regard to facilities granted flow control authority under subsection (c), if the specific classes or categories of municipal solid waste are not clearly identified, the authority of this section shall apply only to municipal solid waste generated by households.

"(4) EFFECTIVE PERIOD OF AUTHORITY.—With respect to each designated waste management facility, the authority of this section shall be effective during the period ending on the later of—

"(A) the end of the remaining life of a contract between the State, political subdivision, or public service authority and any other person regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994);

"(B) completion of the schedule for payment of the capital costs of the facility concerned (as in effect May 15, 1994 (without regard to whether the capital costs are subsequently refinanced to provide a reduced interest rate with no change in amount or maturity); or

"(C) the end of the remaining useful life of the facility (as in existence on the date of enactment of this section), as that remaining life may be extended by—

"(i) retrofitting of equipment or the making of other significant modifications to meet applicable environmental requirements or safety requirements;

"(ii) routine repair or scheduled replacement of equipment or components that does not add to the capacity of a waste management facility; or

"(iii) expansion of the facility on land that is—

"(I) legally or equitably owned, or under option to purchase or lease, by the owner or operator of the facility; and

"(II) covered by the permit for the facility (as in effect May 15, 1994).

"(5) ADDITIONAL AUTHORITY.—

"(A) APPLICATION OF PARAGRAPH.—This paragraph applies to a State or political subdivision that, on or before January 1, 1984—

"(i) adopted a regulation under State law that required the transportation to, and management or disposal at, waste management facilities in the State, of—

"(I) all solid waste from residential, commercial, institutional, or industrial sources (as defined under State law); and

"(II) recyclable material voluntarily relinquished by the owner or generator of the recyclable material; and

"(ii) as of January 1, 1984, had implemented the regulation in the case of every political subdivision of the State.

“(B) AUTHORITY.—Notwithstanding anything to the contrary in this section (including subsection (m)), a State or political subdivision described in subparagraph (A) may continue to exercise flow control authority (including designation of waste management facilities in the State that meet the requirements of subsection (c)) for all classes and categories of solid waste that were subject to flow control on January 1, 1984.

“(6) FLOW CONTROL ORDINANCE.—

“(A) IN GENERAL.—Notwithstanding anything to the contrary in this section, but subject to subsection (m), during the effective period described in paragraph (4), a political subdivision that adopted a flow control ordinance in November 1991, and designated facilities to receive municipal solid waste before April 1, 1992, may exercise flow control authority until the end of the remaining life of all contracts between the political subdivision and any other person regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994).

“(B) LIMITATION.—The authority under subparagraph (A) applies only with respect to the specific classes or categories of municipal solid waste to which flow control authority was actually applied on or before May 15, 1994.

“(c) COMMITMENT TO CONSTRUCTION.—

“(1) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) of subsection (b)(1), a political subdivision may exercise flow control authority under subsection (b), if—

“(A)(i) the law (including an ordinance or regulation) or other legally binding provision specifically provides for flow control authority for municipal solid waste generated within the boundaries of the political subdivision; and

“(ii) the authority was exercised before May 15, 1995, and was being implemented on May 15, 1994; or

“(B) before May 15, 1994, the political subdivision committed to the designation of the particular waste management facilities or public service authority to which municipal solid waste is to be transported or at which municipal solid waste is to be disposed of under that law (including an ordinance or regulation), plan, or legally binding provision.

“(2) FACTORS DEMONSTRATING COMMITMENT.—A commitment to the designation of waste management facilities or public service authority is demonstrated by 1 or more of the following factors:

“(A) CONSTRUCTION PERMITS.—All permits required for the substantial construction of the facility were obtained before May 15, 1994.

“(B) CONTRACTS.—All contracts for the substantial construction of the facility were in effect before May 15, 1994.

“(C) REVENUE BONDS.—Before May 15, 1994, revenue bonds were presented for sale to specifically provide revenue for the construction of the facility (without regard to whether the revenue bonds are subsequently refinanced to provide a reduced interest rate with no change in amount or maturity).

“(D) CONSTRUCTION AND OPERATING PERMITS.—The State or political subdivision submitted to the appropriate regulatory agency or agencies, on or before May 15, 1994, substantially complete permit applications for the construction and operation of the facility.

“(d) FORMATION OF SOLID WASTE MANAGEMENT DISTRICT TO PURCHASE AND OPERATE EXISTING FACILITY.—Notwithstanding subparagraphs (A) and (B) of subsection (b)(1), a solid waste management district that was formed by a number of political subdivisions for the purpose of purchasing and operating

a facility owned by 1 of the political subdivisions may exercise flow control authority under subsection (b) if—

“(1) the facility was fully licensed and in operation before May 15, 1994;

“(2) before April 1, 1994, substantial negotiations and preparation of documents for the formation of the district and purchase of the facility were completed;

“(3) before May 15, 1994, at least 80 percent of the political subdivisions that were to participate in the solid waste management district had adopted an ordinance committing the political subdivisions to the participation, and the remaining political subdivisions adopted such an ordinance within 2 months after that date; and

“(4) the financing was completed (without regard to whether the revenue bonds are subsequently refinanced to provide a reduced interest rate with no change in amount or maturity), the acquisition was made, and the facility was placed under operation by the solid waste management district on or before September 21, 1994.

“(e) FACILITY CONSTRUCTED AND OPERATED.—During the effective period described in subsection (b)(4), a political subdivision may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within the jurisdiction of the political subdivision if—

“(1) before May 15, 1994, the political subdivision—

“(A) contracted with a public service authority or with its operator, to deliver or cause to be delivered to the public service authority substantially all of the disposable municipal solid waste that is generated or collected by or is within or under the control of the political subdivision, for the purpose of supporting revenue bonds issued by and in the name of the public service authority or on its behalf by a State entity for waste management facilities; or

“(B) entered into contracts with a public service authority or its operator to deliver or cause to be delivered to the public service authority substantially all of the disposable municipal solid waste that is generated or collected by or within the control of the political subdivision, which imposed flow control pursuant to a law (including an ordinance or regulation) or other legally binding provision, if revenue bonds were issued in the name of the public service authority for waste management facilities and outstanding (without regard to whether the revenue bonds are subsequently refinanced to provide a reduced interest rate with no change in amount or maturity); and

“(2) before May 15, 1994, the public service authority—

“(A) issued the revenue bonds or had revenue bonds issued on its behalf by a State entity for the construction of municipal solid waste facilities to which the municipal solid waste of the political subdivision is transferred or disposed (without regard to whether the revenue bonds are subsequently refinanced to provide a reduced interest rate with no change in amount or maturity); and

“(B) commenced operation of the facilities.

“(f) STATE-MANDATED DISPOSAL SERVICES.—During the effective period described in subsection (b)(4), a political subdivision may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within the jurisdiction of the political subdivision if, before May 15, 1994, the political subdivision—

“(1) was responsible under State law for providing for the operation of solid waste facilities to serve the disposal needs of all in-

corporated and unincorporated areas of the county;

“(2) is required to initiate a recyclable material recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent;

“(3) has been authorized by State statute to exercise flow control authority and had implemented the authority through the adoption or execution of a law (including an ordinance or regulation), contract, or other legally binding provision; and

“(4) had incurred, or caused a public service authority to incur, significant financial expenditures to comply with State law and to repay outstanding bonds that were issued specifically for the construction of solid waste management facilities to which the waste of the political subdivision is to be delivered.

“(g) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district or a political subdivision may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within the jurisdiction of the political subdivision if—

“(1) the solid waste district or a political subdivision within the solid waste district—

“(A) is currently required to initiate a recyclable material recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005; and

“(B) uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

“(2) before May 15, 1994, the solid waste district or political subdivision or municipality—

“(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid waste within its jurisdiction;

“(B) was authorized by State statute (enacted before January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law (including an ordinance or regulation), regulatory proceeding, contract, franchise, or other legally binding provision; and

“(C) was required by State statute (enacted before January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the solid waste management plan of the solid waste district or political subdivision or municipality was approved by the appropriate State agency before September 15, 1994.

“(h) STATE-AUTHORIZED SERVICES AND LOCAL PLAN ADOPTION.—A political subdivision may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within the jurisdiction of the political subdivision if, before May 15, 1994, the political subdivision—

“(1) had been authorized by a State statute that specifically named the political subdivision to exercise flow control authority and had implemented the authority through a law (including an ordinance or regulation), contract, or other legally binding provision;

“(2) had adopted a local solid waste management plan pursuant to State statute and was required by State statute to adopt the plan in order to submit a complete permit application to construct a new solid waste management facility proposed in the plan;

“(3) had presented for sale a revenue or general obligation bond to provide for the site selection, permitting, or acquisition for construction of new facilities identified and

proposed in the local solid waste management plan of the political subdivision (without regard to whether the revenue or general obligation bond is subsequently refinanced to provide a reduced interest rate with no change in amount or maturity);

"(4) includes a municipality or municipalities required by State law to adopt a local law (including an ordinance) to require that solid waste that has been left for collection shall be separated into recyclable, reusable, or other components for which economic markets exist; and

"(5) is in a State that has aggressively pursued closure of substandard municipal landfills, both by regulatory action and under statute designed to protect deep flow recharge areas in counties in which potable water supplies are derived from sole source aquifers.

"(i) RETAINED AUTHORITY.—

"(1) REQUEST.—On the request of a generator of municipal solid waste affected by this section, a State or political subdivision may authorize the diversion of all or a portion of the solid waste generated by the generator making the request to an alternative solid waste treatment or disposal facility, if the purpose of the request is to provide a higher level of protection for human health and the environment or reduce potential future liability of the generator under Federal or State law for the management of the municipal solid waste, unless the State or political subdivision determines that the facility to which the municipal solid waste is proposed to be diverted does not provide a higher level of protection for human health and the environment or does not reduce the potential future liability of the generator under Federal or State law for the management of the municipal solid waste.

"(2) CONTENTS.—A request under paragraph (1) shall include information on the environmental suitability of the proposed alternative treatment or disposal facility and method, compared to that of the designated facility and method.

"(j) LIMITATIONS ON REVENUE.—A State or political subdivision may exercise flow control authority under subsection (b), (c), (d), or (e) only if the State or political subdivision certifies that the use of any of its revenues derived from the exercise of the authority will be used for solid waste management services or related landfill reclamation.

"(k) REASONABLE REGULATION OF COMMERCE.—A law, ordinance, regulation, or other legally binding provision or official act or political subdivision, as described in subsection (b), (c), (d), or (e), that implements flow control authority in compliance with this section shall be considered to be a reasonable regulation of commerce retroactive to its date of enactment or effective date and shall not be considered to be an undue burden on or otherwise considered as impairing, restraining, or discriminating against interstate commerce.

"(1) EFFECT ON EXISTING LAWS AND CONTRACTS.—

"(1) ENVIRONMENTAL LAWS.—Nothing in this section has any effect on any other law relating to the protection of human health and the environment or the management of municipal solid waste or recyclable material.

"(2) STATE LAW.—Nothing in this section authorizes a political subdivision to exercise the flow control authority granted by this section in a manner that is inconsistent with State law.

"(3) OWNERSHIP OF RECYCLABLE MATERIAL.—Nothing in this section—

"(A) authorizes a State or political subdivision to require a generator or owner of recyclable material to transfer recyclable material to the State or political subdivision; or

"(B) prohibits a generator or owner of recyclable material from selling, purchasing, accepting, conveying, or transporting recyclable material for the purpose of transformation or remanufacture into usable or marketable material, unless the generator or owner voluntarily made the recyclable material available to the State or political subdivision and relinquished any right to, or ownership of, the recyclable material.

"(m) TERMINATION OF AUTHORITY; REPEAL.—

"(1) TERMINATION OF AUTHORITY.—Notwithstanding any other provision of this title, authority to control the flow of municipal solid waste or recyclable material by directing municipal solid waste or recyclable material to a waste management facility shall terminate on the date that is 30 years after the date of enactment of this Act.

"(2) REPEAL.—This section and the item relating to this section in the table of contents for subtitle D of the Solid Waste Disposal Act are repealed effective as of the date that is 30 years after the date of enactment of this Act.

"(n) SECTION NOT APPLICABLE TO LISTED FACILITIES.—Notwithstanding any other provision of this title, the authority to exercise flow control shall not apply to a facility that—

"(1) on the date of enactment of this Act, is listed on the National Priorities List under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.); or

"(2) as of May 15, 1994, was the subject of a pending proposal by the Administrator of the Environmental Protection Agency to be listed on the National Priorities List."

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for subtitle D in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following:

"Sec. 4011. State and local government control of movement of municipal solid waste and recyclable material."

[From the New London News, June 11, 1997]

STONINGTON IS SUED BY TRASH FIRM—COMPANY SEEKS TO BLOCK TOWN GARBAGE COLLECTION

[By Joe Wojtas]

STONINGTON.—One of the town's largest commercial garbage haulers has sued the town in an effort to stop it from taking over trash collection next month.

A hearing will be held June 17 in New London Superior Court on a request by USA Waste Inc. of Franklin and U.W.S. of Rhode Island Inc., a landfill company, for an injunction that would stop the town from implementing its takeover plan on July 1.

USA Waste attorney Thomas J. Donahue Jr., who had warned the town it would be sued if the plan was implemented, had no comment about the suit Tuesday.

USA Waste has reported having 175 commercial customers and numerous residential customers in town. Donahue was not able to say what the value of USA Waste's current contracts are. The plan would void those contracts on July 1.

First Selectmen Donald Maranell said the suit was expected.

"The town has spent a lot of effort researching court cases, state statutes and the needs of our residents," he said. "Our ordinance is clearly lawful and in the best interests of the health, safety and welfare of the residents of the Town of Stonington. It is the town's opinion we will prevail."

Surprisingly, USA Waste was one of the firms that submitted bids to pick up trash

for the town and is one of two firms with which the town is negotiating. Maranell said that if USA Waste agrees to terms, it would have to drop any action against the town. A decision is expected in a few days.

RESIDENTS VOTE FOR CHANGE

Residents voted in April to have the town take over all garbage collection to ensure it would be delivered to the Preston incinerator. Town officials said the town would face a \$500,000 deficit in the 1997-98 budget if plan was not implemented.

The town said the plan was needed because haulers with contracts to pick up garbage from businesses in town began taking the trash to landfills with lower tipping fees than Preston, such as the U.W.S. site in Warwick.

Town officials charged that haulers were making huge profits because their contracts with businesses were based on the higher Preston fee. They said taxpayers should not have to pay for the deficit so haulers could continue making big profits.

Because the town's contract with Preston requires a certain amount of garbage each year, he shortfall in business garbage meant taxpayers had to pay for the deficit. A court had ruled that towns could not force private haulers to take trash to Preston.

Town officials said they could solve the problem by taking over trash collection in town and hiring their own contractor, which would be required to bring all garbage to Preston.

They said a court decision from Babylon, Long Island, allowed that town to implement a similar plan. The Connecticut Resource Recovery Authority has agreed to pay all the town's legal bills because it is looking for a solution to the same problems in other towns.

Private haulers have argued it is unfair for the town to take over garbage collection when the haulers have valid contracts with the businesses.

The suit states the ordinance and regulations passed by the town deprive USA Waste and U.W.S. of their interstate commerce rights, prevent USA Waste from hauling and collecting garbage and deprive U.W.S. of receiving waste from Stonington.

The suit states the town is exceeding its authority and violating state law and the U.S. Constitution. It also points out that the town "devised a scheme" to illegally steer garbage to Preston even though it knew about court decisions preventing such action.

In addition to an injunction, the suit asks a judge to rule that the ordinance and regulations are illegal and unconstitutional.

By Mr. FEINGOLD (for himself and Mr. DEWINE):

S. 900. A bill to provide for sentencing enhancements and amendments to the Federal Sentencing Guidelines for offenses relating to the abuse and exploitation of children, and for other purposes; to the Committee on the Judiciary.

THE CHILD EXPLOITATION SENTENCING ENHANCEMENT ACT OF 1997

Mr. FEINGOLD. Mr. President, I rise today to introduce the Child Exploitation Sentencing Enhancement Act of 1997. I am pleased to be joined in this effort by my friend and colleague from the Senate Committee on the Judiciary, Senator DEWINE. The legislation we are introducing today will increase the criminal penalties for individuals who use computers and the Internet to commit crimes of sexual abuse and exploitation against children.

Just as the miraculous advances in computer technology have opened new worlds to many of us, some have chosen to exploit these technologies to advance criminal activity. Most troubling are those who use computers and the Internet to sexually exploit and abuse children. According to the National Center for Missing and Exploited Children, which supports this legislation, criminals are increasingly using computer telecommunications technology as a means to assist in the sexual victimization of young children.

Mr. President, there can be no doubt that the Internet and advancing computer technologies provide each of us with many new and promising means of communication. However, when these technologies are used to further the criminal sexual exploitation and abuse of children, it is essential, in my view, that this conduct be punished more severely. FBI Director Louis Freeh recently testified before the Senate Appropriations Subcommittee for Commerce, Justice and State and highlighted this problem;

The same marvelous advances in computer and telecommunications technology that allow our children to reach out to new sources of knowledge and cultural experiences are also leaving them unwittingly vulnerable to exploitation and harm by pedophiles and other sexual predators in ways never before possible.

Mr. President, advances in technology should not be the shield from behind which pedophiles and sexual molesters target and prey upon our children.

In responding to this problem, the Feingold-DeWine legislation directs the U.S. Sentencing Commission to increase criminal penalties for people who intentionally use a computer to entice children into illicit sexual conduct. The bill also directs that sentences be increased for those criminals who seek out children on the Internet and misrepresent their true identity in a knowing effort to gain the trust of the child they intend to sexually victimize.

The provisions in this bill are directed squarely at those molesters and sexual predators who go on-line and hang out in computer chat rooms targeting unknowing young victims. One distinct and unfortunate advantage of the Internet for criminals is that they are able to reach a much wider audience of potential victims than they would if physical contact were required to initiate their criminal activity. Another troubling aspect of this situation is that criminals are provided with near fool-proof anonymity while cruising the Internet looking for victims. In some cases, victims are enticed or lured to meet with the sexual molester. The ability for the criminal to misrepresent their true identity and thus gain the confidence of the victim is a significant aspect of these crimes. Director Freeh also noted this problem recently:

Pedophiles often seek out young children by either participating in or monitoring ac-

tivities in chat rooms that are provided by commercial on-line services for teenagers and preteens to converse with each other. These chat rooms also provide pedophiles an anonymous means of establishing relationships with children. Using a chat room, a child can converse for hours with unknown individuals, often without the knowledge or approval of their parents. There is no easy way for the child to know if the person he or she is talking with is, in fact, another 14-year-old, or is a 40-year-old sexual predator masquerading as a peer.

Clearly, Mr. President, a child molester who stalks children on the information superhighway derives benefits that are simply not present if direct physical contact is required to target and recruit the victim. Director Freeh's testimony also noted that sexual criminals also target young victims by posing as children looking for pen pals or by posting notices on computer bulletin boards in order to facilitate and develop relationships which can in turn provide a victim for the predator's illegal sexual activity.

In addition to increasing sentences for criminal activity involving this type of conduct, the legislation expands the pattern of activity sentencing enhancement to a wider range of sexual abuse and exploitation crimes. In doing so, those criminals who have shown an ongoing pattern of sexually exploiting minors will be held accountable for their conduct through longer prison sentences. In doing so, the criminal is incapacitated for a longer period of time thus reducing the potential that they will be set free to victimize again. This sentencing enhancement will now be applicable in cases of sexual abuse, sexual exploitation, and the coercion and enticement of minors for an illegal sexual activity. Additionally, this legislation targets repeat offenders by increasing penalties for repeat offenses and by increasing maximum penalties available under the Federal criminal code. Finally, the legislation authorizes funding to be used to appoint guardian ad litem for children who are the victims of, or witnesses to, crimes involving abuse or exploitation.

Mr. President, there can be no doubt that our children are our most precious resource. I am the father of teenage children and I, like any parent, worry about the health and safety of my children. I encourage my children to utilize the Internet and to gain the benefits of these amazing new technologies—technologies which simply did not exist a few years ago or when I was growing up. During my tenure in this body I have been a strong believer in the potential of the Internet and sincerely hope that as we move toward the next century that potential will be realized. However, in doing so, I am mindful of the dangers that always exist when individuals—criminals—exploit a new technology to further their illicit criminal activity. The legislation being introduced today speaks directly to the small percentage of individuals who intentionally misuse the

Internet to sexually prey upon children. The adoption of this legislation will send a loud and clear message that the Congress of the United States will not tolerate the sexual exploitation of our young people and that the information superhighway will not become a haven for pedophiles and sexual predators.

I ask unanimous consent that a copy of the legislation be printed in the RECORD as well as a copy of a letter from the National Center for Missing and Exploited Children in support of the bill.

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

S. 900

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Exploitation Sentencing Enhancement Act of 1997".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the sexual exploitation of children, including the sexual abuse of minors, and illegal sexual activity with minors, poses a significant threat to the health, safety, and well-being of children in the United States;

(2) there is a compelling governmental interest in preserving the health and safety of children, and the prevention and elimination of the sexual abuse and exploitation of children serves that interest;

(3) if computers are used to facilitate the sexual abuse or exploitation of children—

(A) by facilitating the contact, persuasion, inducement, enticement, or coercion of a child in order to exploit or engage in illegal sexual activity with that child, the risk of harm is magnified and more dangerous to children because—

(i) the use of a computer allows the sexual offender to target and reach a wider range of potential victims than would otherwise be possible if direct physical presence and contact with the child was necessary to initiate and facilitate the crime; and

(ii) the use of a computer allows the sexual offender to avoid more readily detection by law enforcement officials, as law enforcement officials may lack the resources or training necessary to identify, pursue, and apprehend those individuals who target children for sexual exploitation through the use of computers; and

(B) the use of a computer allows a sexual offender to avoid revealing, or to knowingly conceal from a potential victim, the actual identity of the offender (including the offender's sex, age, and name) and therefore allows the offender to gain more readily the confidence of an unsuspecting child;

(4) there is a compelling governmental interest in prohibiting repeated and continuing patterns of child sexual exploitation through extended incarceration for offenders who use computers to facilitate the sexual exploitation of a child or to sexually exploit a child;

(5) individuals who engage in a repeated and continuing pattern of sexual abuse or exploitation of children over a period of time are particularly harmful to children;

(6) it is important to pay special attention to the identification of those offenders who show the greatest risk of continuing victimizing of children, so that the offenders may be incapacitated through extended incarceration;



(7) consistently, experts in the field of criminal justice find that criminal history, especially a history of sexual offenses, is the most important and accurate predictor of whether an individual might commit a sexual offense in the future;

(8)(A) the report issued by the United States Sentencing Commission in 1996 entitled "Sex Offenses Against Children: Findings and Recommendations Regarding Federal Penalties" contains a review of the cases of all Federal offenders sentenced for offenses of pornography and transportation of minors for illegal sexual activity and criminal sexual abuse;

(B) in the report, the United States Sentencing Commission found that—

(i) in approximately 20 percent of the cases reviewed by the United States Sentencing Commission, the defendant had a prior sex-related conviction;

(ii) 64 percent of the defendants convicted under sexual abuse guidelines who had prior convictions for sexual offenses had committed sexual crimes against children; and

(iii) for all categories of sexual abuse, the probability that a child was the prior victim of such a defendant was high (ranging from a 50 to 70 percent probability);

(9) incapacitation through extended incarceration will prevent those offenders who engage in a repeated and continuing pattern of sexual exploitation of children from continuing to commit the heinous sexual offenses against children; and

(10) the prevention and elimination of the sexual exploitation of children provides a compelling governmental interest in prohibiting repeated and continuing patterns of child sexual exploitation through extended incarceration.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **CHILD; CHILDREN.**—The term "child" or "children" means a minor or minors of an age specified in the applicable provision of title 18, United States Code, that is subject to review under this Act.

(2) **MINOR.**—The term "minor" means any individual who has not attained the age of 18, except that, with respect to references to section 2243 of title 18, United States Code, the term means an individual described in subsection (a) of that section.

#### SEC. 4. INCREASED PENALTIES FOR USE OF A COMPUTER IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to the authority granted to the United States Sentencing Commission under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a juvenile under section 2422(b) of title 18, United States Code, and transportation of minors under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties if the defendant used a computer with the intent to persuade, induce, entice, or coerce a child of an age specified in the applicable provision referred to in paragraph (1) to engage in any prohibited sexual activity.

#### SEC. 5. INCREASED PENALTIES FOR KNOWING MISREPRESENTATION IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to the authority granted to the United States Sentencing Commission under

section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a juvenile under section 2422(b) of title 18, United States Code, and transportation of minors under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties if the defendant knowingly misrepresented the actual identity of the defendant with the intent to persuade, induce, entice, or coerce a child of an age specified in the applicable provision referred to in paragraph (1) to engage in a prohibited sexual activity.

#### SEC. 6. INCREASED PENALTIES FOR PATTERN OF ACTIVITY OF SEXUAL EXPLOITATION OF CHILDREN.

Pursuant to the authority granted to the United States Sentencing Commission under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on criminal sexual abuse, the production of sexually explicit material, the possession of materials depicting a child engaging in sexually explicit conduct, coercion and enticement of minors, and the transportation of minors; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties applicable to the offenses referred to in paragraph (1) in any case in which the defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.

#### SEC. 7. REPEAT OFFENDERS; INCREASED MAXIMUM PENALTIES FOR TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.

(a) **REPEAT OFFENDERS.**—

(1) **CHAPTER 117.**—

(A) **IN GENERAL.**—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 2425. Repeat offenders

“(a) **IN GENERAL.**—Any person described in this subsection shall be subject to the punishment under subsection (b). A person described in this subsection is a person who violates a provision of this chapter, after one or more prior convictions—

“(1) for an offense punishable under this chapter or chapter 109A or 110; or

“(2) under any applicable law of a State relating to conduct punishable under this chapter or chapter 109A or 110.

