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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Blessed God, whose love never lets us go, whose mercy never ends, whose strength is always available, whose guidance shows us the way, whose spirit provides us supernatural power, whose presence is our courage, whose joy invades our gloom, whose peace calms our pressured hearts, whose light illuminates our paths, whose goodness provides the wondrous gifts of loved ones and family and friends, whose will has brought us to the awesome tasks of today, and whose calling lifts us above self-centeredness to others-centered servanthood. We dedicate all that we have and are to serve You today with unreserved faithfulness and unfailing loyalty.

You are with us today watching over all that happens to us. You go before us to guide each step of the way. You are beside us as our companion and friend, and You are behind us to gently prod us when we lag behind with caution or reluctance. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the routine requests through the morning hour be granted, and that the Senate immediately proceed to 1 hour of debate.

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

SCHEDULE

Mr. LOTT. Mr. President, following 1 hour of debate, a vote will occur on the motion to invoke cloture with respect to the campaign finance reform bill. If cloture is not invoked, a cloture vote will then occur on the Lott amendment dealing with paycheck protection to S. 25. Therefore, Members can anticipate two back-to-back rollcall votes at approximately 1 p.m. I will notify Members as to the rest of the day. We are working now with the Democratic leader to see if we can get some understanding as to how we will proceed throughout the remainder of the day and, of course, how we will conclude the week's schedule.

It is hoped that the Senate will be able to vote on the VA–HUD appropriations conference report. I believe that is pretty well agreed to. We are also hoping we will be able to get the papers and have a vote on the Transportation appropriations conference report, if a recorded vote is required. And we hope to have some discussion today on the ISTEA authorization bill. We have requests from Senators for a block of time around 4 o'clock. But we are trying now to get an understanding of how we will proceed through the remainder of the day. Once that is worked out, we will notify all the Members. Of course, we could have some action on the Executive Calendar, in addition, before we go out tonight.

I yield the floor, Mr. President.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

BIPARTISAN CAMPAIGN REFORM ACT OF 1997—CLOTURE MOTION

Mr. ROBERTS. Mr. President, I am making today one of those ''I did not intend to make a speech, but here I am making a speech'' speeches. I think most would agree that opponents of so-called campaign reform—a term, by the way, which should top the oxymoron list of the 1990's—the opponents of this ill-advised attack on free speech have just about worn everybody out, even in Washington where people actually talk about such topics over dinner.

Some months ago, thanks to the distinguished Senator from Kentucky, I spoke on this issue and made what I thought was a pretty fair defense of free political discourse when the distinguished Senator from South Carolina proposed withdrawing first amendment protection from that same political discourse. Senator HOLLINGS, by the way, was up front. He was candid in his approach, as opposed to the current proposals of so-called reform.

Having been through at least three campaign reform efforts in the House of Representatives as a member of the then Administration Committee and goodness knows how many campaign task forces, and having paid attention to the current debate, I have been hard pressed to figure out what can be said that has not been said. However, it appears as if there is a sure bet in regard to this topic. It is that those who insist that they propose reform, regardless of the consequences, and wave their reform banners from self-consecrated, high moral ground, they never seem to suffer from arm fatigue. When it comes to campaign reform, the high road of humility is not bothered by heavy traffic in this town.

Despite the fact there is no clear consensus or a majority in the Senate regarding alleged campaign reform, there is no mercy from the proponents of the effort to further federalize the American electoral system, and we will apparently debate and vote, debate and vote and say the same things over and over and over and over again. I would surmise this is going to get a little tiresome, if not painful. But apparently the failure of past reforms does not deter or change the minds of current reformers.

Well, when you know all the answers, you haven't asked all the questions.

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

But in this debate, there is a new axiom: The fewer the facts, the stronger the opinions, and apparently the less a thing can be proven, the angrier we get when we argue about it.

Nevertheless, I think we have an obligation to at least try to set the record straight in regard to this issue and, in that regard, I would like to make the following observations:

First, the distinguished Democratic leader of the Senate, Senator DASCHLE, a good friend, stated on the floor that there should be no confusion—no confusion—that the question is, do you support meaningful reform in response to the hearings regarding all of the illegal campaign activities apparently conducted in the last Presidential campaign.

The only problem with the Senator's statement is that the campaign finance reform bill is not reform. Let me repeat that, it is a reform bill that is not reform. It will not work. It again leads us down the road to a maze of election laws, rules, and regulations that favor incumbents, restricts desired political participation on the part of the American people, and would tripwire honest candidates and citizens into criminal acts. To make matters worse, the bill is fundamentally flawed and is what I hope—I hope—is an unintended attack on the most basic right of individuals guaranteed by our Constitution, and that is the right of free speech, the right written first, the right without which no other right can long exist.

Well, I know that people who think they know it all often annoy those of us who really do, but for the life of me, how this concoction can be labeled or disguised as ''reform'' is beyond me.

Senator MCCONNELL said it best when he stated:

> My goal is to redefine reform, to move the debate away from arbitrary limits and toward expanded citizen participation and political discourse.

He said McCain-Feingold is a failed approach. It is. We already have it in the Presidential system. It is a failure.

So, for all the good press and good intentions, McCain-Feingold is a bad bill. Why? The basic premise of the bill is flawed, Mr. President. That premise is that too much money is corrupting politics. No, it is not.

Oh, now, now, I realize that our opponents and all of the so-called special interest groups—those groups who do not agree with us—they have too much money, I know that. And I realize when they spend it on negative ads opposing me or positions that I favor, that spending should be banned or limited—boy, I'm for that—or at least capped.

Too much spending? Compared to what? The Citizens Research Foundation has reported that campaign spending for all offices in 1996 added up to about $4 billion. All offices of the United States, $4 billion. That is a lot of money. But that compares to one-twentieth of 1 percent of the gross domestic product in our country of $7.6 trillion. One-twentieth of 1 percent is too much to set priorities on how those trillions will affect our daily lives and pocketbooks in the next generations of Americans? Compared to what?

Americans spend $20 billion on dry cleaning and laundry. One 30-second Super Bowl ad could finance three campaigns for Congress. Columnist George Will points out that millions of Americans gave $2.6 billion to 476 congressional campaigns and still had enough left over to spend $4.6 billion on potato chips. We can apply the same thing to yogurt or almost anything the American people will spend their hard-earned dollars on.

While having the privilege of presiding in this body, I remember well the chart displayed by proponents of this bill. It showed the so-called dramatic increase in campaign spending since 1976. It did not show the causes—the increase in postage, radio, TV, newspaper ads, printing