“(b) **PUNISHMENT.**—A violation of a provision of this chapter by a person described in subsection (a) is punishable by a term of imprisonment of a period not to exceed twice the period that would otherwise apply under this chapter.”

(B) **CONFORMING AMENDMENT.**—The chapter analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

“2425. Repeat offenders.”

(2) **CHAPTER 109A.**—Section 2247 of title 18, United States Code, is amended to read as follows:

##### “§ 2247. Repeat offenders

“(a) **IN GENERAL.**—Any person described in this subsection shall be subject to the punishment under subsection (b). A person de-

scribed in this subsection is a person who violates a provision of this chapter, after one or more prior convictions—

“(1) for an offense punishable under this chapter or chapter 110 or 117; or

“(2) under any applicable law of a State relating to conduct punishable under this chapter, or chapter 110 or 117.

“(b) **PUNISHMENT.**—A violation of a provision of this chapter by a person described in subsection (a) is punishable by a term of imprisonment of a period not to exceed twice the period that would otherwise apply under this chapter.”

(b) **INCREASED MAXIMUM PENALTIES FOR TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.**—

(1) **TRANSPORTATION GENERALLY.**—Section 2421 of title 18, United States Code, is amended by striking “five” and inserting “10”.

(2) **COERCION AND ENTICEMENT OF MINORS.**—Section 2422 of title 18, United States Code, is amended—

(A) in subsection (a), by striking “five” and inserting “10”; and

(B) in subsection (b), by striking “10” and inserting “15”.

(3) **TRANSPORTATION OF MINORS.**—Section 2423 of title 18, United States Code, is amended—

(A) in subsection (a), by striking “ten” and inserting “15”; and

(B) in subsection (b), by striking “10” and inserting “15”.

(c) **AMENDMENT OF SENTENCING GUIDELINES.**—Pursuant to the authority granted to the United States Sentencing Commission under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines relating to chapter 117 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate such amendments to the Federal Sentencing Guidelines as are necessary to provide for the amendments made by this section.

#### SEC. 8. CLARIFICATION OF DEFINITION OF DISTRIBUTION OF PORNOGRAPHY.

Pursuant to the authority granted to the United States Sentencing Commission under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines relating to the distribution of pornography covered under chapter 110 of title 18, United States Code, relating to the sexual exploitation and other abuse of children; and

(2) upon completion of the review under paragraph (1), promulgate such amendments to the Federal Sentencing Guidelines as are necessary to clarify that the term “distribution of pornography” applies to the distribution of pornography—

(A) for monetary remuneration; or

(B) for a nonpecuniary interest.

#### SEC. 9. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

In carrying out this Act, the United States Sentencing Commission shall—

(1) with respect to any action relating to the Federal Sentencing Guidelines subject to this Act, ensure reasonable consistency with other guidelines of the Federal Sentencing Guidelines; and

(2) with respect to an offense subject to the Federal Sentencing Guidelines, avoid duplicative punishment under the guidelines for substantially the same offense.

#### SEC. 10. AUTHORIZATION FOR GUARDIANS AD LITEM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of Justice, for the purpose specified in subsection (b), such sums as may

be necessary for each of fiscal years 1998 through 2001.

(b) PURPOSE.—The purpose specified in this subsection is the procurement, in accordance with section 3509(h) of title 18, United States Code, of the services of individuals with sufficient professional training, experience, and familiarity with the criminal justice system, social service programs, and child abuse issues to serve as guardians ad litem for children who are the victims of, or witnesses to, a crime involving abuse or exploitation.

#### SEC. 11. APPLICABILITY.

This Act and the amendments made by this Act shall apply to any action that commences on or after the date of enactment of this Act.

NATIONAL CENTER FOR  
MISSING AND EXPLOITED CHILDREN,  
Arlington, VA, May 2, 1997.

Hon. RUSSELL D. FEINGOLD,  
*Senate Judiciary Committee, Subcommittee on  
the Constitution, Federalism and Property  
Rights, Washington, DC.*

DEAR SENATOR FEINGOLD: I am writing on behalf of the National Center for Missing and Exploited Children to formally express our support for your leadership in addressing child sexual exploitation using the Internet. The legislation you have proposed will go far to strengthen penalties for offenders and provide justice for child victims.

This bill will strengthen federal penalties for those individuals who prey sexually on children and will assure that the enhanced penalties will apply across the board, so offenders don't slip through the cracks of the system and serve one short sentence after another. This piece of legislation will also accomplish the important goal of providing authorization for the appropriation of federal funds to the guardian *ad litem* program. This program permits judges to appoint court guardians to a child victim or witness, to insure that the child's interests and concerns are considered. Unfortunately, the program is rarely utilized, due solely to a lack of funding. This bill would work towards changing that, and providing victimized children with an ally in the courtroom. The components of this legislation are well-researched, comprehensive, and narrowly focused to achieve its specific and laudable aims.

The National Center for Missing and Exploited Children spearheads nationwide efforts to locate and recover missing children, and raise public awareness about ways to prevent child abduction, molestation and sexual exploitation. As you continue your work in support of children and others victimized by criminal offenders, please do not hesitate to contact us if we can be of assistance in any way.

Again, we strongly commend your efforts, and urge other members of the U.S. Senate and Senate Judiciary Committee to join you. Thank you again for your dedication to the interests of America's criminal victims, and feel free to contact me in the future.

Sincerely,

ERNIE ALLEN,  
*President/CEO.*

By Mr. KEMPTHORNE:

S. 901. A bill to provide Federal tax incentives to owners of environmentally sensitive lands to enter into conservation easements for the protection of habitat; to amend the Internal Revenue Code of 1986 to allow a deduction from the gross estate of a decedent in an amount equal to the value of real property subject to an endangered species conservation agreement; and for

other purposes; to the Committee on Finance.

#### THE ENDANGERED SPECIES CONSERVATION TAX INCENTIVES ACT OF 1997

Mr. KEMPTHORNE. Mr. President, I am introducing today legislation which is intended to provide tax incentives for private property owners who wish to participate in the conservation of land for the preservation of endangered, threatened and other species.

For too long the Federal Government has used its enforcement procedures and its regulatory authority to dictate conservation in aid of endangered and threatened species. This method has failed to produce the kind of results we want. The Endangered Species Act as currently written is almost all stick and no carrot. I would like to begin to change that today.

For 18 months I have worked on a bill to reauthorize the Endangered Species Act. Currently, I am in negotiations with the Democrats and the Administration on a bill that will provide a variety of incentives to property owners to preserve habitat through conservation agreements and plans, prelisting agreements and other preservation tools.

I also have a number of ideas on how to provide tax incentives to private property owners to preserve habitat. Because of the opportunity presented by the budget reconciliation bill, I have suggested to the Finance Committee three of the many options I will later propose in a companion bill to the ESA reauthorization. Those three options are included in the legislation that we are introducing today.

Let me emphasize that inclusion of these new tax incentives will truly benefit both species and people. I've met with many property owners who have said, "we would be happy to step forward and preserve habitat for species and we would grant a conservation easement if there was an incentive." Well with adoption of the ideas included in this bill there will be.

I have had critics that have said that we should not provide these kinds of incentives to private property owners because we'll have too many people coming forward and saying, "I have an endangered species on my land." What is wrong with that? To my mind, that would be a welcome reversal from the current prevailing attitude that some have about the presence of an endangered species on their property. Right now you have a situation that some land owners believe that if they do have an endangered species, or if it is suggested that they might, they're just as likely to try to remove the habitat to avoid a problem down the road. We need to change that attitude if we're going to recover endangered species.

We are currently at the crossroads of two systems. One where you have government overregulation that tells people what they can and cannot do on their land, and the other a system that encourages property owners to step forward and do something good for species because it's good for you too.

We can depend on our property owners to do what's right and what's good for species. I know that our farmers and ranchers know how to be innovative and creative. They know how to help species. And they know how to manage land.

The right system is one where we encourage active involvement of landowners through incentives. Certainly, I know that if I were an endangered species, I would much rather have a friendly and willing landlord—one that viewed me as an asset—than a reluctant one who viewed me as a threat and a liability because of some bureaucrats and regulations handed down from Washington, DC.

That's what this legislation will do. It's going to make the people active partners.

Later, when I introduce bipartisan legislation to reauthorize the Endangered Species Act I will also introduce a companion bill with additional new ideas to promote conservation through incentives. But as you know Mr. President, the key to legislating is idea and opportunity. We should take advantage of the opportunities presented by the budget reconciliation bill to help both private property owners and our endangered and threatened species. We can do both.

By Mrs. BOXER:

S. 902. A bill to require physicians to provide certain men with information concerning prostate specific antigen tests and to provide for programs of research on prostate cancer; to the Committee on Labor and Human Resources.

#### THE PROSTATE TESTING FULL INFORMATION ACT

Mrs. BOXER. Mr. President, today, I introduce the Prostate Testing Full Information Act. In a series of town meetings in my State of California, I brought together the top prostate cancer experts in the State, the head of the urology branch at the National Cancer Institute, and prostate cancer survivors to discuss what can be done to aid in the fight against this disease.

The statistics on prostate cancer are alarming. Based on current U.S. rates, about 19 of every 100 men born today will be diagnosed with prostate cancer during their lifetime, while approximately 4 of every 100 men will die from the disease. Between 1973 and 1993, the rate of new cases of prostate cancer rose by 173 percent. During 1997, approximately 370,000 new cases will be diagnosed and more than 40,000 men will die of prostate cancer.

This bill will require physicians, at the time they perform a prostate examination on men over the age of 50, to inform the patient of the availability of the prostate specific antigen [PSA] test and other appropriate diagnostic procedures.

In addition, the bill increases prostate cancer research funding at the National Institutes of Health and the Agency for Health Care Policy and Research.

I urge my colleagues to join me in co-sponsoring this important legislation.

I ask unanimous consent that the text of the legislation be included in the RECORD.

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

S. 902

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Prostate Testing Full Information Act".

#### SEC. 2. REQUIREMENT RELATING TO CERTAIN PHYSICIANS.

(a) REQUIREMENT.—If a covered physician, during a physical examination, examines the prostate gland of a patient, the physician shall provide information to the patient concerning the availability of appropriate diagnostic procedures, including the prostate antigen test, if any of the following conditions are present:

- (1) The patient is over 50 years of age.
- (2) The patient manifests clinical symptomatology.
- (3) The patient is at an increased risk of prostate cancer.

(4) The provision of the information to the patient is medically necessary, in the opinion of the physician.

(b) ENFORCEMENT.—The Secretary of Health and Human Services shall promulgate regulations that—

(1) require the reporting of covered physicians that violate subsection (a) to the Secretary; and

(2) provide for the application of sanctions to enforce the provisions of subsection (a).

(c) DEFINITION.—In this section, the term "covered physician" means a physician as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)) who has received any Federal payment or assistance under any program under—

- (1) the Public Health Service Act (42 U.S.C. 201 et seq.); or
- (2) the Social Security Act (42 U.S.C. 301 et seq.).

#### SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following:

##### "SEC. 713. REQUIREMENT RELATING TO PROSTATE SPECIFIC ANTIGEN TEST.

"(a) REQUIREMENT.—If a physician, during a physical examination, examines the prostate gland of a patient, the physician shall provide information to the patient concerning the availability of appropriate diagnostic procedures, including the prostate antigen test, if any of the following conditions are present:

- "(1) The patient is over 50 years of age.
- "(2) The patient manifests clinical symptomatology.
- "(3) The patient is at an increased risk of prostate cancer, as determined pursuant to regulations promulgated by the Secretary of Health and Human Services.

"(4) The provision of the information to the patient is medically necessary, in the opinion of the physician.

"(b) PROHIBITION ON LIMITATION.—The provision of information in accordance with subsection (a) may not be prohibited under the terms of—

"(1) any written contract or written agreement between the physician and any group

health plan, any health insurance issuer providing health insurance coverage in connection with a group health plan, or any related party with respect to a group health plan; or

"(2) any written statement from the plan, issuer, or related party to the physician.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a group health plan or a health insurance issuer providing health insurance coverage in connection with a group health plan to provide coverage for prostate specific antigen tests.

"(d) DEFINITION.—In this section, the term 'physician' has the meaning given such term in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))."

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 603 of the Newborns' and Mothers' Health Protection Act of 1996 and section 702 of the Mental Health Parity Act of 1996, is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Requirement relating to prostate specific antigen test."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 1998.

#### SEC. 4. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 703(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

##### "SEC. 2706. REQUIREMENT RELATING TO PROSTATE SPECIFIC ANTIGEN TEST.

"(a) REQUIREMENT.—If a physician, during a physical examination, examines the prostate gland of a patient, the physician shall provide information to the patient concerning the availability of appropriate diagnostic procedures, including the prostate antigen test, if any of the following conditions are present:

- "(1) The patient is over 50 years of age.
- "(2) The patient manifests clinical symptomatology.
- "(3) The patient is at an increased risk of prostate cancer, as determined pursuant to regulations promulgated by the Secretary of Health and Human Services.

"(4) The provision of the information to the patient is medically necessary, in the opinion of the physician.

"(b) PROHIBITION ON LIMITATION.—The provision of information in accordance with subsection (a) may not be prohibited under the terms of—

"(1) any written contract or written agreement between the physician and any group health plan, any health insurance issuer providing health insurance coverage in connection with a group health plan, or any related party with respect to a group health plan; or

"(2) any written statement from the plan, issuer, or related party to the physician.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a group health plan or a health insurance issuer providing health insurance coverage in connection with a group health plan to provide coverage for prostate specific antigen tests.

"(d) DEFINITION.—In this section, the term 'physician' has the meaning given such term in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 1998.

#### SEC. 5. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Subpart 3 of part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborns' and Mothers' Health Protection Act of 1996) is amended by adding at the end the following new section:

##### "SEC. 2752. REQUIREMENT RELATING TO PROSTATE SPECIFIC ANTIGEN TEST.

"The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 1998.

#### SEC. 6. RESEARCH AND EDUCATION REGARDING PROSTATE CANCER; CERTAIN PROGRAMS OF THE PUBLIC HEALTH SERVICE.

(a) NATIONAL INSTITUTES OF HEALTH.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a-8(c)) is amended in the first sentence by striking "\$72,000,000" and all that follows and inserting the following: "\$90,250,000 for fiscal year 1998, \$108,500,000 for fiscal year 1999, \$126,500,000 for fiscal year 2000, and \$145,000,000 for fiscal year 2001."

(b) AGENCY FOR HEALTH CARE POLICY AND RESEARCH.—Section 902 of the Public Health Service Act (42 U.S.C. 299a) is amended by adding at the end the following:

"(f) ACTIVITIES REGARDING PROSTATE CANCER.—The Administrator shall, with respect to prostate cancer—

"(1) conduct and support research on the outcomes, effectiveness, and appropriateness of health services and procedures; and

"(2) in carrying out section 912(a), provide for the development, periodic review, and updating of clinically relevant guidelines, standards of quality, performance measures, and medical review criteria."

#### ADDITIONAL COSPONSORS

S. 293

At the request of Mr. HATCH, the names of the Senator from Maryland [Mr. MIKULSKI], the Senator from Idaho [Mr. CRAIG], the Senator from Nevada [Mr. REID], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 371, a bill to amend title

XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 419

At the request of Mr. BOND, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 499

At the request of Mr. CHAFEE, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 499, a bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules.

S. 563

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 563, a bill to limit the civil liability of business entities that donate equipment to nonprofit organizations.

S. 564

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 564, a bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations.

S. 565

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 565, a bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft.

S. 566

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 566, a bill to limit the civil liability of business entities that provide facility tours.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 678, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 738

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas [Mr. ROBERTS], the Senator from Arkansas [Mr. HUTCHINSON], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 738, a bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

S. 775

At the request of Ms. MOSELEY-BRAUN, her name was added as a cosponsor of S. 775, a bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned income credit.

S. 828

At the request of Mr. DURBIN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 828, a bill to provide for the reduction in the number of children who use tobacco products, and for other purposes.

S. 834

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 834, a bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES.

S. 883

At the request of Mr. GREGG, the names of the Senator from Georgia [Mr. COVERDELL] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 883, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, to provide pension security, portability, and simplification, and for other purposes.

## SENATE RESOLUTION 94

At the request of Mr. WARNER, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Virginia [Mr. ROBB], the Senator from Utah [Mr. BENNETT], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Florida [Mr. MACK], the Senator from New York [Mr. D'AMATO], the Senator from Oklahoma [Mr. NICKLES], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Resolution 94, a resolution commending the American Medical Association on its 150th anniversary, its 150 years of caring for the United States, and its continuing effort to uphold the principles upon which Nathan Davis, M.D. and his colleagues founded the American Medical Association to "promote the science and art of medicine and the betterment of public health."

## SENATE RESOLUTION 98—EXPRESSING THE SENSE OF THE SENATE REGARDING THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Mr. BYRD (for himself, Mr. HAGEL, Mr. HOLLINGS, Mr. CRAIG, Mr. INOUE,

Mr. WARNER, Mr. FORD, Mr. THOMAS, Mr. DORGAN, Mr. HELMS, Mr. LEVIN, Mr. ROBERTS, Mr. ABRAHAM, Mr. MCCONNELL, Mr. ASHCROFT, Mr. BROWNBACK, Mr. KEMPTHORNE, Mr. THURMOND, Mr. BURNS, Mr. CONRAD, Mr. GLENN, Mr. ENZI, Mr. INHOFE, Mr. BOND, Mr. COVERDELL, Mr. DEWINE, Mrs. HUTCHISON, Mr. GORTON, Mr. HATCH, Mr. BREAUX, Mr. CLELAND, Mr. DURBIN, Mr. HUTCHINSON, Mr. JOHNSON, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NICKLES, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH of Oregon, Mr. BENNETT, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRASSLEY, Mr. ALLARD, and Mr. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

## S. RES. 98

Whereas the United Nations Framework Convention on Climate Change (in this resolution referred to as the "Convention"), adopted in May 1992, entered into force in 1994 and is not yet fully implemented;

Whereas the Convention, intended to address climate change on a global basis, identifies the former Soviet Union and the countries of Eastern Europe and the Organization For Economic Co-operation and Development (OECD), including the United States, as "Annex I Parties", and the remaining 129 countries, including China, Mexico, India, Brazil, and South Korea, as "Developing Country Parties";

Whereas in April 1995, the Convention's "Conference of the Parties" adopted the so-called "Berlin Mandate";

Whereas the "Berlin Mandate" calls for the adoption, as soon as December 1997, in Kyoto, Japan, of a protocol or another legal instrument that strengthens commitments to limit greenhouse gas emissions by Annex I Parties for the post-2000 period and establishes a negotiation process called the "Ad Hoc Group on the Berlin Mandate";

Whereas the "Berlin Mandate" specifically exempts all Developing Country Parties from any new commitments in such negotiation process for the post-2000 period;

Whereas although the Convention, approved by the United States Senate, called on all signatory parties to adopt policies and programs aimed at limiting their greenhouse gas (GHG) emissions, in July 1996 the Undersecretary of State for Global Affairs called for the first time for "legally binding" emission limitation targets and time-tables for Annex I Parties, a position reiterated by the Secretary of State in testimony before the Committee on Foreign Relations of the Senate on January 8, 1997;

Whereas greenhouse gas emissions of Developing Country Parties are rapidly increasing and are expected to surpass emissions of the United States and other OECD countries as early as 2015;

Whereas the Department of State has declared that it is critical for the Parties to the Convention to include Developing Country Parties in the next steps for global action and, therefore, has proposed that consideration of additional steps to include limitations on Developing Country Parties' greenhouse gas emissions would not begin until after a protocol or other legal instrument is adopted in Kyoto, Japan in December 1997;

Whereas the exemption for Developing Country Parties is inconsistent with the need for global action on climate change and is environmentally flawed; and

Whereas the Senate strongly believes that the proposals under negotiation, because of the disparity of treatment between Annex I Parties and Developing Countries and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and consumer costs, or any combination thereof: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would—

(A) mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period, or

(B) would result in serious harm to the economy of the United States; and

(2) any such protocol or other agreement which would require the advice and consent of the Senate to ratification should be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the protocol or other agreement and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the protocol or other agreement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. BYRD. Mr. President, I am submitting a sense-of-the-Senate resolution, and joining me in the introduction of this resolution are the following Senators: Mr. HAGEL, Mr. HOLLINGS, Mr. CRAIG, Mr. INOUE, Mr. WARNER, Mr. FORD, Mr. THOMAS, Mr. DORGAN, Mr. HELMS, Mr. LEVIN, Mr. ROBERTS, Mr. ABRAHAM, Mr. MCCONNELL, Mr. ASHCROFT, Mr. BROWNBACK, Mr. KEMPTHORNE, Mr. THURMOND, and Mr. BURNS. As I say, Mr. President, I urge other Senators and their staffs to take note of this resolution and to consider joining as cosponsors within the next day or so because we welcome the support of Democrats and Republicans.

This resolution addresses some central issues regarding the conditions for U.S. agreement to revisions to the United Nations Framework Convention on Climate Change. In particular, it addresses the clear need for the participation of developing nations in the ongoing negotiations to undertake such revisions to the global climate change convention, first signed in Rio in 1992, at the so-called Earth Summit.

As my colleagues know, President Bush signed the United Nations Framework Convention on Climate Change in 1992, which was subsequently approved by the Senate and ratified. The treaty calls on all signatories to adopt policies and programs to limit their greenhouse gas [GHG] emissions on a vol-

untary basis. The goal was to exhort industrialized nations to attempt to scale back their emissions to 1990 levels by the end of the present decade, a goal that has not been achieved by the U.S. nor by the vast majority of the developed nations. Those nations that have met the voluntary goals are those like Russia, whose economy has been in a free fall, its industries idle and its people hurting. This is not the way that anyone wants to meet an emissions reduction target.

This is an important negotiation attempting to address the fundamental issues of man-created climate changes and how to limit the adverse consequences that have been projected by recent scientific analysis. The perceived culprits in the warming of the globe—emissions of so-called greenhouse gases, including, particularly, carbon dioxide—are caused partly by fossil fuel combustion. Limiting and reducing such combustion and its resultant carbon dioxide are a principal objective of the treaty. It is an effort which has been led by Vice President AL GORE and he is to be highly commended for his sustained effort and achievement in moving this multinational negotiation along. The schedule for the negotiations to revise the Rio Pact is to culminate in meetings in Kyoto, Japan early this December.

The administration, as a result of the disappointing results of the voluntary goals contained in the 1992 agreement, has moved toward supporting mandatory, legally-binding, limitations on emissions to address the long-term effects of the greenhouse gases on the global climate. Worrisome as the prospects of adverse climate change are for all of us, I believe it is unfortunate that the developing world has not seen fit to step up to the plate and assume its clear responsibility to share in the effort being proposed by the United States to limit and reduce greenhouse gas emissions. This is most troublesome because without the participation of the developing world, the goals of the treaty will be largely frustrated, since the amount of carbon dioxide which will be produced by the developing world will exceed—get that—exceed in total, that produced by the industrial OECD nations very soon—by the year 2015. That is not very far away. Indeed, the amount of carbon emissions produced by China alone in that year will exceed the amount produced by the United States. So we are talking about the country with the greatest population in the world, China. India is another, and India probably has 800 million people, perhaps more. But I should emphasize that China alone, in the year 2015, which is only 18 years away, will exceed the United States in its production of carbon dioxide. China is rapidly accelerating her demand for electricity, soon to exceed that of the United States, but China has resisted all efforts to include her as a responsible party in the renegotiation of the Rio Pact.

Mr. President, the big carbon dioxide emitters of the developing world—including, as I have just indicated, in addition to China, the countries of India, Mexico, Brazil, South Korea, and Indonesia—cannot expect to continue or expand their extremely inefficient methods for fossil fuel combustion, producing huge, growing quantities of carbon dioxide, and at the same time insist that only the developed nations, the so-called Annex I nations under the Treaty, agree to legally-binding targets and schedules for limiting these gases. This is particularly troublesome, I believe, because, first, without the participation of the developing nations the process of climate change will continue without much human control. Second, there are certainly technological ways that fossil fuel combustion techniques can be made far more efficient than at present in these nations, so that the extent of economic sacrifice that may be required to limit greenhouse gas emissions may not be onerous if all nations will pull together. Third, under the Treaty, industrial facilities in the Annex I countries will be tempted to move behind the borders of developing countries in order to escape legally-binding controls on their greenhouse gas emissions because that means that if the developing countries are not also on the hook with the Annex I countries like the United States, industries will be tempted to go overseas and to send their factories overseas to those so-called developing nations that are not required, if they are not required, to commit themselves to abide by the standards that are to be negotiated by our Government. It would be cheaper, then, for U.S. industries to go overseas. That means our jobs will go overseas. We have seen too much of that already in West Virginia.

This would also frustrate the goals of the Treaty, and cause economic distress, as I have indicated, in the Annex I countries. The developing world should be encouraged to expand its industries in an environmentally responsible manner, knowing that it, too, must prepare to meet limits on greenhouse gas emissions, and not sink to the temptation for quick and dirty development by harboring industrial fugitives from the developed world's mandatory emissions controls.

Therefore, Mr. President, the resolution I am introducing today on behalf of myself and Senator HAGEL and the other Senators whose names I have stated, resolves that the United States should not be a signatory to any protocol to the Rio Pact or to any other agreement which would “mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Countries within the same compliance period.” In other words, what is good for the developed goose

should be good for the developing gender, in that both should be responsible for their actions if the effort to clean up the global barnyard is to be anything other than a halfway effort. And a halfway effort, in the final analysis, serves nobody.

In addition, Mr. President, it is not yet clear what regulatory and legislative initiatives may be required in the United States to implement the binding agreement now under negotiations. Therefore, the resolution would also require that any Treaty signed by the United States, when it is submitted to the Senate for its advice and consent, be accompanied by a "detailed explanation of any legislation or regulatory actions that may be required to implement the protocol or other agreement and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the agreement." I understand that the distinguished junior Senator from Nebraska [Mr. HAGEL], Chairman of the relevant Subcommittee of the Foreign Relations Committee will be holding hearings on this matter beginning on June 19, and I commend him for this initiative.

This is a matter that will require substantial consensus building. That will take time. And I am delighted that Senator HAGEL will begin those hearings in the very near future, June 19. I hope that consideration of the resolution that we are offering today will be seen as a contribution to that consensus building process.

Now, there may have to be some adjustments made to the verbiage that we have chosen and I am sure that Senator HAGEL and the other cosponsors and I will be willing to consider any proposed adjustments, be willing to sit down and talk about any changes that need to be made. And with the hearings that Senator HAGEL plans to conduct, the opportunity will be offered to Senators to appear and make statements, expressing their support, raising questions, offering suggestions, as I say, or whatever. But the important thing is this. We must begin to engage in this consensus building.

Mr. CRAIG addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Idaho.

Mr. CRAIG. Mr. President, I thank you very much.

I stand this morning to join my colleague, the Senator from West Virginia [Mr. BYRD], in the introduction of a sense-of-the-Senate resolution on climate change negotiation.

The Senator from West Virginia and I agree that the administration needs to understand the Senate is very concerned about the potential adverse consequences of the proposed changes to the U.S. Framework Convention on Climate Change to which this body gave its consent shortly after it was signed by President George Bush at the Rio de Janeiro conference in 1992.

I hope this resolution will be a much needed wake-up call to the administration about the seriousness of the Senate's views on its current negotiating position. I do not think it was proper for this administration to change the position of the United States from a voluntary approach that was endorsed by the entire developed world to a legally binding treaty to impose enforceable greenhouse gas reduction targets by a date certain.

I am particularly concerned the administration did not consult with Congress prior to taking this new position which I am told was reached in the early morning hours of the last day of the Berlin negotiations. Subsequently, the administration has not sought, and certainly not received, consensus support from the Senate on its new approach.

The attitude of this administration toward honest scientific inquiry is very troubling. I do not approve of using political science instead of real science. Mr. President, let me repeat that. I do not approve of this administration's use of political science instead of the real science that is critically necessary when negotiating and understanding an issue of this importance.

It is outrageous that this administration has been running around the country and the whole world, for that matter, claiming, as Deputy Secretary Tim Wirth has done on a number of occasions, that as far as the scientific hypothesis that human activity is warming the planet is concerned, "the debate is over."

Instead of fairly testing that hypothesis, this administration is using its \$1 billion-plus annual budget to try to prove only that carbon dioxide is warming the planet and to discredit any studies that might appear legitimate to the contrary.

The Earth has warmed about a degree centigrade since the depths of the of the Little Ice Age of the early 1600's. All but a tiny amount of that increase occurred prior to World War II before significant human loading of carbon dioxide into the atmosphere. In fact, the world's scientists are still debating the extent, if any, to which human emissions of carbon dioxide rather than predominantly actual causes are actually increasing Earth temperatures.

There is agreement on one point, however: That any future change in world temperature caused by human activity will be slight and there is no reason to rush to a new agreement in Kyoto in December of this year.

Finally, Mr. President, it is unacceptable that this administration has refused to admit the details of its proposal or to release any analyses of the anticipated impact of the proposal. The administration has not revealed to us what kinds of differences its proposal would actually have on global temperatures.

The administration's negotiators have refused to release any of their internal economic studies that show

huge decimation in the industrial sector of our economy. One can only assume that it is to ensure that they will have free rein to commit the United States to whatever they decide to do in the early morning hours of the last day of the Kyoto conference in December. This kind of secret planning and hidden agenda is contrary to a democracy, and, Mr. President, it is just flat wrong.

The administration should immediately start a more public debate and a more honest consultation with the Senate, which, after all, has the final say on whether the United States will be legally bound to any international agreement. A great time to begin to bring this position into the sunshine will be during the Foreign Relations Committee's hearings scheduled for next week by my colleague and the prime cosponsor of the resolution that is coming to the floor this morning, Senator HAGEL. So I look forward to a more open and honest airing of the issue.

I see the Senator from West Virginia is in the Chamber and let me again thank him for his leadership in the authoring of this very important sense-of-the-Senate resolution on global climate change. I am proud to be a sponsor and to work with him on this effort.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank my friend, Senator CRAIG, for his comments. He is a cosponsor of the resolution which I introduce, and I welcome his efforts and the work he is doing in support of the resolution. And I hope that we can get additional cosponsors as well. I am sure that he will be working to that end.

Mr. President, I see Senator HAGEL on the floor. He is the chief cosponsor of this resolution. I do not have the authority to yield to him unless he is appearing on my time, and I will do that. I have 30 minutes at the beginning, as I understand it, so I yield such time as he may consume from the time under my control to the distinguished Senator, Mr. HAGEL.

Mr. HAGEL. Mr. President, I am pleased to join the senior Senator from West Virginia in cosponsoring the resolution that he has brought to the floor this morning. As my distinguished colleague has already noted, this resolution deals with U.S. policy on the global climate issue. This is a very serious issue, with potentially disastrous consequences to the United States economy. Next week I will begin, as Senator BYRD noted, hearings in the Foreign Relations Subcommittee on International Trade and Export Promotion on the global climate negotiations.

Like Senator BYRD, I believe that the Senate must not simply wait until the negotiations are completed and then respond. If we do that, it then would be too late to exercise our constitutional responsibility to not only give our consent to treaties but, even more important, to give our advice to the President.



Next week, my subcommittee will be hearing from the Under Secretary of State for Global Affairs, Tim Wirth. Secretary Wirth has been the administration's chief negotiator in the U.N.'s global climate negotiations.

I will be following that first hearing a week later with a second hearing. We will ask fair questions, tough questions, and we will expect honest answers.

All Americans are concerned about our environment—of course, they are and should be—and how to ensure that it is protected for our children and our grandchildren.

The responsibility we have as public servants, as policymakers, is to seek the best solutions where problems exist and come to a strong and commonsense bipartisan consensus on what is the best policy to deal with this problem.

This resolution offers a general baseline for what we can accept as sensible, commonsense policy.

This resolution does not address all the specific concerns many of us have over this issue. We know that.

As the necessary debate over the global climate issue progresses over the next few months, we will have an opportunity to hear from all sides, just as Senator BYRD pointed out, and further open up this issue and talk about the specifics associated with the global climate issue.

How we deal with this issue of climate control will have serious consequences—serious consequences—for our economy, the environment, Americans' future standard of living, energy costs, energy use, economic growth, our global competitiveness, impact on jobs, trade, national security and maybe, Mr. President, most important, our national sovereignty.

All of these dynamics will be explored before the December meeting in Kyoto, Japan, formally known as the "Third Meeting of the Conference of Parties for the Framework Convention on Climate Change."

Mr. President, this is clearly a very serious issue that demands a major national debate.

The purpose of this resolution that Senator BYRD and I are offering today, with a number of our distinguished colleagues representing States from all over this country with varied economies, varied interests, is to begin that debate, to begin that debate today and to let the world know that the U.S. Senate intends to have a very serious and strong voice in shaping the American position on this global climate issue.

Mr. President, thank you, and I yield back my time.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HAGEL. Yes.

Mr. BYRD. The Senator made a very important point in closing his speech. Here sit the representatives of the people in this body. Here sit the representatives of the States. It is the only forum in this country which represents

the States. And so it is that it is important that this body have a voice, it is important that this body has a responsibility for oversight under the Constitution, has a responsibility to monitor the events and proceedings and developments.

It is not my desire to kill the treaty. We are going to have to face up to this problem. It is going to impact on our grandchildren and their children and their children and their children. And so we have a responsibility to face up to it now. It is not a pleasant thing to consider, to contemplate. But that is the purpose of the resolution. That is the purpose of the hearings the distinguished Senator will conduct. We want to be in on the takeoff, not just on the landing. We have a responsibility to our people, we have a responsibility to this country and to its future. So that is why we have introduced the legislation today, and I compliment the distinguished Senator, and I look forward to working with him in this important, all important, matter.

Mr. President, I ask unanimous consent that the resolution which I shall send to the desk may remain open for other signatories until the close of business today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. How much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 5½ minutes remaining.

Mr. BYRD. I thank the Chair, and I thank my colleague again. I reserve the remainder of my time, send the resolution to the desk and yield the floor.

The PRESIDENT pro tempore. The resolution will be received and referred to the appropriate committee.

Mr. FORD. Mr. President, I rise in support of Senator BYRD's sense of the Senate Resolution on the issue of climate change. A few weeks ago I was back in Kentucky and my youngest grandson, Morgan, wanted some help on his math homework. At first we were both stumped over the list of word problems his teacher had assigned. Then, after all those years, a lesson one of my teachers taught me came back. She taught us to cut out all the extraneous words in those problems. Once we'd stripped it down, she promised we'd have a clear-cut math problem we could recognize how to solve. It wasn't long before Morgan and I had zipped right through those problems.

I think my colleagues will find the same method will work with the Global Climate Change Treaty that's currently being negotiated. It sounds complicated and impressive when you first look it over, but once you strip away all the extraneous language, it comes down to this simple equation. Rules benefitting the economies of developing nations plus rules penalizing the economies of developed nations add up to a big fat zero in net gains for the global environment.

That's because only developed nations would be legally bound by the

treaty hammered out by negotiators—the so-called Berlin Mandate. Developing nations are off the hook.

Right now, developed nations and developing nations have about equal levels of carbon emissions. But within five years of the deadline, developing nations will have more than 1½ times the 1990 level of the developed world.

So when you subtract all the half-baked environmental promises, you find the equation is heavily weighted against America and especially against American workers. That's because the United States will have to make the steepest reductions and suffer the costliest and most damaging consequences. Preliminary estimates put the loss at 600,000 jobs each year.

And 600,000 jobs is probably a low estimate, because the treaty creates an enormous incentive for American businesses to shift more and more jobs overseas, to avoid the expensive emission reductions that U.S. businesses will have to meet.

The impact in Kentucky could be especially bad. Not only would miners working in the coalfields of Eastern and Western Kentucky suffer job loss, but many of the businesses and factories that have created a golden triangle in Northern Kentucky would be forced to close. And every single Kentuckian will face higher electric bills and higher gas prices.

But what should really make you scratch your head over this puzzler is that when you add it all up, we won't get a cleaner environment. We won't stop global warming. We won't even get reduced carbon emissions.

That's because every ton of reduced emissions in the United States and other developed nations will be made up—and then some—in the developing world.

So, here's a quick math review. You've got a treaty with devastating consequences for the American economy. You end up with virtually no environmental benefit. Stripped down it looks like nothing more than a massive foreign aid package paid for with American jobs.

It's clear that many American interests are being neglected by our negotiators and that we must come up with a better solution for the problem of global emissions.

Time is limited for the Senate to act to make it clear that the treaty, as currently reported, will get a failing grade. A December signing ceremony is already set for December in Kyoto, Japan.

Mr. President, I believe my colleague, Senator BYRD's resolution is the right method. It sets commonsense parameters for our negotiators to work from to assure that any treaty meets the goal of reduced emissions without penalizing one country over another.

And next time my grandson grumbles about why he has to learn things he'll probably never use again, I'll just remind him that when you get right down to it, even the most complicated

global policy problems can be solved with some simple math.

Mr. ABRAHAM. Mr. President, I rise today to join Senators BYRD, HAGEL, and CRAIG to speak about the threat posed by the administration's support of an international global climate treaty. This is a very serious issue, and for too long it has not received the attention it deserves. I applaud Senator BYRD for focusing attention on this matter through his sense of the Senate resolution and I am pleased to be an original cosponsor.

In December of this year, the U.N. Framework Convention on Climate Change will conclude negotiations on a binding treaty to control the emissions of greenhouse gases by the developed nations. The Clinton administration has been pushing hard for such an agreement and intends to implement this treaty in the United States. I would note, however, that this treaty applies only to developed nations. Emerging nations are not included. Countries such as China, India, and South Korea will not pay the costs of the energy taxes or be constrained by the caps on manmade emissions as will the United States. It will be business as usual for these nations despite the fact that emissions of carbon dioxide, the primary greenhouse gas, from developing nations will shortly surpass those of the developed nations.

Despite this obvious flaw, such a treaty might yet be logical if we knew that clear benefits would be derived as a result, but we do not. Scientists are sharply divided as to whether the Earth is warming because of human activity. How then can we justify supporting a treaty which even the U.S. Department of Energy has concluded will be devastating to the economy? How can we seriously consider any proposal which will cost American jobs, slow economic growth, and encourage domestic industries to move offshore when the next century's greatest contributors of greenhouse gases will not share even the smallest portion of this burden. Mr. President, the answer is simple: We cannot and should not.

The United States has made dramatic improvements in pollution control in the last two decades. A clean environment is of paramount importance to Americans, and we will continue to work responsibly toward protecting this Nation's air, water, and land. We must not, however, saddle our economy with new taxes and regulations the sole purpose of which is to limit American productivity. We cannot enter into an agreement which will do significant harm to our economy and put us at a competitive disadvantage relative to emerging nations when the jury is still out on the effects that mankind may have on climate change.

If future research provides irrefutable evidence that manmade emissions are contributing to global warming, then all Nation's should work together in concert to identify and reduce the greenhouse gases responsible

for such a phenomenon. Today, we are far from having such evidence, and to act without it is simply not sound policy.

Mr. President, I yield the floor.

# SENATE RESOLUTION 99—RELATIVE TO OVER-THE-COUNTER MEDICATIONS

Mr. DASCHLE submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 99

*Resolved,*

## SECTION 1. FINDINGS.

The Congress finds the following:

(1) The Food and Drug Administration has proposed that the content and format of over-the-counter (OTC) drug product labels be made more user-friendly to help consumers better understand how to properly use these medications.

(2) Almost 60 percent of total OTC drug product sales of \$29,000,000,000 are made by community retail pharmacies, where a pharmacist is available for consultation with the consumer about the product.

(3) A significant number of potent prescription medications have been switched to OTC status over the last few years and others are likely to be switched over in the next few years. Many consumers may be unaware of the potential problems that may occur when OTC and prescription drugs are inappropriately used together, and should be encouraged to consult with their doctor and pharmacist. The pharmacist may have the only complete record of all the medications being taken by the consumer that would help avoid these problems.

(4) Pharmacists can help the consumer select the most cost-effective OTC drug product based on the symptoms presented to the pharmacist.

(5) Interaction with the pharmacist on using OTC drug products is particularly important for older Americans, who already use one-third of all prescription drug products and one-third of OTC drug products. As the population ages, older Americans are expected to use almost half of all OTC drug products by the year 2000. According to recent studies, the health care system, including the Medicaid and Medicare programs, incur billions of dollars in unnecessary costs each year as a result of medication-related problems.

(6) The importance of consumer interaction with the pharmacist about OTC drug products was recognized by Congress when it required that Medicaid prospective drug utilization review programs include screening for "serious interactions with nonprescription or OTC medications".

(7) Encouraging pharmacist interaction with consumers on OTC drug products is consistent with recent attempts by consumer groups, the pharmacy community, and the Food and Drug Administration to increase the quality and quantity of written and oral information being provided to consumers with their prescription medications.

## SEC. 2. CONSULTATION.

It is the sense of the Senate that the Food and Drug Administration should include a provision in the Administration's new final regulation on the content and format of over-the-counter drug labels which requires that such labels include the phrase "Consult your doctor or pharmacist".

Mr. DASCHLE. Mr. President, today I am submitting a resolution that rec-

ognizes the essential role our Nation's community pharmacists play in protecting the public health and educating consumers about over-the-counter [OTC] medications.

The Food and Drug Administration has proposed revisions to the content and format of OTC product labels to make them more informative and consumer-friendly. Among these changes, FDA has proposed adding to OTC labels the recommendation: "Ask your doctor or pharmacist." The FDA is currently soliciting comments on this proposed change, particularly on the benefits and appropriateness of referring consumers to pharmacists for guidance on OTC medications. By demonstrating strong support for a labeling change that refers consumers to pharmacists as well as to doctors, this resolution acknowledges the relevant expertise of community pharmacists and the contribution they make in assuring proper use of OTC medications.

Each year, millions of Americans purchase medications such as painkillers, allergy medications, cold and flu remedies, and other products to treat nonacute medical conditions. Most of these products are purchased at pharmacies, where an on-site pharmacist is always accessible to help the consumer select the medication that is most appropriate and cost effective for them. The labeling change this resolution supports acknowledges that consumers face an intimidating array of medication options, and it reinforces the fact that pharmacists have the experience and expertise to help consumers make the right choice about their medications.

Making this labeling change is also a matter of public health. A significant number of potent prescription medications are now available on an over-the-counter basis, and many more are likely to be introduced. Most consumers are unaware of the potential problems that may occur when prescription drugs and OTC products are taken together. In some cases, the pharmacist may be the only health professional with a complete record of all medications being taken by the consumer. The pharmacist's intervention may well prevent tragic consequences.

Recommending that consumers consult with their pharmacist is particularly important for older Americans, who already use one-third of all prescription and OTC drug products. With the aging of the population, older Americans are expected to use almost half of all OTC medications by the year 2000. As OTC products proliferate and more potent medications become available, the risks to seniors and other consumers compound. It makes sense to foster the pharmacist-consumer link to minimize the potential problems that may result from this trend.

Finally, this labeling change can save the health system money. According to recent studies, Medicare, Medicaid, and the health care system as a whole incur billions of dollars in unnecessary costs each year as a result of

medication-related problems. Input from the pharmacist can help reduce this wasted spending, and more importantly, prevent the needless pain and suffering this spending reflects.

For these reasons, I ask my colleagues to join me in urging the FDA to turn a good idea into a reality and make this labeling change. It is a minor revision that could make a major difference as consumers negotiate the increasingly complex array of medications available without a prescription.

#### SENATE CONCURRENT RESOLUTION 32—RECOGNIZING AND COMMENDING AMERICAN AIRMEN

Mr. HUTCHINSON (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. FAIRCLOTH, Mr. TORRICELLI, Mr. REID, Mr. SMITH of New Hampshire, Mr. SANTORUM, Mr. HAGEL, Mr. CRAIG, Mr. MACK, Mr. KOHL, Mr. MURKOWSKI, and Mr. ASHCROFT) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

##### S. CON. RES. 32

Whereas during World War II, 168 Allied airmen were captured by the enemy and held as political prisoners at the Buchenwald concentration camp in Weimar, Germany;

Whereas the captured airmen included 82 Americans, 26 Canadians, 48 Britons, 9 Australians, 2 New Zealanders, and 1 Jamaican;

Whereas the facts and circumstances of their confinement are amply documented in the official records maintained by the National Archives and Records Administration;

Whereas a report from the International Red Cross concerning Stalag Luft III in Sagan, Germany, mentioned 6 American airmen held at Buchenwald, including one whose name does not appear on the lists maintained by the National Archives and Records Administration;

Whereas since the liberation of Buchenwald in 1945 numerous personal memoirs, scholarly books, and articles have been published describing the conditions at the concentration camp;

Whereas this extensive documentation records the extraordinarily inhuman treatment, deprivations, and personal suffering inflicted on the 168 Allied airmen and other inmates at Buchenwald; and

Whereas Allied Governments and veterans organizations outside the United States have granted special recognition to their citizens and servicemembers who were held as prisoners of war in World War II concentration camps: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the Congress—*

(1) recognizes and commends the American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their faithful service, personal bravery, and exceptional fortitude; and

(2) requests that the President issue a proclamation recognizing and commending the service, bravery, and fortitude of those airmen.

Mr. HUTCHINSON. Mr. President, I rise today, to join with my friend and colleague Senator JOSEPH LIEBERMAN, in submitting a bill that will give appropriate and well-deserved recognition to a group of World War II veterans who were held as German polit-

ical prisoners at the Nazi concentration camp, Buchenwald. Fittingly, today is Shavout in the Jewish religion. This holiday commemorates the Jews receiving the Torah on Mount Sinai and celebrates their fleeing from Egypt.

First and foremost, I want to thank the original cosponsors of this bill: Senators HELMS, FAIRCLOTH, TORRICELLI, REID of Nevada, SMITH of New Hampshire, SANTORUM, HAGEL, CRAIG, MACK, KOHL, MURKOWSKI, and ASHCROFT.

Mr. President, Congressmen DAVE WELDON and PETER DEUTSCH will be introducing similar legislation later today in the House of Representatives.

These brave airmen were different from other Allied prisoners, because they were held at Buchenwald, a Nazi concentration camp—and therefore not subject to the protections of the Geneva Convention.

The Nazi concentration camps will forever occupy an ignominious place in our human history, and we have long recognized the bravery and daring of many prisoners who fought their Nazi oppressors and struggled to win political and religious freedom.

Tragically, Mr. President, the United States has never formally recognized the service, sacrifice, and bravery of these American airmen while they were held as political prisoners at the Buchenwald concentration camp.

Our bill, which has been endorsed by the American Ex-Prisoners of War and the Veterans of Foreign Wars, would recognize these 82 American airmen and ask that the President issue a proclamation commending their service. Mr. President, I do have a list of the names and whereabouts of these 82 American airmen and I ask unanimous consent that it appear in the RECORD.

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

##### LIST OF WW II AMERICAN AIRMEN HELD AT BUCHENWALD CONCENTRATION CAMP

###### NOT LOCATED

Freeman, E.C.  
Hanson, J.T.  
Horrigan, R.J.  
Scharf, B.T.  
Scott, G.W.

###### DECEASED

Alexander, William  
Beck, Levit C.  
Crouch, M.E.  
Duncan, James H.  
Heimerman, L.A.  
MacLenahan, J.H.  
Mauk, W.E.  
Pecus, Steve  
Pennel, Sam  
Smith, J.W.  
Vance, Ira E.  
Wilson, P.J.  
Zeiser, J.  
Chapman, Park  
Suddock, D.E.  
Horwege, G.L.  
Edge, W.L.

###### STILL LIVING

Bauder, W.F.  
Bedford, R.L.  
Bowen, C.E.

Brown, R.H.  
Carr, F.W.  
Chalot, J.A.  
Chessir, D.  
Coats, B.A.  
Cowan, F.K.  
Coffman, J.D.  
Dauteul, D.F.  
Denaro, Joe  
Fore, J.W.  
Hastin, J.D.  
Hilding, R.D.  
Hunter, H.F.  
Johnson, R.T.  
King, Myles A.  
Larson, M.E.  
Little, B.S.  
Ludwig, E.F.  
McLaughlin, D.G.  
Mitchell, G.E.  
Moser, J.F.  
Pacha, A.M.  
Paxton, S.K.  
Powell, W.  
Reynolds, N.L.  
Richey, G.T. Sr.  
Ritter, E.W.  
Roberson, C.W.  
Ryherd, W.H.  
Shearer, D.R.  
Straulka, P.A. Jr.  
Sypher, L.H.  
Thompson, W.A.  
Vratney, Frank  
Watson, J.P.  
Ward, Robert  
Williams, W.J.  
Zander, A.E.  
Phelps, B.F.  
Pelletier, A.J.  
Friel, Edward J.  
Petrich, M.R.

Mr. HUTCHINSON. Mr. President, of the 82 American airmen, there are three from my home State of Arkansas: Mr. William Powell of Bella Vista, Mr. Frank Cowan of Harrison, and Mr. Robert Ward of Springdale.

Before I yield the floor, Mr. President, I want to take this opportunity to share the response of two of those Arkansans when they learned that this resolution was being introduced today.

Mr. William Powell said:

The recognition is long overdue. For decades, the Department of Defense and the International Red Cross have stated that there were no military personnel in Buchenwald. Yet as someone who was imprisoned there for 4 months I know of at least 55 other American soldiers who endured the hardships of this camp. Two men even lost lives there. And nearly all suffered diseases later in life because of the treatment they received while held in Buchenwald.

In the late 70s, early 80s, I joined with the other survivors of Buchenwald to push this government to recognize our service. We never wanted any money, we just wanted the United States Government to say, Yes, you were there, and we appreciate what you went through for our country.

I will quote from Mr. Frank Cowan:

It has been a long time coming, but finally our sacrifice will be acknowledged. Unfortunately, many of those who were at Buchenwald have passed on, nevertheless, there are many of us still alive to enjoy this.

Mr. President, I ask my colleagues today to join us in support of this important measure so those veterans still living, and the families and friends of those who have passed on, can fully realize the public recognition these brave men so surely deserve.

## AMENDMENTS SUBMITTED

THE BIRTH DEFECTS PREVENTION  
ACT OF 1997

## BOND AMENDMENT NO. 371

Mr. BOND proposed an amendment to the bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

## SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Birth Defects Prevention Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) Birth defects are the leading cause of infant mortality, directly responsible for one out of every five infant deaths.

(2) Thousands of the 150,000 infants born with a serious birth defect annually face a lifetime of chronic disability and illness.

(3) Birth defects threaten the lives of infants of all racial and ethnic backgrounds. However, some conditions pose excess risks for certain populations. For example, compared to all infants born in the United States, Hispanic-American infants are more likely to be born with anencephaly spina bifida and other neural tube defects and African-American infants are more likely to be born with sickle-cell anemia.

(4) Birth defects can be caused by exposure to environmental hazards, adverse health conditions during pregnancy, or genetic mutations. Prevention efforts are slowed by lack of information about the number and causes of birth defects. Outbreaks of birth defects may go undetected because surveillance and research efforts are underdeveloped and poorly coordinated.

(5) Public awareness strategies, such as programs using folic acid vitamin supplements to prevent spina bifida and alcohol avoidance programs to prevent Fetal Alcohol Syndrome, are essential to prevent the heartache and costs associated with birth defects.

## SEC. 2. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended to read as follows:

## "PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects;

"(2) to operate at least 5 regional centers for the conduct of applied epidemiological research on the prevention of such defects; and

"(3) to provide information and education to the public on the prevention of such defects.

"(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

"(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

"(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, Blacks, Native Americans, Asian Americans, and Pacific Islanders;

"(B) shall collect data under subparagraph (A) from birth certificates, death certifi-

cates, hospital records, and such other sources as the Secretary determines to be appropriate; and

"(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

"(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1998 and of every second such year thereafter, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

"(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.

"(e) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$30,000,000 for fiscal year 1998, \$40,000,000 for

fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001."

THE REIGLE-NEAL CLARIFICATION  
ACT OF 1997SARBANES (AND D'AMATO)  
AMENDMENT NO. 372

Mr. SANTORUM (for Mr. SARBANES for himself and Mr. D'AMATO) proposed an amendment to the bill (H.R. 1306) to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank; as follows:

On page 1, beginning on line 4, strike "Clarification" and insert "Amendments".

On page 1, line 7, insert "(a) ACTIVITIES OF BRANCHES OF OUT-OF-STATE BANKS.—" BEFORE "SUBSECTION".

On page 2, strike line 22 and all that follows through page 3, line 2 and insert the following:

"(3) SAVINGS PROVISION.—No provision of this subsection shall be construed as affecting the applicability of—

"(A) any State law of any home State under subsection (b), (c), or (d) of section 44; or

"(B) Federal law to State banks and State bank branches in the home State or the host State.

On page 3, after line 5, add the following:

(b) LAW APPLICABLE TO INTERSTATE BRANCHING OPERATIONS.—Section 5155(f)(1) of the Revised Statutes (12 U.S.C. 36(f)(1)) is amended by adding at the end the following:

"(C) REVIEW AND REPORT ON ACTIONS BY COMPTROLLER.—The Comptroller of the Currency shall conduct an annual review of the actions it has taken with regard to the applicability of State law to national banks (or their branches) during the preceding year, and shall include in its annual report required under section 333 of the Revised Statutes (12 U.S.C. 14) the results of the review and the reasons for each such action. The first such review and report after the date of enactment of this subparagraph shall encompass all such actions taken on or after January 1, 1992."

Amend the title to read as follows: "An Act to amend Federal law to clarify the applicability of host State laws to any branch in such State of an out-of-State bank, and for other purposes."

## FEINGOLD AMENDMENT NO. 373

Mr. SANTORUM (for Mr. FEINGOLD) proposed an amendment to the bill, H.R. 1306, supra; as follows:

At the appropriate place, insert the following: "Nothing in this act alters the right of states under section 525 of Public Law 96-221."

THE AMERICAN SAMOA  
DEVELOPMENT ACT OF 1997

## AKAKA AMENDMENT NO. 374

Mr. SANTORUM (for Mr. AKAKA) proposed an amendment to the bill (S. 210) to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes; as follows:

On page 25 of the Committee reported bill, beginning on line 7, delete  
 "identifying such property."  
 "(4)"  
 and insert in lieu thereof:  
 "identifying such property;  
 "(4) To real property described in the Guam Excess Lands Act (P.L. 103-339, 108 Stat. 3116) which shall be disposed of in accordance with such Act; or  
 "(5)"

THE PRODUCT LIABILITY REFORM  
 ACT OF 1997, BIOMATERIALS AC-  
 CESS ASSURANCE ACT OF 1997

LAUTENBERG (AND OTHERS)  
 AMENDMENT NO. 375

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. LAUTENBERG (for himself, Mr. HARKIN, Mr. DURBIN, and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill (S. 648) to establish legal standards and procedures for product liability litigation, and for other purposes; as follows:

On page 9, line 14, strike "; or" and insert a semicolon.

On page 9, line 16, strike the period and insert "; or".

On page 9, between lines 16 and 17, insert the following:

(iii) any tobacco product or component of a tobacco product.

On page 11, between lines 14 and 15, insert the following:

(16) TOBACCO PRODUCT.—  
 (A) IN GENERAL.—The term "tobacco product" means—

(i) cigarettes;  
 (ii) little cigars;  
 (iii) cigars as defined in section 5702 of the Internal Revenue Code of 1986;

(iv) pipe tobacco;  
 (v) loose rolling tobacco and papers used to contain loose rolling tobacco;

(vi) products referred to as spit tobacco; and

(vii) any other form of tobacco intended for human consumption.

(B) CIGARETTE DEFINED.—For purposes of this paragraph, the term "cigarette" means—

(i) any roll of tobacco wrapped in paper or in any substance not containing tobacco that is to be burned;

(ii) any roll of tobacco wrapped in any substance containing tobacco that, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling is likely to be offered to, or purchased by consumers as a cigarette described in clause (i);

(iii) little cigars that are any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco that is a cigarette within the meaning of clause (i)), with respect to which 1,000 units have a weight of not to exceed 3 pounds; and

(iv) loose rolling tobacco and papers or tubes used to contain that tobacco.

Mr. LAUTENBERG. Mr. President, I rise to discuss an amendment I am submitting today to the product liability bill to protect the Nation's public health from the dangers of tobacco. I am joined in this effort by my colleagues Senator DURBIN, Senator HARKIN and Senator WYDEN.

Without this amendment, the product liability bill provides the tobacco

industry with a backdoor escape hatch from the settlement negotiations in which they are currently engaged. Without this amendment, the tobacco industry will not have to make concessions to the public health community that could save millions of American lives.

Mr. President, 36 States have now gone to court to recover the millions of dollars in Medicaid and other health care costs that were a direct result of the tobacco industry's deceitful and deadly practices. Thousands of Americans who have been grievously injured by tobacco products, and the loved ones of those who have been killed by tobacco, are seeking compensation from the tobacco industry for their lethal and addictive products. Currently, a bipartisan group of State attorneys' general are involved in sensitive negotiations with the tobacco industry concerning compensation for the illness and death caused by its products. Whether one supports the concept of a settlement or not, the fact that the tobacco industry has come to the table is an amazing development.

They have come to the table because they realize that this President and enough of us in Congress will not allow them to continue seducing and poisoning our children without an appropriate response. They also know that they will be subject to increasing civil liability in the court system. I applaud the attorneys' general for bringing such strong cases against them, that they realized it was time to sit down and possibly release our Nation's children from their stranglehold.

Mr. President, right now, one of the major sticking points in the talks between the attorneys' general and the Big Tobacco is the issue of restrictions on product liability suits that will be brought against the tobacco industry in the future. The industry has asked for a cap on punitive damages, and it wants to eliminate joint and several liability in tobacco cases. The attorneys' general are currently trying to work this issue out with the tobacco companies.

Mr. President, 17 of these attorneys' general have signed on in support of our effort to remove tobacco from the scope of the product liability bill. I ask unanimous consent that letters signed by the attorneys' general endorsing this effort be printed in the RECORD. As time goes on, I expect additional pledges of support from more attorneys' general.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,

June 12, 1997.

DEAR MEMBERS OF THE U.S. SENATE: We, the undersigned state Attorneys General, ask you to support the Lautenberg Tobacco Amendment to S. 648, the Product Liability Bill. While we do not in this letter take a position on the overall product liability bill, we support the exclusion of the tobacco industry litigation and tobacco from the scope of the bill.

Frankly, we are asking you not to let the tobacco industry off the hook. If the product liability bill passes without the changes contained in the Lautenberg amendment, the bill could affect the negotiations we are involved in today.

Senator Lautenberg's amendment excludes "tobacco products" from the scope of product liability litigation affected by S. 648. This is the right thing to do. Without the amendment, the tobacco industry will gain substantial protection without conceding anything to the state governments and public health advocates who are now at the negotiating table.

Therefore, we strongly urge you to support the Lautenberg Amendment. We are trying to make historic breakthroughs in these settlement negotiations. It would be a tragedy to take a step backwards.

Sincerely,

TOM MILLER,  
 Iowa Attorney General.

WINSTON BRYANT,  
 Arkansas Attorney General.

BOB BUTTERWORTH,  
 Florida Attorney General.

JEFFREY MODISETT,  
 Indiana Attorney General.

J. JOSEPH CURRAN,  
 Maryland Attorney General.

SCOTT HARSHBARGER,  
 Massachusetts Attorney General.

FRANK KELLEY,  
 Michigan Attorney General.

JOE MAZUREK,  
 Montana Attorney General.

HUBERT H. HUMPHREY III,  
 Minnesota Attorney General.

PETER VERNIERO,  
 New Jersey Attorney General.

TOM UDALL,  
 New Mexico Attorney General.

W.A. DREW EDMONDSON,  
 Oklahoma Attorney General.

D. MICHAEL FISHER,  
 Pennsylvania Attorney General.

JAN GRAHAM,  
 Utah Attorney General.

JAMES DOYLE,  
 Wisconsin Attorney General.

DON SIEGELMAN,  
 Alabama Attorney General.

ATTORNEY GENERAL OF MISSOURI,  
 Jefferson City, MO, June 9, 1997.

Sen. FRANK LAUTENBERG,  
 Washington, DC.  
 Re S. 648

DEAR SENATOR LAUTENBERG: I applaud your efforts to ensure that the tobacco industry is exempted from the coverage of S. 648, the Products Liability Bill. As Missouri's chief law enforcement officer, I have filed suit against a number of manufacturers of cigarettes and other tobacco products. I have been active in the negotiations between the Attorneys General of the suing states and the tobacco industry. The sweeping protections afforded manufacturers in S. 648 must not be extended to the tobacco industry during the pendency of these historic

lawsuits and negotiations. Good luck with your amendment and thank you for your efforts.

Sincerely,

JEREMIAH W. (JAY) NIXON,  
*Attorney General.*

Mr. LAUTENBERG. Mr. President, if the product liability bill passes in its current form, the tobacco industry will get what it wants, and the American public will receive nothing in return. As reported out of the Commerce Committee, the product liability bill will cap punitive damages and eliminate joint and several liability in tobacco liability cases. This would be another sweetheart deal for big tobacco, and it would undercut the state attorneys' general. This is unacceptable. And what will America lose if we don't pass my amendment? Mr. President, I say perhaps millions of lives.

The tobacco industry is on the verge of agreeing to stop marketing to American children, to stop lying and hiding the truth from the American public, to commit to actual target numbers for reduction of teen smoking, to subject themselves to appropriate regulation by the Food and Drug Administration and to back real reforms that will put teeth into laws that prohibit the sale of cigarettes to kids. Do we in Congress want to throw that away forever? Do we want to give big tobacco the green light to continue seducing and addicting our children? I certainly hope not.

Mr. President, that is why it is critical that we pass my amendment, which would exempt tobacco products from the restrictions on liability covered by the product liability bill. Regardless of how any Senator feels about the overall goals of the product liability bill, exempting tobacco is the right thing to do. We should not sell out our Nation's public health to the tobacco lobby. Congress should not provide the tobacco industry with a back door deal through the product liability bill. To prevent this from happening, we must attach my amendment.

Mr. President, some of my colleagues might ask: "Why should we give tobacco litigation a carve-out from the restrictions of this bill?" The answer is simple and rather straightforward: The tobacco industry is unlike any other American industry. No other industry in this country kills over 400,000 Americans each year. No other industry has conspired to deviously addict children to its product. No other industry has submitted such highly questionable testimony to Congress and the courts. Is this Congress prepared to undercut unprecedented public health programs and give the tobacco industry the sweetheart deal they have been dreaming of? Is Congress going to bail out the industry once again? The American people won't tolerate it.

Mr. President, this Senator will do everything I can to prevent that from happening. I ask my colleagues to join me in support of this effort to remove tobacco litigation from the restrictions of the product liability legislation. It

is the right thing to do for the public health, for our State's highest law enforcement officials, and most important, for our kids.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session to markup S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 12, 1997, at 2 p.m. to hold a markup/business meeting.

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

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, June 12, at 4 p.m. for a business meeting.

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

#### ADDITIONAL STATEMENTS

##### REAR ADM. AUDREY F. MANLEY

• Mr. FRIST. Mr. President, I rise today to recognize and honor the Deputy Surgeon General and Acting Surgeon General of the U.S. Public Health Service [USPHS], Rear Adm. Audrey F. Manley, as she retires upon completion of more than 20 years of faithful service to our Nation on July 1, 1997.

Upon her retirement Rear Admiral Manley will be leaving both the positions of Deputy Surgeon General, which she has held since February 1994, and Acting Surgeon General, which she has held concurrently since January 1995. She has served in each of these capacities with dedication and distinction as a principal Federal health advisor to the Nation on public health matters; advisor to the Assistant Secretary for Health on policy matters pertaining to the USPHS; and leader for approximately 6,200 active duty members of the Commissioned Corps of the USPHS.

Rear Admiral Manley, a native of Jackson, MS, graduated from Spelman College in Atlanta, GA. She received her medical education at Meharry Medical College in Nashville, TN, and was awarded a master of public health degree from Johns Hopkins University School of Hygiene and Public Health. Her training includes an internship at St. Mary Mercy Hospital in Gary, IN, a residency at Cook County Children's Hospital in Chicago, IL, and various fellowship, research, and teaching experiences. She has also held positions

on the faculties of several medical schools.

Rear Admiral Manley became a member of the Commissioned Corps in 1976. Included among her many assignments are Director of Genetic Services, Bureau of Maternal and Child Health, Deputy Associate Administrator for Planning, Evaluation, and Legislation, and Associate Administrator for Clinical Affairs, Health Resources and Services Administration [HRSA]. In 1987, she was appointed Director of the National Health Service Corps, a HRSA component that furnishes primary health care providers to medically underserved communities throughout the country. In 1989, Rear Admiral Manley became the Principal Deputy Assistant Secretary for Health, working with the Assistant Secretary in providing leadership and support across the full spectrum of PHS policy and operational issues. She assisted in directing the eight agencies of the USPHS with a combined budget of \$22 billion and 45,000 employees. She was designated Acting Assistant Secretary for Health from January 1993 to July 1993. In July 1993, prior to assuming her current responsibilities, Rear Admiral Manley was named Deputy Assistant Secretary for Intergovernmental Affairs, where she was responsible for 10 PHS Regional Offices and the Office of Emergency Preparedness. In this role she was the principal PHS officer responsible for coordinating the USPHS response to Hurricanes Andrew and Inikki, and Typhoon Omar; the Mississippi flood of 1993; the Los Angeles civil unrest (1991) and the Northridge earthquake of 1994.

Rear Admiral Manley's awards as a member of the Commissioned Corps include the PHS Meritorious Service Medal, the PHS Commendation Medal, the PHS Unit Commendation Award, the Surgeon General's Exemplary Service Medal, the PHS Distinguished Service Medal, and the Hildrus Poindexter Award. She has also received numerous honors and awards from a wide variety of outside organizations.

Mr. President, Rear Admiral Manley has truly been a great credit to the Commissioned Corps and the Public Health Service throughout her career. I know that my colleagues are personally aware of her dedicated service to her country, especially during the 2-years plus in which she provided critical leadership as the Nation's Acting Surgeon General. It gives me great pleasure to recognize Rear Adm. Audrey F. Manley and, along with my colleagues, to wish her a fond farewell as she concludes a distinguished career in the Commissioned Corps of the U.S. Public Health Service and assumes duties as the next president of Spelman College. •

#### EMPLOYMENT NON-DISCRIMINATION ACT

• Mrs. MURRAY. Mr. President, I am very pleased to join with my colleagues



as an original cosponsor of the Employment Nondiscrimination Act of 1997. I speak as a strong supporter of this legislation, because I have always believed that every single American deserves fair treatment under the law no matter their gender, race, religion, or sexual orientation.

As one of only a few women to ever serve in the U.S. Senate, and the first ever from Washington State, I understand what it means to be part of a group that seeks fairness and equal opportunity. I have never advocated for any special protection or special class, just equal treatment and protection under the law.

Not long ago, many thought it would be impossible for women to serve in the Senate, much less elected office of any kind. It was felt that this was not a suitable occupation for a woman and that by simply being a woman, meant you were incapable of meeting the demands of the job. It was alleged that women would take offense to the unpleasant world of politics and that the presence of women would somehow jeopardize the work done in the U.S. Congress. While these statements may seem impossible to believe today, they do illustrate what many women faced. However, these stereotypes were overcome, and I am confident that none of my colleagues today would deny the tremendous contributions women have made here, in the House, in State and local government, and at every level of public service.

People suffer when stereotypes based on fear or ignorance are used to justify discrimination. I do not believe elected leaders serve our country well if they deny any citizen equal opportunities and equal treatment under the law. A person's success or failure must depend on their qualifications, skills, efforts, and even luck. But, no one should be denied opportunities because of their race, gender, religion, or sexual orientation.

I am continually disappointed when I hear about cases of economic discrimination based solely on one's sexual orientation. It defies logic that in today's society any employer could refuse to hire an individual, deny them equal pay, or professional advancement and subject them to harassment simply because of their sexual orientation. We have a proud history of ensuring basic civil rights for all Americans. We have enacted landmark legislation that seeks to guarantee equal opportunity, but we have failed to ensure that these protections are extended to all Americans. The Employment Nondiscrimination Act will correct this wrong.

As we would all agree, discrimination based on race, gender, ethnic origin, or religion is not just unfair, but illegal as well. ENDA would simply add sexual orientation to this list. It is written even more narrowly than current law, because it does not allow positive corrective actions such as quotas or other preferential treatment. All it says, is a person cannot be treated differently in

any decision related to employment, based on their sexuality—whether they are heterosexual or homosexual. Mr. President, this is a reasonable expectation and in fact it has been adopted by nine States, many local governments across the country, and many Fortune 500 companies, who recognize that it simply makes good business sense to value each and every one of their employees equally. It is time our laws reflect these values as well.

To my colleagues who believe this bill would result in increased litigation, I would ask these questions: Should we then have denied women equal rights, because it would have increased the number of cases in our courts? Should we have allowed segregation to continue because of the threat of litigation? Did the Framers of our Constitution think about caseloads in our courts when they guaranteed religious freedom?

My answer to these questions is a strong, clear "no", and I am surprised at the arguments against this legislation. They sound hauntingly familiar to the ones we have heard in the past against allowing women, the disabled, religious members, and racial groups equal protection under the law and equal economic opportunity.

Mr. President, this is not about one group's protection at another's expense. It is about common sense, common decency and about our fundamental values as Americans.

To quote former Senator Barry Goldwater, "anybody who cares about real moral values understands that this is not about granting special rights, it is about protecting basic rights."

In the last Congress, we came within one vote of adopting this important, bipartisan legislation. I urge my colleagues to support this measure so that we can continue our proud tradition of protecting basic civil rights and opportunity for all Americans. If we do not pass this bill, our sisters and brothers, sons and daughters will remain vulnerable to discrimination. We can do better than that.●

#### TRIBUTE TO MORTIMER CAPLIN

● Mr. WARNER. Mr. President, as a former student and longtime friend of Mr. Mortimer Caplin, I rise today to honor him as a dedicated professor of law at the University of Virginia as well as for his service to the United States. He is well known to the Members of the Senate for his expert counsel in the field of tax law, and is known to people everywhere as a man of the highest integrity and deepest commitment to public service. Mr. President, I ask that you join me in recognizing the invaluable contributions of Mr. Caplin by submitting for the RECORD the following remarks made by his son, Michael Caplin, on the occasion of the naming of the Mortimer Caplin Pavilion at the University of Virginia.

The remarks follow:

DEDICATION OF THE MORTIMER CAPLIN PAVILION  
AT THE UNIVERSITY OF VIRGINIA LAW SCHOOL,  
MAY 3, 1997

(By Michael Caplin)

On a cold winter day in 1932, Daniel Caplin drove his only son Mortimer from New York City to central Virginia to visit family friends. If truth be told, Mortimer didn't really want to go, and joined the expedition under protest.

By the time they reached Charlottesville, a light snow had gently draped the town and the University grounds in a sparkling blanket of white. Like everyone who has ever seen that wondrous sight, Mortimer Caplin was completely enchanted.

They stayed the night, and fate bumped them into a childhood friend then enrolled at the University. He took them both to Pi Lambda Phi, where a warm fraternal welcome made the young man feel very much at home. On they went to watch the mighty U.Va. boxing team successfully defend its honor before an adoring crowd of 5,000 packed into Memorial Gym. Mortimer Caplin was captivated by the fierce pride, the superior sportsmanship, and the magical presence of Thomas Jefferson.

Thus began what is now a sixty-five year relationship which has enriched them both. He enrolled in the college and then the law school, and immersed himself in every aspect of campus life—arts, athletics, scholarship, and student government. Here he learned many lessons and skills with which he fashioned a life of stunning achievement. For that he is profoundly grateful. And, like Mr. Jefferson, Mr. Caplin believes that there is a debt of service due from every man to the community which has enriched him. It's a debt he is proud to repay.

He does so by serving our University as a committed teacher, and a distinguished and devoted alumnus. Mr. Caplin also serves on the Law School Foundation, as Chair of the University Council for the arts, and, formerly, as a member of the University Board of Visitors. Most recently, he is Captain of the Law School's bold \$100 million fund raising campaign.

When I heard about that campaign, I asked my father if he could honestly say that the world really needed more lawyers. Without a moment's hesitation, he replied with complete innocence, "The world will always need more Virginia lawyers."

That's how he feels about this special place, and that is why he continues to serve our University with unflagging enthusiasm and energy. He always has and always will do whatever he can to preserve and strengthen his most important institution.

Commitment and service of this caliber are very special. My father is a very special person and a very special role model. He is a quiet giant of a human being—a great man who does everything, truly everything, with modest excellence, impeccable integrity, fairness, generosity, and an innocent steadfast faith in the character and value of all people.

Like his father, our Grandpa Dan Caplin, he lives life, attacks it with gusto, and finds joy in everything he does. He laughs with children, chats with strangers, and gives help to anyone in need. He rejoices at the sweet smell of spring, and celebrates the glory of theater, art, and dance. His energy and enthusiasm are boundless.

You may know him for his scholarly articles, his learned discourse, and his many contributions to our government, our society, and our school. You should also know him for the funny games he plays with his grandchildren, lying on the floor, sharing their fantasy babble. That, too, he does with fervor and flair.

He loves his family with a fierce and constant passion that makes us feel strong and safe in a chaotic world. For 51 years he has always made time to check our homework, cheer our victories, examine our failures, support our dreams, and exhort us to make hard choices and disciplined commitment necessary to excel. He is a wonderful, wonderful father. And for 54 enchanted years he celebrated his greatest love and matchless muse, my mother, Ruth Caplin. He is a devoted husband.

Mortimer Caplin is a very special man. He has excelled in everything. His life story is simply remarkable. He was a skillful actor in college and president of the Virginia Players. He was an NCAA boxing champ, graduated first in his college class, first in his law school class, and was Editor in Chief of the Law Review.

Did you know he commanded a navy battalion during the D-day landing at Omaha Beach? Or, that he might have worked at the FBI if his applications had not been mysteriously lost again and again and again. I thank you, J. Edgar Hoover.

Did you know that when he came to teach at U.Va., Mortimer Caplin was not a tax expert or especially versed in trusts & estates. He was a corporate law buff, but threw himself into these new areas with typical abandon, mastering them, and then teaching with aplomb.

Like his father, he was dedicated to his students, and gave them his very best. And, like his father, he is proudest of his work as a teacher. He trained and disciplined a legion of young lawyers to become assets to their profession and community. Two of those students extolled his vast talents and wisdom to their big brother, who then called Mr. Caplin back into public service, where he served with integrity and distinction.

Caplin & Kennedy's IRS never investigated enemies. They computerized, closed loopholes, and spread the tax burden equally. His superior performance earned him the Treasury Department's highest honor, the Alexander Hamilton Award.

The law firm he founded is excellent, staffed with good, civilized people who, like himself, care about the law and a duty of superior service. And the capital campaign committee under his exuberant leadership, has nearly reached its stunning \$100 million goal, including the creation of this magnificent pavilion.

This is an exemplary life. And, on top of all that, you should know that he's been going to the gym at least 3 times a week for 60 straight years, he is at all times within 3 pounds of his college fighting weight, and he is currently #2 nationwide in the number of lengths swum in the 80 years and older category, and it's reported that #1 is probably taking steroids.

I'm very happy to stand here today on behalf of my family to say that we love our father dearly, that we are very proud to be Caplins, and that we thank you all very much for giving him this wonderful honor that he most certainly deserves.

Our society and our school really are better because of the effort and achievement of Mortimer Caplin. And we all really are enriched by his example of life lived passionately on every single level. We all are summoned by his example of integrity, civility, fearless enthusiasm, and uncompromising discipline and resolve. Hit first, hit hardest, and keep on hitting, his U.Va. Boxing coach once said. And so he does. Focus, give of yourself honestly and unselfishly, be optimistic, be kind. Then, everything is possible.

Congratulations, Mr. Caplin, and thank you for doing everything for everybody.●

#### RECOGNITION OF SUE MATTHEW AND JAN WEGENKE'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Sue Matthews and Jan Wegenke in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND and 10,000 residents of East Grand Forks, MN were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Sue Matthews and Jan Wegenke are nurses at the Fort Meade Veterans Administration facility in South Dakota. Both Sue and Jan volunteered to travel to Grand Forks and helped victims with mental health issues. In addition to the counseling, Sue and Jan lent a hand wherever needed, including helping many individuals clean out their damaged homes.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of people like Sue Matthews and Jan Wegenke illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Sue Matthews and Jan Wegenke illustrate how two individuals can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

#### RECOGNITION OF THE McCOOK COUNTY SEARCH AND RESCUE UNIT'S ASSISTANCE DURING THE NATURAL DISASTERS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of the McCook County Search and Rescue Unit in ongoing disaster recovery efforts in South Dakota.

Early this year, residents of Minnesota, North Dakota and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely underwater when record low temperatures turned swollen streams into sheets of ice.

At the height of the snowstorms in South Dakota, the individuals of the McCook County Search and Rescue Unit donated over 480 manhours in a 3-day period driving at 3 miles per hour to 4 miles per hour in zero visibility. Wind gusts of 40 miles per hour dropped the temperature to nearly 70 degrees below zero as the individuals followed snow plows for 263 miles to rescue families without heat and stranded motorists from all over the county.

While those of us from the Midwest will never forget the destruction wrought by this year's snowstorms and floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from vicious winter weather and rising flood waters. The selfless actions of the McCook County Search and Rescue Unit illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair our impacted communities. The individuals at the McCook County Search and Rescue Unit illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

#### RECOGNITION OF RENEE PARKER AND THE RAPID CITY UNITED WAY'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Renee

Parker and the Rapid City United Way in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, S.D. to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, S.D. was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, N.D. and 10,000 residents of East Grand Forks, MN were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Renee Parker organized a United Way Jeans Day promotion that continues to amass monetary funds for flood victims. Many families escaped rising flood waters in the dead of night, often with only the clothes on their back, and ultimately lost everything in their homes. I am pleased to say the Jeans Day promotion has collected over \$6,350 to help buy goods for these families. Renee Parker has also been instrumental in organizing the Jeans Day promotion for flood victims on a national basis.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of people like Renee Parker and organizations like the Rapid City United Way illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Renee Parker and the Rapid City United Way illustrate how individuals can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

#### RECOGNITION OF BUTLER MACHINERY'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of individuals at Butler Machinery in Rapid City, SD, in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for three weeks. The city of Bruce, SD, was completely under water when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city under water and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Butler Machinery offered free transportation of flood relief items, including food, clothing, bottled water, and toys to Grand Forks. Many families escaped rising flood waters in the dead of night, often with only the clothes on their back, and ultimately lost everything in their homes. I am pleased to say that Butler Machinery has transported over 30 truckloads of items so far to Grand Forks, helping families rebuild their lives. In addition, Butler Machinery has raised nearly \$500,000 in donations for flood victims.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of the individuals at Butler Machinery illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. The individuals at Butler Machinery in Rapid City illustrate how the actions of a community can bring

some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

#### RECOGNITION OF CHUCK TINANT'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Chuck Tinant in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for three weeks. The city of Bruce, SD, was completely under water when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city under water and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

As chairman of the Dakota Disaster Relief Fund, Chuck Tinant has been spearheading volunteer efforts on behalf of the Rapid City Chamber of Commerce. Through Chuck's coordination, the relief fund has raised over \$78,000 for flood victims. In addition, Chuck helped organize efforts by students from area high schools and elementary schools, local businesses, and concerned individuals to collect and ship cleaning supplies, toys, furniture, school books, and food items to Grand Forks.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of people like Chuck Tinant illustrates the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand

Forks and other impacted communities. Chuck Tinant illustrates how an individual can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking him for his selfless efforts.●

#### SERVICE IN AMERICA

● Mr. REED. Mr. President, in April, President Clinton with former Presidents Bush and Ford convened a Summit on Service in Philadelphia. They and other national leaders called upon young people to serve their communities and urged them to spread the spirit of service throughout the country.

The Corporation for National Service [CNS] is among those advancing this spirit. Its mission, as my colleagues are well aware, is to help the country meet its educational, environmental, and public safety needs through service projects conducted and led by young people. The young people who participate in the AmeriCorps Program assist needy individuals, families, and their communities, while building their own self-esteem and earning grants to help them meet the financial costs of higher education.

Since its inception, the Corporation for National Service has taken steps to address the charges of its critics by making necessary changes. Today, CNS fulfills its mandates successfully, efficiently, and cost effectively. In fact, a University of Minnesota study shows that AmeriCorps Programs in that State return \$3.90 in benefits for every dollar spent. Studies in Washington State reveal a similar return on investment.

When the Senate considers the reauthorization of the Corporation for National Service, I hope we will continue to foster the spirit of service that was celebrated in Philadelphia. To open the discussion, I ask my colleagues to take the time to read an article entitled "The Value of Service," which appeared in the June edition of Government Executive magazine. This article offers, I believe, a balanced view of CNS's first 4 years. Mr. President, I ask that it be printed in the RECORD. The article follows:

#### THE VALUE OF SERVICE

(By Annys Shin)

These should be heady days for the Corporation for National Service, the 4-year-old agency that oversees AmeriCorps, President Clinton's pet program to give students financial aid in exchange for a year of community service.

In February, Clinton announced in his State of the Union address that he would use thousands of AmeriCorps volunteers to mobilize an army of reading tutors for grade-school children. In March, CNS chief executive Harris Wofford got a favorable reception on Capitol Hill when he testified before the House and Senate on his agency's budget request. A month later, he stood with President Clinton and former President Bush at a summit meeting on national service in Philadelphia.

All this just a year after AmeriCorps' budget was zeroed out by the House (only to

be restored later in negotiations with the Senate) and Congress failed to bring CNS' reauthorization up in committee.

Still, CNS is still fighting to prove that its programs are worth the \$600 million a year taxpayers spend on them.

President Clinton's proposed tutoring effort, known as the America Reads Initiative, has further raised the stakes for AmeriCorps and CNS. The Clinton administration has requested \$1 billion over the next five years to cover the costs of the program and an additional 50,000 AmeriCorps Challenge Scholarships. Any funding increase or new service initiative can't go forward unless CNS is reauthorized by September, according to a CNS spokesman.

Since CNS is the Clinton administration's most significant expansion of the federal bureaucracy, its leaders have been meticulous since 1993 about measuring the results of their programs to show that they work. Other federal operations will soon follow suit, as the Government Performance and Results Act of 1993 takes full effect, forcing agencies to develop outcomes-based approaches to running their programs.

However, few agencies are likely to face the relentless criticism that CNS has from its Republican opponents, who see the agency and its programs as little more than a political boondoggle. So far, reams of positive data have not been enough to get CNS out of the partisan cross hairs.

#### AMERICORPS UNDER SIEGE

At the center of all the controversy is AmeriCorps, CNS' flagship program. The agency administers two other service programs, Learn and Serve and the Senior Corps, but neither have received the scrutiny AmeriCorps has.

CNS jointly administers AmeriCorps with 48 state commissions, which vary in size. CNS gives half of AmeriCorps grant funding to the state commissions, which then issue sub-grants to projects. CNS directly funds projects with the rest of the money.

AmeriCorps members are involved in a variety of activities, including assisting crime victims, immunizing children, restoring national parks, developing community-based health care programs and setting up credit unions in low-income communities. In return for a year's service, they get living allowances of \$7,600 a year, which can be supplemented by the member's employer. They also receive an education award of \$4,725 to put toward paying off student loans or to finance higher education or vocational training. Members can receive living allowances and education grants for up to two terms of service.

Last year, the \$215 million that AmeriCorps distributed in the form of grants to states and direct funding of projects went to 450 programs that operate at more than 1,000 sites nationwide and employ 24,000 AmeriCorps members.

None of AmeriCorps' critics have disputed the value of building housing for low-income families or teaching children to read. But some members of Congress question whether the program's benefits are worth its cost to taxpayers.

At many federal agencies, the cost-benefit calculation is far from simple. The Government Performance and Results Act is supposed to help by forcing agencies to come up with strategic plans and to measure the results of their programs. "The Results Act is a major culture change for most agencies," says Jerome F. Climer, president of the Congressional Institute, a think tank that studies governmental reforms.

But at CNS, which was created the same year GPRAs became law, no such culture change is necessary. "There was a decision

made early on in the program that AmeriCorps had to be judged on the basis of what it actually accomplished, on services delivered," says Steven Waldman, assistant managing editor at U.S. News and World Report, who wrote *The Bill* (Viking, 1995), a book about Clinton's effort to start a national service program, and later served as Wofford's senior policy adviser. "It was not sufficient to have anecdotal evidence that it was good for the AmeriCorps members. We had to have proof that it was good for the communities it was serving."

#### COSTS AND BENEFITS

But measuring community impact has proved to be easier said than done. Older service programs such as the Peace Corps have tended to focus more on participant benefits, in part because the impact on participants is easier to gauge than the effect on communities, says JoAnn Jastrzab of the Boston research firm Abt Associates, who has studied some of AmeriCorps' efforts.

Last July, Jastrzab and her colleagues released the findings of a 14-month study of the country's eight largest and most-established youth conservation corps, which get about a third of their funding through AmeriCorps. The study was funded by CNS.

Jastrzab followed participants in one Washington state project who went out into fields armed with toothbrushes to talk to migrant farm laborers about oral hygiene and to try to persuade them to visit a local health clinic on a regular basis. Other volunteers served as translators in the clinic. These services may have raised the number of workers who receive preventive care, and the eventual cost-savings of such preventive care to taxpayers could be measured, Jastrzab concluded, but documenting it could be costly and would require a separate study.

Nevertheless, after comparing operating costs to the value of service provided and the gain in participant earnings in the 15 months following service, Jastrzab and her colleagues estimated that each hour of service youth corps members performed resulted in \$1.04 more in benefits than it cost to employ them.

Evaluators have come up with similar cost-benefit ratios for other AmeriCorps programs. Researchers from the Northwest Regional Educational Laboratory found that every federal dollar invested in two Washington state AmeriCorps projects yielded a return up to \$2.40 in benefits. University of Minnesota researchers found benefits up to \$3.90 for each federal dollar put into several Minnesota AmeriCorps projects. CNS officials say such figures show taxpayers are getting bang for the bucks AmeriCorps spends.

CNS officials have also compiled lists of AmeriCorps project accomplishments. The San Mateo, Calif.-based research firm Aguirre International studied the program's first year of service and put together a list of beneficiaries, which included 10,000 children who were escorted to school through safe corridors, more than 1,000 teen-agers who received counseling about drug and alcohol abuse, more than 700 families who were able to move into new or refurbished homes, apartment units or shelters, and more than 1,200 people with AIDS who received services.

#### TRACKING RESULTS

But whether this laundry list of good deeds translates into long-term impact is another story. AmeriCorps participants, says Lance Potter, director of evaluation at CNS, "are people who are out there to solve the problem of homelessness or to teach every child to read. They don't have goals that you can reach in a year."

However, social scientists say that the long-term effect of service programs can be

measured through studies that track, for example, literacy rates in areas where AmeriCorps members serve as reading tutors. Such studies are being designed, Potter says. In September, research firm Aguirre International is slated to issue a report on the long-term impact of AmeriCorps' programs.

Tracking the benefits of service work on the people who join AmeriCorps is also a challenge. As with gauging a project's community impact, economists and social scientists have yet to slap a price tag on boosting participants' self-esteem, raising their job aspirations, or increasing the likelihood that they will volunteer in the future.

Adding another wrinkle to measuring benefits to participants is AmeriCorps members' demographics. Programs such as the Youth Corps recruit mostly among disadvantaged youth. When comparing kids who participate in Youth Corps to a group of their peers who didn't, gains in educational attainment or work experience show up clearly. But in evaluating AmeriCorps members, who are recruited regardless of socio-economic status and tend to be older, more educated and better off than Youth Corps members, the benefits to participants are sometimes less dramatic.

An Abt Associates study of Youth Corps programs found they did little to boost the incomes or job opportunities of white male participants when compared to white males who didn't perform a year of service. Black and Hispanic participants, on the other hand, made more money and got better jobs than their non-service counterparts.

The findings reflect a better job market for white males, says Jastrzab, not a detrimental effect of service. But without detailed explanation, the finding gave the appearance of failure.

"When the findings come around to showing different impacts on young people by race, then CNS wants to distance itself from that," says Andy Moore, a spokesman for the National Association of Service Conservation Corps. "This study was publicized in spite of CNS, not because of it."

When there really is bad news about a AmeriCorps-backed project, it doesn't necessarily mean the project loses its funding. But projects that show no interest in completing evaluations at all probably will be cut off, according to Potter.

After its first year, CNS defunded only 50 AmeriCorps grantees, and only 20 in its second year. "We don't want to be in the business of punishing programs for finding out that they have shortcomings," Potter says. "If we do that, we send the message that we don't provide an incentive for them to look hard at their program and find ways to improve it."

In order for an outcome-based approach to work "there must be consequences," argues the Congressional Institute's Climer. "Poorly performing programs must be repaired." There also have to be rewards for improvements, he says.

AmeriCorps' critics have kept CNS officials keenly aware of what will happen if the agency doesn't meet their expectations. This spring, AmeriCorps' congressional critics were disappointed by what they saw as the agency's lack of improvement in management practices and cost control, and renewed threats to kill the program if it doesn't make significant strides over the next year.

Such threats carry greater urgency in the current climate of deficit reduction.

"One of the greatest difficulties that we have is that [AmeriCorps] funds compete directly with dollars for federal housing programs, veterans benefits, the space program, natural disaster relief and more than a dozen other federal agencies," says David

Lestrang, an aide to Rep. Jerry Lewis, R-Calif., chairman of the House Appropriations subcommittee that has jurisdiction over the CNS budget. "It all comes down to a matter of priority. I know this is a priority for the administration but they have to weigh it against other priorities. For Congress, the jury is still out on AmeriCorps."

"If you focused entirely on the cost, you could justify killing any program if you never looked at the benefits," counters Waldman.

#### DUAL GOALS

The question of whether CNS' programs are cost-effective depends largely on how you define its goals.

In the National and Community Service Trust Act of 1993, the agency's mission is defined as helping "the nation meet its unmet human, education, environmental and public safety needs." But President Clinton also sold AmeriCorps as a way for young people to earn money for college.

Senator Charles Grassley, R-Iowa, a vocal AmeriCorps critic, doesn't dispute the benefits of its programs. But he questions whether it is an efficient way to help kids get to college.

Grassley "has no problem with the work AmeriCorps volunteers are doing—it's valuable work," says Jill Kozeny, one of his aides. "He has a problem with the huge burly cost structure."

Grassley has commissioned several General Accounting Office studies of CNS operations. Two years ago, a GAO study he ordered concluded that the agency was expending about \$17,000 in resources on each AmeriCorps participant. Adding state, local and private support for the program, GAO pegged average resources per participant at \$26,654. Grassley said this figure was way too high. He also blasted CNS for giving grants to other federal agencies and not garnering more private support for projects.

CNS officials say it's unfair to include other federal, state, local government, and private contributions when estimating program costs. But last year CNS chief executive Harris Wofford said he would implement a plan to require grantees with above average per-participant costs to lower them by 10 percent in the next grant cycle. Wofford also agreed to end funding to other federal agencies, which had totaled \$12 million a year for programs such as WritersCorps, a tutoring program underwritten by the National Endowment for the Arts. And he said he would raise requirements for matching private funds from 25 percent to 33 percent of a grantee's budgets. Grassley then helped save AmeriCorps funding for another year.

In March of this year, Grassley and others found more fodder for discontent in another GAO report on the role of state commissions in administering AmeriCorps. The report included costs, attrition rates, and rates of educational award usage among several AmeriCorps projects. One project, the Casa Verde Builders Program in Texas, had an attrition rate of more than 50 percent and cost \$2.5 million, half of which came directly from CNS. Grassley's office estimated costs for the program at close to \$100,000 per participant.

"We have to look at whether this program is the most cost-effective way to help people go to college," Grassley said on NBC Nightly News shortly after the report came out.

Wofford protests that AmeriCorps is not simply a scholarship program, but a national service one as well.

That is exactly what bothers some of AmeriCorps' critics, who say that the federal government shouldn't be in business of promoting service. Rep. George Radanovich, R-Calif., abhors the idea that AmeriCorps

members are in essence "paid to volunteer," according to one of his aides, Fred Greer. "The aim is worthy," Greer says. "But why does it have to be a public program from the start?"

AmeriCorps supporters counter that federal investment is a vital catalyst to boosting community service and a necessary incentive for overworked citizens to volunteer.

Still, even the most ardent AmeriCorps supporters are starting to concede that the non-government sectors have a bigger role to play in national service. At the April summit on service in Philadelphia, Clinton proposed the creation of 50,000 new AmeriCorps Challenge grants that would allow AmeriCorps to add 33,000 members over five years. The new grants would only cover the education award; private and nonprofit organizations would pick up the tab for other program costs and living expenses.

"We're extremely open-minded to ideas from all parts of the political spectrum on how to make national service work," Waldman said in an interview before he left the agency. "Outside of Washington, AmeriCorps is much more a nonpartisan issue."

Congressional opposition puts CNS officials in a bind, because they're forced to be accountable for the effectiveness of projects that they don't directly run, half of which they don't even choose to fund. "Congress set it up this way and if they believe in it they ought to take it seriously," Waldman said. "It puts us in a ridiculous position: Congress wants us to not have any control but hold us accountable."●

#### TRIBUTE TO THE TOWNS OF NASHUA, PORTSMOUTH AND MANCHESTER ON BEING NAMED TO MONEY MAGAZINE'S BEST PLACES TO LIVE IN AMERICA

● Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize the great citizens of Nashua, NH, Portsmouth, NH, and Manchester, NH, on being named to Money magazine's best places to live in America. Nashua, NH, came in at No. 1, with Portsmouth and Manchester finishing fifth and sixth respectively based on Money magazine's rankings.

The national investment magazine released their list of America's top ten communities based on business climate, economic well-being, quality of life and other factors that comprise a positive environment in which to work and raise a family. New Hampshire's tourism industry, scenic beauty, lack of sales or income tax, low crime rate, quality education, and family and community spirit make the State attractive for families and businesses to locate here. The people of these communities, and of the entire State, have good reason to be extra proud.

Nashua, the Gate City of the Granite State, named number one by Money magazine, is the only State to receive this honor twice, of which I and the citizens are very proud. The former mill town which borders the Commonwealth of Massachusetts, has a booming economy with manufacturing facilities, hi-tech firms, and defense contractors. Nashua is also close to many cultural arts venues and major medical faculties of neighboring communities,

which make it number one as touted by Money magazine.

Portsmouth, New Hampshire's Port City, placed sixth as the most desirable place in the country. The Portsmouth community relies on many major technology and communications firms to help thrust to the forefront of the Nation. The Portsmouth community is a great place to raise a family with its many fine schools and major colleges nearby including the University of New Hampshire in nearby Durham. The Port City is also the home of one of our Nation's finest military institutions, the Portsmouth Naval Shipyard.

Manchester, the Queen City, picked up the sixth place honors in the Nation. The Queen City has many high-tech firms and major telecommunications businesses which help add to the economic power of the city. Manchester sits on the banks of the Amoskeag river, the home to many of the historic manufacturing plants of the late 1800's and early 1900's. Situated in the Merrimack Valley of New Hampshire, Manchester is also home to a booming cultural arts center which is the pride of northern New England.

Mr. President, it is no surprise that New Hampshire is the only State with three towns in the top ten. I can think of no cities in America more deserving of these top honors than Nashua, Portsmouth, and Manchester. I applaud the local officials, enterprising businessmen and women, and the committed citizens of these great cities. They helped bring about an economic revival that has propelled New Hampshire into national recognition once again. I am proud to represent them all in the U.S. Senate.●

#### NATIONAL HOME OWNERSHIP WEEK

● Mr. SARBANES. Mr. President, this week we mark the second anniversary of the National Home Ownership Week. I rise to join with my constituents and citizens across the Nation to celebrate the efforts to promote and expand the rate of home ownership in this country.

It is my view that home ownership activities foster and encourage the revitalization of neighborhoods. Home ownership stabilizes local communities by providing families with a renewed sense of civic responsibility and commitment to the well-being of their neighborhoods. In addition, home ownership is one of the single most important vehicles for personal financial growth and wealth accumulation. New home ownership encourages investment and job growth in areas where such investment has been lacking. While a majority of Americans today are homeowners, many moderate and low income families are unable to overcome the economic barriers to owning a home. The National Home Ownership Week is part of the national strategy to make the dream of home ownership a reality for these families.

Study after study has demonstrated that many families with high enough

incomes to buy homes and who may, in fact, be paying as much in rent as they would be in mortgage payments, are locked out of home ownership because they cannot generate the down payment or closing costs necessary. Helping families to surmount those barriers, and then providing them with mortgages at affordable rates so that they can become home owners, means moving those families toward long-term economic security. Therefore, it is imperative that we work to increase the availability of credit and affordable mortgages for moderate and low income families who labor to own their piece of the American dream.

The number of local events being held across the country to celebrate National Home Ownership Week now exceeds 600. In my state of Maryland, I had the privilege of attending an event in Wheaton, MD, to announce the "Home Ownership Montgomery" initiative as part of this week's celebration of home ownership activities. I was proud to stand with representatives from the Montgomery County Housing Opportunities Commission, the county government, Fannie Mae and other dedicated housing advocates. As part of the strategy to increase the number of Maryland home owners, Montgomery County has partnered with Fannie Mae to make millions of dollars of low interest loans available to low income families who need assistance with closing costs and mortgage payments. It is my hope that these efforts and numerous others will increase the current home ownership rate in Maryland from 65.9 percent to 67.5 percent, the national goal set by the National Partners in Home Ownership.

The success of National Home Ownership Week is made possible by many innovative public-private partnerships. In this age of shrinking Federal resources, partnerships have leveraged funds to support millions of dollars in home ownership activities. National organizations such as the Local Initiatives Support Corporation and the Enterprise Foundation, local nonprofits and for-profits such as Interfaith Housing of Western Maryland, and local governments have developed thousands of homes for low income families. I salute these combined efforts to rebuild local communities. At the same time, we must not forget that federal funding for affordable housing assistance and homeless individuals has been on the decline. The dream of home ownership is a dream that many families of varied incomes desire. It is my hope that National Home Ownership Week will not only help to raise the awareness of the need for increased home ownership, but at the same time, heighten the public's consciousness of the benefits of providing affordable housing for all families.●

#### TRIBUTE TO MACON COUNTY

● Mr. FRIST. Mr. President, I rise to today to recognize Macon County—a beautiful county in my home state of Tennessee.

The people of Macon County are hard and prosperous workers who have never lost touch with their core community values, even as they have responded to our ever changing times. For instance, with their deep roots in tobacco farming, Macon County farmers have had to adapt to rapid changes in agriculture and agribusiness. For many, that has meant expanding to grow alternative crops—like sweet peppers—to remain competitive throughout the Nation.

Other residents have recognized the value of the area's natural beauty, and the county's tourism has grown as a result. Places like Union Camp Waterfall, Winding Stairs natural rock formation and Red Boiling Springs draw many visitors from Tennessee and throughout the country.

Every year Macon countians celebrate those values, the success of their community and the common bond they share in many different ways. Whether it's their award-winning county fairs or the perfect balance they have achieved between the county's unique natural features, residents of Macon County can take pride in their work and in themselves.

Mr. President, the citizens of Macon County are hardworking, forward-thinking individuals dedicated not only to the growth and success of their community, but also to the growth and success of their community spirit. I salute them all. ●

#### GIRL SCOUT GOLD AWARD

● Mr. LIEBERMAN. Mr. President, today I would like to salute 13 outstanding young women who have been honored with the Girl Scout Gold Award by Connecticut Trails Girl Scout Council in North Haven, CT. They are Katherine Berinato, Amy Suzanne Brink, Anne T. Dwyer, Sarah Erling, Carolyn Greeno, Paige Henninger, Bri Lyn Howell, Theresa Lacombe, Kristen A. McAree, Elizabeth Shepherd, Jennifer R. Westmoreland, Rebecca Wonneberger, and Heather Swanson. They are being honored on June 8, 1997, for earning the achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14-17, or in grades 9-12.

Girls Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is



carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As members of the Connecticut Trails Girl Scout Council, we believe they should receive the public recognition due them for their significant service to their community and their country.●

#### RIEGLE-NEAL CLARIFICATION ACT OF 1997

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 58, H.R. 1306.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1306) to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank.

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

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

#### AMENDMENTS NOS. 372 AND 373, EN BLOC

Mr. SANTORUM. Mr. President, Senators D'AMATO and SARBANES have an amendment at the desk, and Senator FEINGOLD has an amendment at the desk, and I ask for their consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes amendments numbered 372 and 373, en bloc.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

#### AMENDMENT NO. 372

(Purpose: To amend provisions relating to the applicability of State and Federal law to interstate branching operations, and for other purposes)

On page 1, beginning on line 4, strike "Clarification" and insert "Amendments".

On page 1, line 7, insert "(a) ACTIVITIES OF BRANCHES OF OUT-OF-STATE BANKS.—" before "Subsection".

On page 2, strike line 22 and all that follows through page 3, line 2 and insert the following:

"(3) SAVINGS PROVISION.—No provision of this subsection shall be construed as affecting the applicability of—

"(A) any State law of any home State under subsection (b), (c), or (d) of section 44; or

"(B) Federal law to State banks and State bank branches in the home State or the host State.

On page 3, after line 5, add the following:

(b) LAW APPLICABLE TO INTERSTATE BRANCHING OPERATIONS.—Section 5155(f)(1) of the Revised Statutes (12 U.S.C. 36(f)(1)) is amended by adding at the end the following:

"(C) REVIEW AND REPORT ON ACTIONS BY COMPTROLLER.—The Comptroller of the Currency shall conduct an annual review of the actions it has taken with regard to the applicability of State law to national banks (or their branches) during the preceding year, and shall include in its annual report re-

quired under section 333 of the Revised Statutes (12 U.S.C. 14) the results of the review and the reasons for each such action. The first such review and report after the date of enactment of this subparagraph shall encompass all such actions taken on or after January 1, 1992."

Amend the title to read as follows: "An Act to amend Federal law to clarify the applicability of host State laws to any branch in such State of an out-of-State bank, and for other purposes."

#### AMENDMENT NO. 373

(Purpose: Maintaining Right of a State to opt out of DIDA)

At the appropriate place, insert the following:

"Nothing in this act alters the right of states under section 525 of Public Law 96-221."

Mr. D'AMATO. Mr. President, the trigger date for nationwide interstate branching has passed—June 1, 1997. This important legislation will preserve the benefits of the dual banking system and keep the State banking charter competitive in an interstate environment. It is critical that the Senate now consider and pass H.R. 1306, the Riegle-Neal Clarification Act of 1997.

The dual banking system has served this country well for over 100 years. The State banking system has been the source of major advances in the banking industry for the past 70 years.

Mr. President, the dual banking system is under attack. The bill is necessary to preserve confidence in a State banking charter for banks with such a charter that wish to operate in more than one State. In addition, it will curtail incentives for unnecessary Federal preemption of State laws. Finally, the bill will restore balance to the dual banking system by ensuring that neither charter operates at an unfair advantage in this new interstate environment.

Mr. President, the importance of this bill to my State has been communicated by Governor Pataki and the superintendent of banking. New York has more than 90 state-chartered banks with a total of more than half a trillion dollars in assets. These institutions play a vital role in the economic wellbeing of the State of New York. Without this legislation, the largest of these institutions may be tempted to convert to a national charter in order to operate in more than one State. The local bond with these institutions could be broken. New York State bank examiners would be no longer be examining these institutions for compliance with our State community reinvestment and consumer protection laws.

H.R. 1306 will help prevent this alarming scenario. It protects the dual banking system.

Mr. President, the problem cured by this bill can be simply described. The current law may be unclear as to whether consistent rules are used to determine what laws and powers apply to the out-of-State branches of State and federally chartered banks. To the extent it remains uncertain that current law establishes rough parity between charters in this regard, some

banks may conclude that the national bank charter is the preferable option. This is not a hypothetical concern; Key Corp., one of the largest State-chartered banks in New York, converted to a national bank because of this uncertainty. H.R. 1306 would resolve any such ambiguity.

First, it would establish that a host State's law would apply to the out-of-State branches of a State-chartered bank only to the same extent that those laws apply to the branches of out-of-State national banks located in the host State. Second, it would make clear that host State branches would be allowed to exercise powers granted by their home State if such powers are permissible for either banks chartered by the host State or for national bank branches in that host State.

Enactment of H.R. 1306 also would bolster efforts in New York and other States to make sure that the State-chartered banks have the powers they need to compete efficiently and effectively in an interstate environment.

Mr. President, this bill is especially important now because of the efforts of the Comptroller of the Currency to preempt State laws and promote the national bank charter at the expense of the States and other Federal regulators. At a recent oversight hearing, I presented documentation, prepared by the OCC, that confirms that the OCC has mounted an unprecedented, aggressive marketing effort to convince State chartered banks to flip to a national charter.

I am pleased that our colleagues in the House, particularly Chairman LEACH and Representative ROUKEMA, were able to expeditiously guide this bill through the House, where the bill passed on the suspension calendar. I also want to thank my Senate colleagues for their cooperation, especially Senator SARBANES.

Mr. President, Senator SARBANES has reviewed and analyzed carefully the House bill and he has identified the need for a technical clarification to the House-passed bill contained in the amendment we have developed. The amendment would modify the title of the bill, provide a technical clarification to ensure that a national statute that applies to a State-chartered bank in its home State will also apply to a branch of the bank in a host State; and, finally, require the OCC to report to Congress on its preemption decisions since January 1, 1992, and annually thereafter.

The information yielded by this preemption reporting requirement on the OCC's preemption of State law in numerous areas will assist oversight of the Comptroller's use of preemptive authority. In my judgment, in recent years the OCC has used his authority over national banks to thwart traditional areas of State regulation—such

as regulation of insurance and consumer protection. With the benefit of the information and analysis the amendment will require, Congress will be in a better position to determine whether current law regarding preemption is too broad or its administrative interpretation and applications have been too expansive.

Mr. President, again I thank my distinguished ranking minority member, Senator SARBANES, and I urge my colleagues to support the amendment and the bill.

Mr. SARBANES. Mr. President, the amendment that I have offered together with Chairman D'AMATO to H.R. 1306 would make three changes in the legislation.

First, it would make the title of the legislation the Riegle-Neal Amendments Act of 1997. This reflects the fact that this legislation makes significant substantive changes to current law, and is not merely a clarification or technical change.

Second, the amendment requires that no provision of subsection 24(j) of the Federal Deposit Insurance Act, as amended by H.R. 1306, shall be construed as affecting the applicability of Federal law to State banks and State bank branches in the home State or the host State. There was a concern that subsection 24(j)(1), as amended by H.R. 1306, could have the unintended result of Federal law not applying to a branch in a host State of an out-of-State State bank that would apply to the bank in its home State.

Third, the amendment would require the Comptroller of the Currency to conduct an annual review of the actions it has taken with regard to the applicability of State law to national banks or their branches during the preceding year, and include in its annual report to Congress the results of the review and the reasons for each action. The first such review and report after the enactment of this legislation shall encompass all such actions taken on or after January 1, 1992.

There are a couple of reasons for the inclusion of this reporting requirement in this amendment. First, under current law, actions by the Comptroller preempting State law only benefit branches of national banks in the affected State. H.R. 1306 would expand the applicability of those preemption decisions to branches of out-of-State State banks. Given this significant expansion of the consequences of the Comptroller's preemption decisions, it seems reasonable and important to require the Comptroller to include in its annual report to Congress a review and explanation of these decisions.

In addition, when Congress enacted the Riegle-Neal Interstate Banking and Branching Efficiency Act in 1994, it specifically provided that State laws regarding consumer protection, community reinvestment, fair lending, and intrastate branching apply to the branches of State and national banks. The act provided that this set of State

laws would not apply if Federal law preempts the application of such State laws to a national bank, or if the Comptroller of the Currency determines that the application of such State laws would have a discriminatory effect on the branch in comparison with the effect the application of such State laws would have with respect to branches of a bank chartered by the host State.

Concerns have been raised by consumer groups, both before and since the enactment of Riegle-Neal, that the Comptroller has undertaken preemptive actions which were unnecessarily expansive. The conference report which accompanied the enactment of the Riegle-Neal Act specifically addressed this point. The report stated:

The Conferees have been made aware of certain circumstances in which the Federal banking agencies have applied traditional preemption principles in a manner the Conferees believe is inappropriately aggressive, resulting in preemption of state law in situations which the federal interest did not warrant that result. One illustration is OCC Interpretive letter No. 572, dated January 15, 1992, from the OCC to Robert M. Jaworski, Assistant Commissioner, State of New Jersey Department of Banking, concluding that national banks in New Jersey are not required to comply with the New Jersey Consumer Checking Account. It is of utmost concern to the Conferees that the agencies issue opinion letters and interpretive rules concluding that Federal law preempts state law regarding community reinvestment, consumer protection, fair lending, or establishment of intrastate branches only when the agency has determined that the Federal policy interest in preemption is clear. In the case of Interpretive Letter No. 572, it is the sense of the Conferees that the fact the Congress has acknowledged the benefits of more widespread use of lifeline accounts through the enactment of the Bank Enterprise Act did not indicate that Congress intended to override State basic banking laws, or occupy the area of basic banking services to such an extent as to displace State laws, or that the existence of State basic banking laws frustrated the purpose of the Congress.

The ruling referred to in the conference report has been under review by the OCC but has not been changed. Other actions have been taken by the Comptroller since the enactment of Riegle-Neal which have raised similar concerns. For example, in 1996 the OCC finalized a regulation exempting national banks from State laws protecting consumers from high credit card fees.

Given these concerns, and the more expansive application the OCC's rulings will have as a result of H.R. 1306, it is important for the Comptroller to report to the Congress annually on its preemption actions, if any, and the rationale for the preemptions.

Mr. FEINGOLD. Mr. President, let me thank the chairman of the Banking Committee, Mr. D'AMATO, and the distinguished ranking member, Mr. SARBANES, for accepting this modification to H.R. 1306, which preserves the right of States to opt out of Federal preemption under provisions of the 1980 Depository Institutions Deregulation and

Monetary Control Act [DIDA]. With this amendment, the measure retains a key distinction between DIDA and the National Bank Act by continuing to allow States the right to regulate, except as to national banks, both interest rates and noninterest rate terms, such as late charges, over the limit fees, and not-sufficient fund fees, and I am pleased to offer this modification.

As the former chairman of the Wisconsin Senate Banking Committee, I know the important role of State in this area, and of the contribution State regulation makes to the entire banking system. As the interstate banking and branching laws are implemented, it is critical that States retain that vital role.

Ms. MOSELEY-BRAUN. Mr. President, I am pleased that the Banking Committee, on which I serve, has come to an agreement on the Riegle-Neal clarifications bill. This legislation provides legal certainty for banks and bank supervisors regarding the Riegle-Neal interstate banking law passed in 1994. The Congress passed the interstate banking law to end the patchwork of laws that had arisen in this area, and to provide for an efficient system for banks to operate in more than one State. It was legislation that was badly needed and long overdue, given the huge changes that have been ongoing in our economy generally, and in the financial services area, specifically.

However, some confusion remains regarding the application of home State law versus the application of host State law to a State-chartered bank that branches outside its home State. Although the 1994 law clearly reserved the areas of intrastate branching, community reinvestment, consumer protection, and fair lending for host State jurisdiction, the extent to which other host State laws applied to an out-of-state state chartered bank remained ambiguous. State-chartered banks wanting to expand across State lines have faced legal uncertainty about what law governs their powers outside their home State, and many were contemplating switching to a national charter in order to gain that certainty. This bill, the Riegle-Neal Clarification Act of 1997, eliminates that ambiguity, ensuring the viability of our dual banking system by clearly stating that host State law applies to branches of State-chartered banks only to the extent that it applies to national bank branches.

This bill levels the playing field between State-chartered banks and national chartered banks that branch across State lines. It is important to the preservation of a strong, State-chartered banking system, which benefits the safety and soundness of the banking system as a whole. I wish to commend my colleagues on the Senate Banking Committee who have worked hard on this agreement and I urge swift passage of the bill.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

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

The amendments (Nos. 372 and 373) were agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; that the title amendment be agreed to; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H. R. 1306), as amended, was deemed read the third time and passed.

The title was amended so as to read:

"An Act to amend Federal law to clarify the applicability of host State laws to any branch in such State of an out-of-State bank, and for other purposes."

#### AMENDMENTS TO THE ORGANIC ACTS OF GUAM AND THE VIRGIN ISLANDS AND THE COMPACT OF FREE ASSOCIATION ACT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 64, S. 210.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 210) to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

#### SECTION 1. MARSHALL ISLANDS AGRICULTURAL AND FOOD PROGRAMS.

Section 103(h)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(h)(2)) is amended by striking "ten" and inserting "fifteen" and by adding at the end of subparagraph (B) the following: "The President shall ensure that the amount of commodities provided under these programs reflects the changes in the population that have occurred since the effective date of the Compact."

#### SEC. 2. AMENDMENT TO THE ORGANIC ACT OF GUAM.

Section 8 of the Organic Act of Guam (48 U.S.C. 1422b), as amended, is further amended by adding at the end thereof the following new subsection:

"(e) An absence from Guam of the Governor or the Lieutenant Governor, while on official business, shall not be a 'temporary absence' for the purposes of this section."

#### SEC. 3. TERRITORIAL LAND GRANT COLLEGES.

(a) LAND GRANT STATUS.—Section 506(a) of the Education Amendments of 1972 (Public Law 92-318, as amended; 7 U.S.C. 301 note) is amended by striking "the College of Micronesia," and inserting "the College of the Marshall Islands, the College of Micronesia-FSM, the Palau Community College,".

(b) ENDOWMENT.—The amount of the land grant trust fund attributable to the \$3,000,000 appropriation for Micronesia authorized by the Education Amendments of 1972 (Public Law 92-318, as amended; 7 U.S.C. 301 note) shall, upon enactment of this Act, be divided equally among the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau for the benefit of the College of the Marshall Islands, the College of Micronesia-FSM, and the Palau Community College.

(c) TREATMENT.—Section 1361(c) of the Education Amendments of 1980 (Public Law 96-374, as amended; 7 U.S.C. 301 note) is amended by striking "and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)" and inserting "the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau". The proportion of any allocation of funds to the Trust Territory of the Pacific Islands under any Act in accordance with section 1361(c) of Public Law 96-374 prior to the enactment of this Act shall hereafter remain the same with the amount of such funds divided as may be agreed among the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

#### SEC. 4. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the "Property Act"), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be disposed of in accordance with the Property Act.

(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam for other than a public purpose shall be for consideration equal to the fair market value.

(2) Any transfer of excess real property to the Government of Guam for a public purpose shall be without further consideration.

(3) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines in their sole discretion to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam, (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) to the extent the property was transferred for a public purpose, that the property is so utilized; and (E) to the extent the property has been leased by another Federal agency for a minimum of two (2) years under a lease entered into prior to May 1, 1997, that the transfer to the Government of Guam be subject to the terms and conditions of those leasehold interests.

(4) All transfers of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "Administrator" means—

(A) the Administrator of General Services; or  
(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

(2) The term "base closure law" means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or similar base closure authority.

(3) The term "excess real property" means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

(4) The term "Guam National Wildlife Refuge" includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the "Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993" to the extent that the federal government holds title to such lands.

(5) The term "public purpose" means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101-47) or other public benefit uses provided under the Guam Excess Lands Act (Public Law 103-339, 108 Stat. 3116).

(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply:

(1) To real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard; or

(2) To real property on Guam that is declared excess by the managing Federal agency for the purpose of transferring that property to the Federal Agency which has occupied the property for a minimum of two (2) years at the time the property is declared excess and which was occupying such property prior to May 1, 1997.

(3) To real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of such real property.

(B) If the parties reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: Provided, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(C) If the parties do not reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration.

(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: Provided, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than

60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another federal agency or out of federal ownership except pursuant to an Act of Congress specifically identifying such property.

(4) To real property on Guam that is declared excess as a result of a base closure law, except that with respect to property identified for disposal prior to the date of enactment of this section, such lands shall be subject to subsection (b) of this section.

(e) **DUAL CLASSIFICATION PROPERTY.**—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

(f) **AUTHORITY TO ISSUE REGULATIONS.**—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of Interior, may issue such regulations as he deems necessary to carry out this section.

#### SEC. 5. CLARIFICATION OF ALLOTMENT FOR TERRITORIES.

Section 901(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)(2)) is amended to read as follows:

“(2) ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands;”.

#### SEC. 6. AMENDMENTS TO THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS.

(a) **TEMPORARY ABSENCE OF OFFICIALS.**—Section 14 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1595) is amended by adding at the end the following new subsection:

“(g) An absence from the Virgin Islands of the Governor or the Lieutenant Governor, while on official business, shall not be a ‘temporary absence’ for purposes of this section.”.

(b) **PRIORITY OF BONDS.**—Section 3 of Public Law 94–392 (90 Stat. 1193, 1195) is amended—

(1) by striking “priority for payment” and inserting “a parity lien with every other issue of bonds or other obligations issued for payment”; and

(2) by striking “in the order of the date of issue”.

(c) **APPLICATION.**—The amendments made by subsection (b) shall apply to obligations issued on or after the date of enactment of this section.

(d) **SHORT TERM BORROWING.**—Section 1 of Public Law 94–392 (90 Stat. 1193) is amended by adding the following new subsection at the end thereof:

“(d) The legislature of the government of the Virgin Islands may cause to be issued notes in anticipation of the collection of the taxes and revenues for the current fiscal year. Such notes shall mature and be paid within one year from the date they are issued. No extension of such notes shall be valid and no additional notes shall be issued under this section until all notes issued during a preceding year shall have been paid.”

#### SEC. 7. COMMISSION ON THE ECONOMIC FUTURE OF THE VIRGIN ISLANDS.

(a) **ESTABLISHMENT AND MEMBERSHIP.**—

(1) There is hereby established a Commission on the Economic Future of the Virgin Islands (the “Commission”). The Commission shall consist of six members appointed by the President, two of whom shall be selected from nominations made by the Governor of the Virgin Islands. The President shall designate one of the members of the Commission to be Chairman.

(2) In addition to the six members appointed under paragraph (1), the Secretary of the Interior shall be an ex-officio member of the Commission.

(3) Members of the Commission appointed by the President shall be persons who by virtue of their background and experience are particularly suited to contribute to achievement of the purposes of the Commission.

(4) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(5) Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(b) **PURPOSE AND REPORT.**—

(1) The purpose of the Commission is to make recommendations to the President and Congress on the policies and actions necessary to provide for a secure and self-sustaining future for the local economy of the Virgin Islands through 2020 and on the role of the Federal Government. In developing recommendations, the Commission shall—

(A) solicit and analyze information on projected private sector development and shifting tourism trends based on alternative forecasts of economic, political and social conditions in the Caribbean;

(B) analyze capital infrastructure, education, social, health, and environmental needs in light of these alternative forecasts; and

(C) assemble relevant demographic, economic, and revenue and expenditure data from over the past twenty-five years.

(2) The recommendation of the Commission shall be transmitted in a report to the President, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives no later than June 30, 1999. The report shall set forth the basis for the recommendations and include an analysis of the capability of the Virgin Islands to meet projected needs based on reasonable alternative economic, political and social conditions in the Caribbean, including the possible effect of expansion in the near future of Cuba in trade, tourism and development.

(c) **POWERS.**—

(1) The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as it may deem advisable;

(B) use the United States mail in the same manner and upon the same conditions as departments and agencies of the United States; and

(C) within available funds, incur such expenses and enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out the Commission's functions.

(2) Within funds available for the Commission, the Secretary of the Interior shall provide such office space, furnishings, equipment, staff, and fiscal and administrative services as the Commission may require.

(3) The President, upon request of the Commission, may direct the head of any Federal agency or department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be necessary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(d) **CHAIRMAN.**—Subject to general policies that the Commission may adopt, the Chairman of the Commission shall be the chief executive officer of the Commission and shall exercise its

executive and administrative powers. The Chairman may make such provisions as he may deem appropriate authorizing the performance of his executive and administrative functions by the staff of the Commission.

(e) **FUNDING.**—There is hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, but not to exceed an average of \$300,000 per year, in fiscal years 1997, 1998 and 1999 for the work of the Commission.

(f) **TERMINATION.**—The Commission shall terminate three months after the transmission of the report and recommendations under subsection (b)(2).

#### SEC. 8. COMPACT IMPACT REPORTS.

Paragraph 104(e)(2) of Public Law 99–239 (99 Stat. 1770, 1788) is amended by deleting “President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii.” and inserting in lieu thereof, “Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed \$300,000 in any year.”.

#### SEC. 9. ELIGIBILITY FOR HOUSING ASSISTANCE.

(a) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended—

(1) by striking “or” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: Provided, That, within Guam and the Commonwealth of the Northern Mariana Islands any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.”.

#### SEC. 10. AMERICAN SAMOA STUDY COMMISSION.

(a) **SHORT TITLE.**—This section may be cited as “The American Samoa Development Act of 1997”.

(b) **ESTABLISHMENT AND MEMBERSHIP.**—

(1) There is hereby established a Commission on the Economic Future of American Samoa (the “Commission”). The Commission shall consist of six members appointed by the President, three of whom shall be selected from nominations made by the Governor of American Samoa, and the Secretary of the Interior ex officio. The President shall designate one of the appointed members of the Commission to be Chairman.

(2) Members of the Commission appointed by the President shall be persons who by virtue of their background and experience are particularly suited to contribute to achievement of the purposes of the Commission.

(3) Members of the Commission shall serve without compensation, but shall be reimbursed

for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(4) Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(c) **PURPOSE AND REPORT.**—

(1) The purpose of the Commission is to make recommendations to the President and Congress on the policies and actions necessary to provide for a secure and self-sustaining future for the local economy of American Samoa through 2020 and on the role of the Federal Government. In developing recommendations, the Commission shall—

(A) solicit and analyze information on projected private sector development, including, but not limited to, tourism, manufacturing and industry, agriculture, and transportation and shifting trends based on alternative forecasts of economic, political and social conditions in the Pacific;

(B) analyze capital infrastructure, education, social, health, and environmental needs in light of these alternative forecasts;

(C) assemble relevant demographic, economic, and revenue and expenditure data from over the past twenty-five years;

(D) review the application of federal laws and programs and the effects of such laws and programs on the local economy and make such recommendations for changes in the application as the Commission deems advisable;

(E) consider the impact of federal trade and other international agreements, including, but not limited to those related to marine resources, on American Samoa and make such recommendations as may be necessary to minimize or eliminate any adverse effects on the local economy.

(2) the recommendations of the Commission shall be transmitted in a report to the President, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives no later than June 30, 1999. The report shall set forth the basis for the recommendations and include an analysis of the capability of American Samoa to meet projected needs based on reasonable alternative economic, political and social conditions in the Pacific Basin. The report shall also include projections of the need for direct or indirect Federal assistance for operations and infrastructure over the next decade and what additional assistance will be necessary to develop the local economy to a level sufficient to minimize or eliminate the need for direct Federal operational assistance. As part of the report, the Commission shall also include an overview of the history of American Samoa and its relationship to the United States from 1872 with emphasis on those events or actions that affect future economic development and shall include, as an appendix to its report, copies of the relevant historical documents, including, but not limited to, the Convention of 1899 (commonly referred to as the Tripartite Treaty) and the documents of cession of 1900 and 1904.

(d) **POWERS.**—

(1) The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as it may deem advisable: Provided, That the Commission shall conduct public meetings in Tutuila, Ofu, Olosega, and Tau;

(B) use the United States mail in the same manner and upon the same conditions as departments and agencies of the United States; and

(C) within available funds, incur such expenses and enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out the Commission's functions.

(2) Within funds available for the Commission, the Secretary of the Interior shall provide such

office space, furnishings, equipment, staff, and fiscal and administrative services as the Commission may require.

(3) The President, upon request of the Commission, may direct the head of any Federal agency or department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be necessary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(e) **CHAIRMAN.**—Subject to general policies that the Commission may adopt, the Chairman of the Commission shall be the chief executive officer of the Commission and shall exercise its executive and administrative powers. The Chairman may make such provisions as he may deem appropriate authorizing the performance of his executive and administrative functions by the staff of the Commission.

(f) **FUNDING.**—There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, but not to exceed an average of \$300,000 per year, in fiscal years 1997, 1998 and 1999 for the work of the Commission.

(g) **TERMINATION.**—The Commission shall terminate three months after the transmission of the report and recommendations under subsection (c)(2).

**SEC. 11. FEDERAL PROGRAMS COORDINATION IN THE FREELY ASSOCIATED STATES AND PROVISIONS FOR BIKINI.**

(a) Section 108 of Public Law 101-219 (103 Stat. 1870, 1872) is amended by deleting “shall station” and inserting in lieu thereof “shall, subject to appropriations, station”.

(b) Section 501 of Public Law 95-134 is amended by deleting “the Trust Territory of the Pacific Islands,” and inserting in lieu thereof “the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau.”

(c) Under the heading “COMPACT OF FREE ASSOCIATION” in TITLE I—DEPARTMENT OF THE INTERIOR of Public Law 100-446 (102 Stat. 1774, 1798) delete “\$2,000,000 in any year from income for projects on Kili or Ejit:” and insert in lieu thereof “\$2,500,000 in any year from income for projects on Kili or Ejit: Provided further, That commencing on October 1, 1998 and every year thereafter, this dollar amount shall be changed to reflect any fluctuation occurring during the previous twelve months in the Consumer Price Index, as determined by the Secretary of Labor:”.

**AMENDMENT NO. 374**

(Purpose: To except lands scheduled for transfer under the Guam Excess Lands Act from the application of section 4).

Mr. SANTORUM. Mr. President, Senator AKAKA has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for Mr. AKAKA, proposes an amendment numbered 374.

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

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

The amendment is as follows:

On page 25 of the Committee reported bill, beginning on line 7, delete

“identifying such property.

“(4)”

and insert in lieu thereof:

“Identifying such property;

“(4) To real property described in the Guam Excess Lands Act (P.L. 103-339, 108 Stat. 3116) which shall be disposed of in accordance with such Act; or

“(5)”.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 374) was agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee amendment, as amended, be agreed to.

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

The committee amendment, as amended, was agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 210), as amended, was deemed read a third time and passed, as follows:

**S. 210**

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

**SECTION 1. MARSHALL ISLANDS AGRICULTURAL AND FOOD PROGRAMS.**

Section 103(h)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(h)(2)) is amended by striking “ten” and inserting “fifteen” and by adding at the end of subparagraph (B) the following: “The President shall ensure that the amount of commodities provided under these programs reflects the changes in the population that have occurred since the effective date of the Compact.”.

**SEC. 2. AMENDMENT TO THE ORGANIC ACT OF GUAM.**

Section 8 of the Organic Act of Guam (48 U.S.C. 1422b), as amended, is further amended by adding at the end thereof the following new subsection:

“(e) An absence from Guam of the Governor or the Lieutenant Governor, while on official business, shall not be a ‘temporary absence’ for the purposes of this section.”.

**SEC. 3. TERRITORIAL LAND GRANT COLLEGES.**

(a) **LAND GRANT STATUS.**—Section 506(a) of the Education Amendments of 1972 (Public Law 92-318, as amended; 7 U.S.C. 301 note) is amended by striking “the College of Micronesia,” and inserting “the College of the Marshall Islands, the College of Micronesia-FSM, the Palau Community College.”.

(b) **ENDOWMENT.**—The amount of the land grant trust fund attributable to the \$3,000,000 appropriation for Micronesia authorized by the Education Amendments of 1972 (Public Law 92-318, as amended; 7 U.S.C. 301 note) shall, upon enactment of this Act, be divided equally among the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau for the benefit of the College of the Marshall Islands, the College of Micronesia-FSM, and the Palau Community College.

(c) **TREATMENT.**—Section 1361(c) of the Education Amendments of 1980 (Public Law 96-

374, as amended; 7 U.S.C. 301 note) is amended by striking "and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)" and inserting "the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau". The proportion of any allocation of funds to the Trust Territory of the Pacific Islands under any Act in accordance with section 1361(c) of Public Law 96-374 prior to the enactment of this Act shall hereafter remain the same with the amount of such funds divided as may be agreed among the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

#### SEC. 4. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the "Property Act"), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be disposed of in accordance with the Property Act.

(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam for other than a public purpose shall be for consideration equal to the fair market value.

(2) Any transfer of excess real property to the Government of Guam for a public purpose shall be without further consideration.

(3) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines in their sole discretion to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam, (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) to the extent the property was transferred for a public purpose, that the property is so utilized; and (E) to the extent the property has been leased by another Federal agency for a minimum of two (2) years under a lease entered into prior to May 1, 1997, that the transfer to the Government of Guam be subject to the terms and conditions of those leasehold interests.

(4) All transfers of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "Administrator" means—

(A) the Administrator of General Services; or

(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

(2) The term "base closure law" means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or similar base closure authority.

(3) The term "excess real property" means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

(4) The term "Guam National Wildlife Refuge" includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the "Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993" to the extent that the federal government holds title to such lands.

(5) The term "public purpose" means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101-47) or other public benefit uses provided under the Guam Excess Lands Act (Public Law 103-339, 108 Stat. 3116).

(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

(2) to real property on Guam that is declared excess by the managing Federal agency for the purpose of transferring that property to the Federal Agency which has occupied the property for a minimum of two (2) years at the time the property is declared excess and which was occupying such property prior to May 1, 1997;

(3) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of such real property.

(B) If the parties reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(C) If the parties do not reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration.

(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60

days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another federal agency or out of federal ownership except pursuant to an Act of Congress specifically identifying such property;

(4) to real property described in the Guam Excess Lands Act (P.L. 103-339, 108 Stat. 3116) which shall be disposed of in accordance with such Act; or

(5) to real property on Guam that is declared excess as a result of a base closure law, except that with respect to property identified for disposal prior to the date of enactment of this section, such lands shall be subject to subsection (b) of this section.

(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of Interior, may issue such regulations as he deems necessary to carry out this section.

#### SEC. 5. CLARIFICATION OF ALLOTMENT FOR TERRITORIES.

Section 901(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)(2)) is amended to read as follows:

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands;"

#### SEC. 6. AMENDMENTS TO THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS.

(a) TEMPORARY ABSENCE OF OFFICIALS.—Section 14 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1595) is amended by adding at the end the following new subsection:

"(g) An absence from the Virgin Islands of the Governor or the Lieutenant Governor, while on official business, shall not be a 'temporary absence' for purposes of this section."

(b) PRIORITY OF BONDS.—Section 3 of Public Law 94-392 (90 Stat. 1193, 1195) is amended—

(1) by striking "priority for payment" and inserting "a parity lien with every other issue of bonds or other obligations issued for payment"; and

(2) by striking "in the order of the date of issue".

(c) APPLICATION.—The amendments made by subsection (b) shall apply to obligations issued on or after the date of enactment of this section.

(d) SHORT TERM BORROWING.—Section 1 of Public Law 94-392 (90 Stat. 1193) is amended by adding the following new subsection at the end thereof:

"(d) The legislature of the government of the Virgin Islands may cause to be issued notes in anticipation of the collection of the taxes and revenues for the current fiscal year. Such notes shall mature and be paid within one year from the date they are issued. No extension of such notes shall be valid and no additional notes shall be issued under this section until all notes issued during a preceding year shall have been paid."

#### SEC. 7. COMMISSION ON THE ECONOMIC FUTURE OF THE VIRGIN ISLANDS.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) There is hereby established a Commission on the Economic Future of the Virgin



Islands (the "Commission"). The Commission shall consist of six members appointed by the President, two of whom shall be selected from nominations made by the Governor of the Virgin Islands. The President shall designate one of the members of the Commission to be Chairman.

(2) In addition to the six members appointed under paragraph (1), the Secretary of the Interior shall be an ex-officio member of the Commission.

(3) Members of the Commission appointed by the President shall be persons who by virtue of their background and experience are particularly suited to contribute to achievement of the purposes of the Commission.

(4) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(5) Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

**(b) PURPOSE AND REPORT.—**

(1) The purpose of the Commission is to make recommendations to the President and Congress on the policies and actions necessary to provide for a secure and self-sustaining future for the local economy of the Virgin Islands through 2020 and on the role of the Federal Government. In developing recommendations, the Commission shall—

(A) solicit and analyze information on projected private sector development and shifting tourism trends based on alternative forecasts of economic, political and social conditions in the Caribbean;

(B) analyze capital infrastructure, education, social, health, and environmental needs in light of these alternative forecasts; and

(C) assemble relevant demographic, economic, and revenue and expenditure data from over the past twenty-five years.

(2) The recommendation of the Commission shall be transmitted in a report to the President, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives no later than June 30, 1999. The report shall set forth the basis for the recommendations and include an analysis of the capability of the Virgin Islands to meet projected needs based on reasonable alternative economic, political and social conditions in the Caribbean, including the possible effect of expansion in the near future of Cuba in trade, tourism and development.

**(c) POWERS.—**

(1) The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as it may deem advisable;

(B) use the United States mail in the same manner and upon the same conditions as departments and agencies of the United States; and

(C) within available funds, incur such expenses and enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out the Commission's functions.

(2) Within funds available for the Commission, the Secretary of the Interior shall provide such office space, furnishings, equipment, staff, and fiscal and administrative services as the Commission may require.

(3) The President, upon request of the Commission, may direct the head of any Federal agency or department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be nec-

essary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(d) **CHAIRMAN.**—Subject to general policies that the Commission may adopt, the Chairman of the Commission shall be the chief executive officer of the Commission and shall exercise its executive and administrative powers. The Chairman may make such provisions as he may deem appropriate authorizing the performance of his executive and administrative functions by the staff of the Commission.

(e) **FUNDING.**—There is hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, but not to exceed an average of \$300,000 per year, in fiscal years 1997, 1998 and 1999 for the work of the Commission.

(f) **TERMINATION.**—The Commission shall terminate three months after the transmission of the report and recommendations under subsection (b)(2).

**SEC. 8. COMPACT IMPACT REPORTS.**

Paragraph 104(e)(2) of Public Law 99-239 (99 Stat. 1770, 1788) is amended by deleting "President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii." and inserting in lieu thereof, "Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed \$300,000 in any year."

**SEC. 9. ELIGIBILITY FOR HOUSING ASSISTANCE.**

(a) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ";; or"; and

(3) by adding at the end the following new paragraph:

"(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: *Provided*, That, within Guam and the Commonwealth of the Northern Mariana Islands any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance."

**SEC. 10. AMERICAN SAMOA STUDY COMMISSION.**

(a) **SHORT TITLE.**—This section may be cited as "The American Samoa Development Act of 1997".

**(b) ESTABLISHMENT AND MEMBERSHIP.—**

(1) There is hereby established a Commission on the Economic Future of American Samoa (the "Commission"). The Commission shall consist of six members appointed by the President, three of whom shall be selected from nominations made by the Governor of American Samoa, and the Secretary of the Interior ex officio. The President shall designate one of the appointed members of the Commission to be Chairman.

(2) Members of the Commission appointed by the President shall be persons who by virtue of their background and experience are particularly suited to contribute to achievement of the purposes of the Commission.

(3) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(4) Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

**(c) PURPOSE AND REPORT.—**

(1) The purpose of the Commission is to make recommendations to the President and Congress on the policies and actions necessary to provide for a secure and self-sustaining future for the local economy of American Samoa through 2020 and on the role of the Federal Government. In developing recommendations, the Commission shall—

(A) solicit and analyze information on projected private sector development, including, but not limited to, tourism, manufacturing and industry, agriculture, and transportation and shifting trends based on alternative forecasts of economic, political and social conditions in the Pacific;

(B) analyze capital infrastructure, education, social, health, and environmental needs in light of these alternative forecasts;

(C) assemble relevant demographic, economic, and revenue and expenditure data from over the past twenty-five years;

(D) review the application of federal laws and programs and the effects of such laws and programs on the local economy and make such recommendations for changes in the application as the Commission deems advisable;

(E) consider the impact of federal trade and other international agreements, including, but not limited to those related to marine resources, on American Samoa and make such recommendations as may be necessary to minimize or eliminate any adverse effects on the local economy.

(2) The recommendations of the Commission shall be transmitted in a report to the President, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives no later than June 30, 1999. The report shall set forth the basis for the recommendations and include an analysis of the capability of American Samoa to meet projected needs based on reasonable alternative economic, political and social conditions in the Pacific Basin. The report shall also include projections of the need for direct or indirect Federal assistance for operations and infrastructure over the next decade and what additional assistance will be necessary to develop the local economy to a level sufficient to minimize or eliminate the need for direct Federal operational assistance. As part of the report, the Commission shall also include an overview of the history of American Samoa and its relationship to the United States from 1872 with emphasis on those

events or actions that affect future economic development and shall include, as an appendix to its report, copies of the relevant historical documents, including, but not limited to, the Convention of 1899 (commonly referred to as the Tripartite Treaty) and the documents of cession of 1900 and 1904.

(d) POWERS.—

(1) The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as it may deem advisable: *Provided*, That the Commission shall conduct public meetings in Tutuila, Ofu, Olosega, and Tau;

(B) use the United States mail in the same manner and upon the same conditions as departments and agencies of the United States; and

(C) within available funds, incur such expenses and enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out the Commission's functions.

(2) Within funds available for the Commission, the Secretary of the Interior shall provide such office space, furnishings, equipment, staff, and fiscal and administrative services as the Commission may require.

(3) The President, upon request of the Commission, may direct the head of any Federal agency or department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be necessary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(e) CHAIRMAN.—Subject to general policies that the Commission may adopt, the Chairman of the Commission shall be the chief executive officer of the Commission and shall exercise its executive and administrative powers. The Chairman may make such provisions as he may deem appropriate authorizing the performance of his executive and administrative functions by the staff of the Commission.

(f) FUNDING.—There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, but not to exceed an average of \$300,000 per year, in fiscal years 1997, 1998 and 1999 for the work of the Commission.

(g) TERMINATION.—The Commission shall terminate three months after the transmission of the report and recommendations under subsection (c)(2).

**SEC. 11. FEDERAL PROGRAMS COORDINATION IN THE FREELY ASSOCIATED STATES AND PROVISIONS FOR BIKINI.**

(a) Section 108 of Public Law 101-219 (103 Stat. 1870, 1872) is amended by deleting "shall station" and inserting in lieu thereof "shall, subject to appropriations, station".

(b) Section 501 of Public Law 95-134 is amended by deleting "the Trust Territory of the Pacific Islands," and inserting in lieu thereof "the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau,".

(c) Under the heading "COMPACT OF FREE ASSOCIATION" in TITLE I—DEPARTMENT OF THE INTERIOR of Public Law 100-446 (102 Stat. 1774, 1798) delete "\$2,000,000 in any year from income for projects on Kili or Ejit:" and insert in lieu thereof "\$2,500,000 in any year from income

for projects on Kili or Ejit: *Provided further*, That commencing on October 1, 1998 and every year thereafter, this dollar amount shall be changed to reflect any fluctuation occurring during the previous twelve months in the Consumer Price Index, as determined by the Secretary of Labor:".

**THE CALENDAR**

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of the following Calendar numbers on today's Legislative Calendar: Calendar Nos. 67 through 73.

I further ask unanimous consent that the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to any of the bills be placed at the appropriate place in RECORD, with the preceding all done en bloc.

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

**CARL B. STOKES UNITED STATES COURTHOUSE**

A bill (S. 289) to designate the U.S. courthouse to be constructed at the corner of Superior Road and Huron Road in Cleveland, OH, as the "Carl B. Stokes United States Courthouse," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 289

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

**SECTION 1. DESIGNATION OF CARL B. STOKES UNITED STATES COURTHOUSE.**

The United States courthouse to be constructed at the corner of Superior Road and Huron Road in Cleveland, Ohio, shall be known and designated as the "Carl B. Stokes United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Carl B. Stokes United States Courthouse".

**SAM NUNN FEDERAL CENTER**

A bill (S. 347) to designate the Federal building located at 100 Alabama Street NW, in Atlanta, GA, as the "Sam Nunn Federal Center," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 347

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

**SECTION 1. DESIGNATION OF SAM NUNN FEDERAL CENTER.**

The Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, shall be known and designated as the "Sam Nunn Federal Center".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Sam Nunn Federal Center".

**WILLIAM AUGUSTUS BOOTLE FEDERAL BUILDING AND UNITED STATES COURTHOUSE**

A bill (S. 478) to designate the Federal building and U.S. courthouse located at 475 Mulberry Street in Macon, GA, as the "William Augustus Bootle Federal Building and United States Courthouse," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 478

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

**SECTION 1. DESIGNATION.**

The Federal building and United States courthouse located at 475 Mulberry Street, in Macon, Georgia, shall be known and designated as the "William Augustus Bootle Federal Building and United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "William Augustus Bootle Federal Building and United States Courthouse".

**REYNALDO G. GARZA U.S. COURTHOUSE**

A bill (S. 628) to designate the U.S. courthouse to be constructed at the corner of 7th Street and East Jackson Street in Brownsville, TX, as the "Reynaldo G. Garza United States Courthouse," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 628

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

**SECTION 1. DESIGNATION OF REYNALDO G. GARZA UNITED STATES COURTHOUSE.**

The United States courthouse to be constructed at the corner of 7th Street and East Jackson Street in Brownsville, Texas, shall be known and designated as the "Reynaldo G. Garza United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Reynaldo G. Garza United States Courthouse".

**DAVID W. DYER FEDERAL COURTHOUSE**

A bill (S. 681) to designate the Federal building and U.S. courthouse located at 300 Northeast First Avenue in Miami, FL, as the "David W. Dyer Federal Courthouse," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 681

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

**SECTION 1. DESIGNATION OF DAVID W. DYER FEDERAL COURTHOUSE.**

The Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, shall be known and designated as the "David W. Dyer Federal Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "David W. Dyer Federal Courthouse".

**J. ROWLAND FEDERAL COURTHOUSE**

A bill (S. 715) to redesignate the Dublin Federal Courthouse building located in Dublin, GA, as the J. Roy Rowland Federal Courthouse, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 715

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

**SECTION 1. REDESIGNATION.**

The Federal building located at 100 Franklin Street in Dublin, Georgia, and known as the Dublin Federal Courthouse, shall be known and designated as the "J. Roy Rowland Federal Courthouse".

**SEC. 2. REFERENCE.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "J. Roy Rowland Federal Courthouse".

**MARTIN V.B. BOSTETTER, JR. U.S. COURTHOUSE**

A bill (S. 819) to designate the U.S. courthouse at 200 South Washington Street in Alexandria, VA, as the "Martin V.B. Bostetter, Jr. United States Courthouse," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 819

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

**SECTION 1. DESIGNATION OF MARTIN V.B. BOSTETTER, JR. UNITED STATES COURTHOUSE.**

The United States courthouse at 200 South Washington Street in Alexandria, Virginia, shall be known and designated as the "Martin V.B. Bostetter, Jr. United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Martin V.B. Bostetter, Jr. United States Courthouse".

**HAWAIIAN HOMES COMMISSION ACT**

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 64, House Joint Resolution 32.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H. J. Res. 32) to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.

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

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the joint resolution be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution appear at the appropriate place in the RECORD.

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

The joint resolution (House Joint Resolution 32) was deemed read a third time and passed.

**EXECUTIVE SESSION****EXECUTIVE CALENDAR**

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 128, 129, 130, and 131.

I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations be placed at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

**MISSISSIPPI RIVER COMMISSION**

Brigadier General Robert Bernard Flowers, United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 USC 642).

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

Michael J. Armstrong, of Colorado, to be an Associate Director of Federal Emergency Management Agency.

**EXPORT-IMPORT BANK OF THE UNITED STATES**

James A. Harmon, of New York, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2001.

Jackie M. Clegg, of Utah, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2001.

**STATEMENT ON THE NOMINATION OF MAJ. GEN. ROBERT BERNARD FLOWERS**

Mr. CHAFEE. Mr. President, I would like to make a few remarks about the nomination of Maj. Gen. Robert Bernard Flowers to be member and president of the Mississippi River Commission. Last Thursday, June 5, the Com-

mittee on Environment and Public Works unanimously reported out General Flowers' nomination.

General Flowers has an impressive background. He has served in the U.S. Army since 1969 and is a registered professional engineer. General Flowers presently is the Army Corps of Engineers Division Commander of the Lower Mississippi Valley, which comprises districts headquartered in St. Louis, Memphis, Vicksburg and New Orleans. In his current position, General Flowers oversees the Corps of Engineers' water resources program in this 156,000 square mile area of the lower Mississippi Valley.

General Flowers' experience will serve him well in the position before him. If confirmed as president of the Mississippi River Commission, General Flowers will be responsible for the planning and implementation of a program to control and develop the lower Mississippi Valley. The MRC also is responsible for the management and oversight of the Mississippi Rivers and Tributaries Project.

I might add that General Flowers is no stranger to the flooding and issues involved in controlling the Mississippi River. In fact, he was unable to join the Committee at his confirmation hearing this past March because of the urgency of terrible flooding in that area. He is a dedicated individual who will continue to be an asset to the Mississippi River and the Nation alike. Thank you.

**STATEMENT ON THE NOMINATION OF MICHAEL ARMSTRONG**

Mr. CHAFEE. Mr. President, I would like to make a few remarks about the nomination of Michael Armstrong to be Associate Director of Mitigation for the Federal Emergency Management Agency. The President nominated Mr. Armstrong for this position on April 28. Last Thursday, June 9, the Committee on Environment and Public Works unanimously reported out Mr. Armstrong's nomination.

During Mr. Armstrong's confirmation hearing, Senators CAMPBELL, ALLARD, CONRAD, and DORGAN, as well as Representatives SKAGGS and POMEROY, spoke in support of his nomination. In addition, Senator DASCHLE, Governor Romer of Colorado, Governor Raciocot of Montana, Governor Janklow of South Dakota, and the Association of State Floodplain Managers have written letters of recommendation on Mr. Armstrong's behalf.

I am pleased to report that Michael Armstrong has an impressive background that suits him well to the position before him. For the past 3½ years, he has served as the Director of FEMA Region 8, which includes the States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Mr. Armstrong has done an excellent job as Region 8 director. He has assumed tremendous leadership during major disasters, such as the recent floods in North Dakota. Moreover, Mr.

Armstrong has done a great deal to encourage public outreach and coordination between Federal, State, and local response resources.

FEMA is the central agency within the Federal Government responsible for emergency planning, preparedness, mitigation, response, and recovery. The position for which Mr. Armstrong has been nominated, Associate Director of Mitigation, carries out FEMA's policies and programs to eliminate or reduce risks to life and property from natural hazards such as floods, hurricanes, and earthquakes.

Federal emergency management has always focused primarily on how to respond to a disaster, after it strikes. We in Congress are no different; almost every year, we pass supplemental emergency appropriations legislation to pay for the additional, unanticipated costs of timely disasters.

FEMA is beginning to place greater emphasis on the mitigation or prevention of long-term risks before the disaster strikes. The purpose of this shift in focus is hopefully to reduce liabilities and ultimately to reduce the cost of disaster response. This appears to be a smart move, and we are all eager to see FEMA succeed in carrying out this initiative.

If confirmed, Mr. Armstrong will lead FEMA's efforts in mitigating the risks of natural disasters. This task is not an easy one, but I am confident in Mr. Armstrong's ability to face the challenge ahead.

STATEMENT ON THE NOMINATION OF JAMES A. HARMON

Mr. MOYNIHAN. Mr. President, I am pleased to rise today in support of the nomination of James Harmon as President and Chairman of the Export-Import Bank of the United States.

Mr. Harmon is a life-long resident of New York State. After he was born in New York City, his family moved to Mamaroneck where he was raised. After graduating from Brown University and then receiving his M.B.A. in finance from the Wharton Graduate School at the University of Pennsylvania, he returned to New York to launch his professional career.

Currently, Mr. Harmon serves as senior chairman of Schroder Wertheim & Co., Inc., an international investment bank headquartered in New York City. Prior to his assumption of the senior chairmanship in 1996, Mr. Harmon was the chairman and chief executive officer of Schroder Wertheim where he oversaw the expansion of the firm's domestic and international investment banking activities. The merger of Schroder ple [UK] and Wertheim in 1985, initiated by Mr. Harmon, created a global investment bank with approximately 5,000 employees operating in 33 countries around the world. In addition, to his work at Schroder Wertheim, the finance background which Mr. Harmon would bring to the Export-Import Bank was honed during his tenure as a member of the Advisory Committee on International Capital

Markets and former chairman of the nominating committee of the Board of Governors of the New York Stock Exchange, Inc.

Mr. Harmon's influence in New York City extends beyond banking. In 1994, along with former New York City Mayor David Dinkins, he founded the Barnard-Columbia University Center for Public Policy where he still serves as chairman of its advisory board. Mr. Harmon is also a member of the executive committee and board of directors of the New York City Partnership, the principal vehicle for private-sector activities which improve the city's economic and social health.

I congratulate the distinguished nominee and wish him great good wishes and congratulations. I thank the President for bringing Mr. Harmon's nomination forward.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, JUNE 16, 1997

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m., on Monday, June 16. I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then be in a period for morning business until the hour of 12:30 p.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator COVERDELL, or his designee, for 30 minutes; Senator DASCHLE, or his designee, 30 minutes; Senator LEAHY, 30 minutes.

I further ask unanimous consent that immediately following morning business on Monday, the Senate proceed to the consideration of the State Department authorization.

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

PROGRAM

Mr. SANTORUM. Mr. President, for the information of all Senators, the Senate will not be in session on Friday of this week. The Senate will reconvene on Monday, and following the morning business period, the Senate will begin consideration of the State Department authorization. Senators who intend to offer amendments to that legislation should be prepared to be present on Monday to offer and debate their amendments. Any rollcall votes ordered on any proposed amendment will not occur on Monday, but instead stacked to occur on Tuesday, at a time to be determined by the two leaders. It is hoped that the Senate will be able to finish the State Department

authorization bill early next week and the Senate may then begin consideration of the defense authorization bill, if available.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. SANTORUM. Mr. President, I ask unanimous consent that on Friday, June 13, committees have from the hours of 12 to 3 in order to file legislative or executive reported matters.

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

ORDER FOR ADJOURNMENT

Mr. SANTORUM. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment, under the previous order, following the remarks of the Senator from West Virginia, Senator BYRD.

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

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

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

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

FATHER'S DAY

Mr. BYRD. Mr. President, recently I spoke just before Mother's Day with reference to what that day meant to me and generally, I think, to most Americans. It is a day that originated in West Virginia. This coming Sunday, June 15, is Father's Day. While I am proud to note the many valuable contributions made by fathers in the raising of our precious future generations, these words are harder for me to speak, since that collective noun "fathers" also includes myself. Like, I suspect, most fathers whose jobs necessarily consume much of their time and attention, I carry with me both the realization, of which I regret, that I did not spend as much time with my daughters over the years as I would have wished, and the gratitude that my very capable wife was at home to shoulder so much of the effort in the rearing of our children. And she did a fine, fine job.

Over the course of my life, the American family has changed a great deal. More and more fathers are assuming an ever greater role in the raising of their children, from the changing of diapers to attending parent-teacher conferences. "Soccer moms" now share the sidelines—and the car pooling—with "soccer dads." Fathers, as well as working mothers, have learned the day

care drop-off and pick-up routine. There are even growing numbers of single dads taking over the traditional role of mother in addition to their usual career track, and fathers who have opted to be stay-at-home or work-at-home dads in order to become more involved in their children's lives.

When I was a child, children were "seen but not heard" by their fathers, and no man was considered capable—or interested—in the details of raising a young child. Indeed, few men would have had any idea of how to go about caring for an infant, I suppose. And that is why I was reared by my aunt and uncle after my own dear mother died in my first year of life. I can understand and even empathize with my father, and I will always be grateful to my Aunt Vlurma and her husband, Titus Dalton Byrd, for the care and the love, the affection, the attention, and the advice that they gave to me. But, naturally, I will always wonder how my life might have been different had I remained within my own birth family. I remember nothing of my natural mother. I wish that I had more memories of time spent with my father and my siblings. I only can recall spending one week during my lifetime with my natural father.

But I do well remember a kind and gentle foster father, my aunt's husband, who gave me my name and who encouraged me to study and to draw pictures and to play a musical instrument, who encouraged me to reach for the stars and to try to attain goals that were far beyond those which were the norm in our small mining community in southern West Virginia.

Now, he did not want me to toil in the mines as he did. He encouraged me to read. He never bought me a cap buster or cowboy suit. He always bought a drawing tablet or a water color set or a violin or a mandolin or a guitar. He urged me to play music, urged me to develop my abilities.

His education probably did not go beyond the second or third grade. He could manage poor handwriting. He could read. And he read the family Bible. When he left this world, he did not owe any man a penny. In all the years that I lived with him, I never heard him once use God's name in vain, I never heard him grumble at what was put on the table before him. And he and my Aunt Vlurma lived together 53 years. I do not recall ever having heard either of them raise a voice in anger against the other.

He never forgot his little foster son. He always saved something from his lunch for me. He was a coal miner. And I can recall that late in the afternoon I would look up the railroad tracks and watch for him coming down the railroad tracks, carrying his dinner bucket. I would run to meet him. And when I came to him, he would set his dinner bucket down and take the lid off the dinner bucket and reach in and get an apple or a piece of cake. In those days, cakes could be bought for 5 cents at the

store—cupcakes, as we called them, some were chocolate, some had coconut icing, and so on. But whatever the cake, he always managed to save it for me. He never failed.

I remember his strong weathered face, his long sturdy hands and his kind, thoughtful eyes as clearly as if he had only this morning patted me on the head and gone off for another back-breaking day in the mines.

He represented strength and security and ageless wisdom to me—it was a time when things were certain and clear and uncomplicated because he was there to make everything right.

As in my own experience, a father's presence looms large in a child's life. A father who sits down to help with homework reinforces the importance of schoolwork. And when a father takes his children to worship services, or better yet, leads them in their bedtime prayers, he instills in them the importance of devotion and respect for the Creator's role in our daily lives.

I am glad that more fathers are taking an interest in their children, as a general matter, I think. It is not always the case, by any means. But they are taking an interest in their children beyond the financial aspect that was all-important during my early days as a father—when I was making \$70 a month working as a produce boy, working as a meatcutter, \$70 a month—although that is a role that cannot be abdicated. Children are a joy and a delight, but they are also a very serious lifetime responsibility, both financially and morally. Children are not like a job—they cannot be fired, one cannot quit or resign from the responsibility of being a father, and even declaring moral and financial bankruptcy does not relieve one of the responsibility for the welfare of the children.

So on this Father's Day, as we all remember or honor our fathers—and the scriptures tell us to "honor thy father and thy mother;" most of us were taught at home, to "honor thy father and thy mother"—on this Father's Day, as we all remember or honor our fathers may we also contemplate the great joy that is fueled by a special dad. The material things which daily drive and obsess so much of American life are only transient. When all is said and done they do not amount to much. So many things that occupy our thoughts and our concerns, most of the things we worry about, of course, never happen, but these things that we generally worry about and that loom so large in our daily lives really, really, are not all that large. Among the things that best endure are the love, the values passed on, and the small shared moments recalled with a caring, loving father.

May I say that the man who took on the responsibility of rearing me from the tender age of less than 1 year, I have no doubt that, in Paradise, he is aware of what I am saying today, and I have no doubt that one day, according to the scriptures' promise, I can meet

him again. Jesus was mindful of the Heavenly Father when he taught us to pray, saying, first of all, "Our Father who art in heaven."

So let me for a moment, in closing, attempt to recite some lines that were written by someone whose name does not occur to me at the moment, but I think this little bit of verse quite appropriately speaks the thoughts of most Americans, as we look forward to Father's Day. I hope we will take a little time on that day to contemplate the sacrifices of our fathers and to consider the fact that they had concerns about us and loved us.

#### THAT DAD OF MINE

He's slowing down, as some folks say,  
With the burden of years from day to day;  
His brow bears many a furrowed line;  
He's growing old—that dad of mine.

His shoulders droop, and his step is slow;  
And his hair is white, as white as snow;  
But his kind eyes sparkle with a friendly light;

His smile is warm, and his heart is right.

He's old? Oh, yes. But only in years,  
For his spirit soars as the sunset nears.  
And blest I've been, and wealth I've had,  
In knowing a man like my old dad.

And proud I am to stand by him,  
As he stood by me when the way was dim;  
I've found him worthy and just as fine,  
A prince of men—that dad of mine.

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

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

#### FAREWELL TO THE SENATE PAGES

Mr. BYRD. Mr. President, my attention has just been called to the fact that this is the last day in which we will all be blessed by the services rendered to all Senators on both sides of the aisle by these wonderful young people who sit on the dais, to our right and to our left, who are the pages. Daniel Webster appointed the first page. Tomorrow, these pages will graduate. They go to school while they do this work here for us and for our country. They work for our country, just as we Senators seek to do our best in serving our country. Without these pages, we would find our work to be more difficult, and we can't thank them enough.

They get up early and they go to school. They have to continue to maintain good grades while they are doing the Senate's work. And this is demanding work. They run here, they run there. They are at the beck and call of every Senator all day long.

Tennyson said, "I am a part of all that I have met." I hope these young pages, when they go back to their homes and to their communities

throughout the country, will take with them, as I know they will, a part of us, as we will keep with us a part of them.

I take occasion to talk with these young people every now and then. I have told them some stories over the days and weeks. I have told them the story of "The House with the Golden Windows." I have told them Tolstoy's story, "How Much Land Does a Man Need?" And then I related to them a story that was told by Russell Conwell, one of the early Chautauqua speakers, which he had related 5,000 times—the story titled "Acres of Diamonds." And, of course, there have been other stories. But I have found the pages to be so eager—eager to learn, eager to serve.

I think we can all be proud of our young people. We hear sometimes about the bad apples, and there are a few bad apples around. The problem is, they crowd out our view of the good apples. Most of our young people are wholesome, fine young people. They are working in the school rooms, the libraries, the laboratories, and seeking to develop their minds. Perhaps we don't hear as much of them. But they are the future citizens of this country, the great resource of the country. And one day, they will be the chemists, the architects, the teachers, the ministers, the lawyers, the Senators. I know, I have seen that gleam in their eyes. Some of them are thinking about coming back here already—as Senators.

I hope that we Senators have conducted ourselves in a way that will make the pages feel proud of us—proud that you have had the honor and the good fortune to serve here, because it is an honor and you have been fortunate. There are millions of young people throughout this country who would love to serve as pages in the Senate. So I hope that we have, in some way, inspired you to serve and to want to learn. I hope that you will continue to learn. Always seek to excel, to be the best at whatever you are doing. There is always a place for you at the top.

Unfortunately, not too many people want to start at the bottom anymore. But you should be willing to start at the bottom and seek to excel and to learn. In due time, you will be rewarded. Solon said, "I grow old in the pursuit of learning." So continue to learn all of your lives.

We praise the great athletes, but no ballgame ever changed the course of history. Study math, science, chemistry, physics, read well; and in due time, you will contribute to your community and to your country.

A careful man I want to be, a little fellow follows me.

I do not dare to go astray, for fear he will go the self same way.

He thinks that I am good and fine, believes in every word of mine.

The base in me he must not see, that little chap that follows me.

I must remember as I go, through summer's sun and winter's snow,

I am building for the years to be, that little chap that follows me.

That is the way we feel about you. Most of us, certainly, have children and grandchildren, and you are somebody's children and somebody's grandchildren, and we know that they are proud of you.

I took a piece of plastic clay,  
And idly fashioned it one day.  
And as my fingers pressed it still,  
It moved and yielded to my will.  
I came again when days were past,  
The bit of clay was hard at last.  
The form I gave it, it still bore,  
And I could change that form no more.  
I took a piece of living clay,  
And gently formed it day by day.  
And molded with my power and art,  
A young child's soft and yielding heart.  
I came again when years were gone,  
He was a man I looked upon.  
He still that early impress wore,  
And I could change him nevermore.

As I look back across the 80 years of my life, I have lived a full life, and it seems that it was only a little while ago when I was young, like the boys and girls who are our pages. Even then, I wanted to learn all that I could cram into my head, and I wanted to make something of myself, and to be somebody when I grew up to be a man. I, too, like you, had dreams of all the future years, of what I would do in the days to come.

Ah, how great it is to believe the dream,  
As we stand in youth by the starlit stream,  
But greater still to live life through,  
And find at the end that the dream is true.

One thing, finally, I want to leave with you. Always take God with you. I have lived beyond the psalmist's promise.

The days of our years are threescore years and ten, and if by reason of strength they be fourscore years, yet is their strength, labour and sorrow; for it is soon cut off, and we fly away.

I have lived almost 80 years and I have seen times when I have felt God was near me and listening to me, and you will see those times, too. There will be times in your lives when you will be walking in deep valleys, and you may walk in crowds, but there will be someone closer than the crowd to you. There may be no one else around you, but there is someone with whom you can communicate, someone who will share your grief, and someone who will give you strength, someone who will help lift you up from under great burdens, and that someone is the Heavenly Father. No man is good. We all fall short of the glory of God. But there is a God up there.

Look at the stars tonight, if the skies are clear, and see God's wonderful handiwork. And remember that some of those stars are so far away that the light from them has been traveling millions of light-years—millions of light-years, that some of those stars are so large that they would not be able to pass between the Sun and the Earth. The Sun is 93 million miles away. Yet there are stars so huge that they could not pass between the Earth and the Sun.

Napoleon, as he sat listening to the discussions about material things on

the deck of a ship one night, pointed upward and said, "Say what you wish. Who made all of that?"

So you will come across doubters and skeptics and cynics. But you can trust in God. Remember, there are great physicists, great scientists, men and women who have earned degrees from the higher institutions of learning, but they know that there is a hand greater than the hand of man that has created the Earth and the universe—the universes. Keep your faith in Him.

These are the little random thoughts that I have, as we say goodbye to you tomorrow. We will always wish for you these things: work for your hands, a straight path for your feet, sunshine on your windowpane in the morning, a song in your treetop at evening, soft rains for your garden, happiness in your hearts, love at your firesides, and God's blessings always.

Mr. President, I yield the floor.

#### ADJOURNMENT UNTIL 11 A.M., MONDAY, JUNE 16, 1997

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. on Monday, June 16.

Thereupon, the Senate, at 6:49 p.m., adjourned until Monday, June 16, 1997, at 11 a.m.

#### NOMINATIONS

Executive nominations received by the Senate June 12, 1997:

##### IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

##### *To be general*

GEN. WESLEY K. CLARK, 0000.

##### DEPARTMENT OF STATE

SUSAN E. RICE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE GEORGE EDWARD MOOSE.

##### IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

##### *Captain*

JOHN A. ACHENBACH, 0000  
TOMMY W. ADAMS, 0000  
JEFFREY L. AIKEN, 0000  
BENJAMIN P. ALBA, 0000  
CHRIS L. ALBERG, 0000  
RICHARD J. ALEXANDER, 0000  
WILLIAM P. ALEXANDER III, 0000  
DEMON E. ALLEN JR., 0000  
BRIAN S. ANDERSON, 0000  
THOMAS W. ANDERSON, 0000  
ROBERT J. APRILL, 0000  
CALVIN L. BAGBY, 0000  
JOSEPH L. BAILEY JR., 0000  
EDWARD D. BAIN, 0000  
DAVID W. BAIR, 0000  
JEROME A. BALUKAS, 0000  
ANTHONY J. BARATTA, 0000  
PAUL K. BARRETO, 0000  
PAUL H. BASZNER, 0000  
JOHN J. BAUCOM, 0000  
DANIEL B. BELL, 0000  
MELVIN BELL, 0000  
DENNIS D. BENSON, 0000  
FRANKLIN H. BERNARD, 0000  
DAVID N. BIZE III, 0000  
RICKY L. BLACKWOOD, 0000  
WILLIAM G. BODDY, 0000  
EDWARD B. BONECK, 0000  
OSCAR J. BRAYNON, 0000  
JOHN W. BRENNAN JR., 0000  
DAVID L. BROWER, 0000



ROBERT C. BROWN, 0000  
 TERRENCE H. BROWN, 0000  
 DENNIS M. BUNN, 0000  
 CHRISTOPHER T. BUTLER, 0000  
 JAMES W. BYERS, 0000  
 JOHN W. BYRNE IV, 0000  
 CHARLES I. CAMPBELL II, 0000  
 ROBERT J. CAREW, 0000  
 BRANT M. CARTER, 0000  
 KEVIN M. CHEATHAM, 0000  
 CHARLES E. CHENEY, 0000  
 RANDALL C. CIESLAK, 0000  
 WILLIAM A. CIRA, 0000  
 MARK S. CLAY, 0000  
 LAWRENCE E. CLIFFORD, JR., 0000  
 ALEX Y. COBBLE, 0000  
 THOMAS L. COCHENOUR, 0000  
 DOUGLAS H. COE, 0000  
 TERRY L. CONNER, 0000  
 JAMES E. CONNORS, JR., 0000  
 MICHAEL L. COOK, 0000  
 MARK O. COULTHARD, 0000  
 JOHN M. COVERICK, 0000  
 HARRY T. COWELL, 0000  
 STEVEN K. CROWE, 0000  
 JOHN M. CUNNINGHAM, 0000  
 DOUGLAS E. CUPO, 0000  
 CAROLE L. DANISLITTEN, 0000  
 WILLIAM DAVISON, 0000  
 ROBERT M. DAWSON, 0000  
 TIMOTHY J. DAYTON, 0000  
 DIRK J. DEBBINK, 0000  
 MICHAEL A. DEGIGLIO, 0000  
 JAMES W. DEGOEY, 0000  
 GENE V. DELTREDICI, 0000  
 THOMAS M. DLUGOLECKI, 0000  
 KENNETH G. DOMBART, 0000  
 BRIAN W. DOWSLEY, 0000  
 MICHAEL DUGAN, 0000  
 JON A. DUNCAN, 0000  
 HENRY DUNNENBERGER III, 0000  
 THOMAS J. DZIEDZIC, 0000  
 STEVEN Z. ELBINGER, 0000  
 DAVID S. ELLIOTT, 0000  
 WILLIAM A. EMSLIE, 0000  
 CRAIG R. ENOS, 0000  
 FORREST D. ERDIN, 0000  
 HEIDI M. ERNST, 0000  
 JOHN A. ERRIGO, 0000  
 MARK G. ESTES, 0000  
 JOHN D. FAULDERS, 0000  
 DONALD S. FELDMAN, 0000  
 DAN E. FENN, 0000  
 WILLIAM J. FERENCZY, 0000  
 THOMAS N. FETHERSTON II, 0000  
 ROBERT J. FILLER, 0000  
 SCOTT A. FONTAINE, 0000  
 EUGENE, FORD, JR., 0000  
 STEPHEN C. FOX, 0000  
 DAVID R. FRANCHELLA, 0000  
 DONALD B. FRASER, JR., 0000  
 ROGER L. FRITZLER, 0000  
 LOUIS L. FUSCO, JR., 0000  
 CRAIG E. GALLOWAY, 0000  
 JOHN M. GANDY, III, 0000  
 JOHN S. GARDNER, 0000  
 JAMES C. GASSAWAY, 0000  
 TERRENCE M. GAUTREAUX, 0000  
 OLIVER F. GIBSON, III, 0000  
 ROBERT E. GLEASON, 0000  
 RAY A. GOODSON, 0000  
 DOUGLAS GOOLSBY, 0000  
 JEFFREY A. GORMAN, 0000  
 THOMAS M. GORMAN, 0000  
 ELEANOR L. GOWARD, 0000  
 WALTER F. GRADY, 0000  
 DAVID P. GRAY, 0000  
 MICHAEL D. GRIFFES, 0000  
 MICHAEL F., GROMEK, 0000  
 ANTHONY S. GUIDO, 0000  
 JOSEPH P. HAGGERTY, III, 0000  
 WILLIAM A. HALL, 0000  
 ERNEST S. HALTON, 0000  
 DOUGLAS E. HANNUM, 0000  
 ALLEN C. HANSEN, 0000  
 PAUL G. HANSON, III, 0000  
 KATHLEEN L. HARGER, 0000  
 JOSEPH H. HARRINGTON, JR., 0000  
 RODNEY A. HARRIS, 0000  
 WILLIAM C. HARTMAN, 0000  
 LARRY W. HAUTH, 0000  
 RICHARD D. HAYES, III, 0000  
 ROBERT E. HAYES, JR., 0000  
 STUART A. HAYES, 0000  
 MICHAEL L. HEINRICH, 0000  
 WILLIAM L. HENDRIX, 0000  
 THOMAS J. HENNESSEY, 0000  
 GEORGE R. HICKS, JR., 0000  
 KENT R. HIGGINBOTHAM, 0000  
 CARL C. HILL, 0000  
 DONALD C. HILL, JR., 0000  
 FRANCIS C. HINDS, III, 0000  
 JOHN D. HOBDAV, 0000  
 DONNA L. HOPKINS, 0000  
 EMILY H. HOPKINS, 0000  
 JEFFREY C. HOY, 0000  
 DAVID J. HUDACEK, 0000  
 RICHARD H. HUEBNER, 0000  
 FREDERICK P. HUGHES, 0000  
 THOMAS H. HUTCHINSON, 0000

FRANK A. INZIRILLO, 0000  
 CHRISTOPHER L. IVES, 0000  
 GREGORY JENKINS, 0000  
 PAUL D. JESS, 0000  
 RONALD E. JOHNSON, 0000  
 WILLIAM G. JOHNSON, 0000  
 CARL W. JORDAN, 0000  
 RONALD L. KAHLLENBECK, 0000  
 THOMAS J. KAPURCH, 0000  
 ANDREW B. KARAMANOS, 0000  
 MARTIN P. KAUCHAK, 0000  
 COLEMAN A. KAVANAGH, 0000  
 LLOYD D. KEIGWIN, JR., 0000  
 ROBERT F. KELLY, 0000  
 KENYON H. KENNEDY, 0000  
 STEVEN J. KEOUGH, 0000  
 BARBARA A. KIELY, 0000  
 KEITH W. KINANE, 0000  
 NELSON R. KING, 0000  
 KEVIN J. KINPORTS, 0000  
 KENAN J. KNIERIEM, 0000  
 PETER M. KNOETGEN, 0000  
 DEAN W. KOEHLER, 0000  
 WILLIAM C. KORTHALS, 0000  
 CLIFFORD W. KRCHA, 0000  
 T J. LAGERSTROM, 0000  
 ROBERT D. LEARY, 0000  
 JOSEPH F. LEES, 0000  
 DAVID H. LEHMAN, 0000  
 ROBERT L. LENCE, 0000  
 PETER A. LENZEN, 0000  
 HELEN V. LEONG, 0000  
 JOSEPH A. LIGUORI, 0000  
 STEPHEN O. LILLIE, 0000  
 FREDERICK LITTY, 0000  
 WILLIAM P. LOEFFLER, 0000  
 ADRIAN D. LORENTSON, 0000  
 JOHN A. J. MACGINNIS, 0000  
 JAMES H. MADDEN, 0000  
 MICHAEL P. MAGNOTTI, 0000  
 MARTIN J. MAHON, 0000  
 GEORGE M. MAROZSAN, 0000  
 DAVID L. MASLOW, 0000  
 RICHARD D. MASSEY, 0000  
 EDWARD MASSO, 0000  
 MICHAEL A. MCCABE, 0000  
 THOMAS J. MCCABE, JR., 0000  
 JOSEPH E. MCCARTHY, JR., 0000  
 JAMES C. MCDONALD, 0000  
 ROBERT S. MCWEEN, 0000  
 RODNEY G. MCFADDEN, 0000  
 JOHN P. MCGINN, JR., 0000  
 MICHAEL J. MCGRAW, 0000  
 WILLIAM K. MCINTIRE, 0000  
 PATRICK R. MCKIM, 0000  
 WILLIAM E. MCKINNON, 0000  
 STEPHEN P. MCMULLIN, 0000  
 MICHAEL K. MCVAY, 0000  
 ROBERT W. MEISELAS, 0000  
 LEE J. METCALF, 0000  
 STEPHEN METCALF, 0000  
 MICHAEL A. METSKAS, 0000  
 DAVID R. MICKLE, 0000  
 MARK T. MILLER, 0000  
 GARY E. MITCHELL, 0000  
 ROBERT L. MITCHELL, 0000  
 MICHAEL J. MOON, 0000  
 WILLIAM R. MOORE, 0000  
 RICHARD H. MORCK, 0000  
 CHARLES L. MORIN, 0000  
 RONALD W. MORRISON, 0000  
 KENYON L. MOSS, 0000  
 GERARD A. MUMFREY, II, 0000  
 CHARLES W. NEIGHBORS, 0000  
 STEPHEN C. NELSON, 0000  
 COLLEEN NEVIUS, 0000  
 STUART T. NEWMAN, 0000  
 CHARLES A. NUNEZ, 0000  
 FRANCIS J. OKEEFE, 0000  
 ISABELLA J. OLEARY, 0000  
 SEAN P. ONEIL, 0000  
 WILLIAM M. ORR, 0000  
 GARY A. ORSKI, 0000  
 JAMES T. OSTRICH, 0000  
 ISALAH H. OWENS, JR., 0000  
 RAYMOND J. PAUL, 0000  
 ROBERT S. PEARSON, 0000  
 GERALD W. PEETERS, 0000  
 DAVID E. PENDLETON, 0000  
 PERRY F. PICORIELLO, 0000  
 THOMAS E. PINNEY, 0000  
 GEORGE G. PLATZ, 0000  
 GEORGE F. POELKER, II, 0000  
 PHILLIP L. POIRIER, JR., 0000  
 KEVIN L. POWELL, 0000  
 BARRY E. RAINEY, 0000  
 SCOTT L. RARIG, 0000  
 SCOTT D. REAGAN, 0000  
 THOMAS M. REIDY, 0000  
 CHARLES E. RENNER, 0000  
 WILLIAM C. REUTER JR., 0000  
 WILLIAM B. RHUE, 0000  
 DANIEL C. RIGTERINK, 0000  
 JAMES M. RIPLEY, JR., 0000  
 STEVEN W. ROBERTS, 0000  
 TOMI E. ROESKE, 0000  
 STEVEN W. ROHRSSSEN, 0000  
 WILLIAM A. ROIG, 0000  
 OTTO E. ROSSNER, III, 0000  
 MARY A. F. ROWE, 0000

STEVEN L. RUSSELL, 0000  
 MARK S. SADEL, 0000  
 PAUL S. SANZO, 0000  
 ALAN D. SARGEANT, 0000  
 DOUGLAS E. SCHAEFFER, 0000  
 ALBERT J. SCHUETTE, 0000  
 SUSAN K. SCHWARTZ, 0000  
 JEFFREY L. SCHRAM, 0000  
 DONALD B. SCOTT, 0000  
 RANDALL L. SEGERT, 0000  
 HARRY F. SHAFFER, 0000  
 CHARLES R. SHARRATT, 0000  
 ISMAIL SHEKEM, 0000  
 JAMES B. SHELLEM, 0000  
 PAUL S. SHERBO, 0000  
 ROBERT S. SHERLOCK, 0000  
 WOODROW R. SHIELDS, 0000  
 DAVID J. SHORT, 0000  
 STEVAN D. SILVAST, 0000  
 RICHARD L. SIMONS, 0000  
 DANIEL L. SIMPSON, 0000  
 WILLIAM M. SIMS, JR., 0000  
 ROBERT A. SINIBALDI, JR., 0000  
 GEORGE A. SIRAGUSA, 0000  
 GLENN R. SIVILLS, 0000  
 LEE T. SLAUGHTER, 0000  
 RONALD J. SMELTZER, 0000  
 RONALD L. SMITH, 0000  
 DAVID P. SMOUSE, 0000  
 CARLTON E. SODERHOLM, 0000  
 HAROLD E. SPEARS, JR., 0000  
 DANIEL J. SPOONER, 0000  
 MICHAEL B. STAINBROOK, 0000  
 ALAN R. STEICHEN, 0000  
 TIMOTHY F. STOESSEL, 0000  
 THYRA L. STRAPAC, 0000  
 JOHN L. STRIDE, JR., 0000  
 ALFRED E. STUART, 0000  
 WILLIAM K. STULB, 0000  
 JEFFERY H. SUNDAY, 0000  
 CHARLES W. SWINTON, 0000  
 JOHN J. TARTAGLIONE, 0000  
 PAUL J. TELTHORST, 0000  
 JEFFREY H. THOMAS, 0000  
 DAVID J. THORN, 0000  
 JOHN E. THORP, 0000  
 OWEN G. THORP, 0000  
 MARK S. THORPE, 0000  
 FORREST L. TOUCHBERRY, 0000  
 JAMES H. TULLEY, JR., 0000  
 ROBERT A. TYLICKI, 0000  
 DAVID J. VANPETTEN, 0000  
 CHARLES J. VARGO, 0000  
 THOMAS K. VAUGHN, 0000  
 ROBERT R. VOGEL, 0000  
 JONATHAN R. WADE, 0000  
 RICHARD J. WALLACE, 0000  
 MARGARET M. WATRY, 0000  
 WILLIAM H. WATSON, JR., 0000  
 ROBIN M. WATERS, 0000  
 ARTHUR J. WEIS, 0000  
 ROBERT F. WEISS, JR., 0000  
 JEFFREY W. WELCH, 0000  
 DANIEL E. WERNLI, 0000  
 MARK L. WEST, 0000  
 GERALD A. WHITE, 0000  
 KENT D. WHITE, 0000  
 JAMES C. WHITTSETT, 0000  
 BARRY N. WILBUR, 0000  
 WILLIAM C. WILKERSON, 0000  
 HARVEY E. WILKINSON, JR., 0000  
 IRVIN G. WILLIAMS, III, 0000  
 REX R. WOLFE, 0000  
 EDWARD P. YETSKO, 0000  
 STEPHEN A. YOUNG, 0000  
 SRETEN, ZIVOVIC, 0000

## CONFIRMATIONS

Executive nominations confirmed by the Senate June 12, 1997:

### FEDERAL EMERGENCY MANAGEMENT AGENCY

MICHAEL J. ARMSTRONG, OF COLORADO, TO BE AN ASSOCIATE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

### EXPORT-IMPORT BANK OF THE UNITED STATES

JAMES A. HARMON, OF NEW YORK, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2001.

JACKIE M. CLEGG, OF UTAH, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2001.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL ROBERT BERNARD FLOWERS, U.S. ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642).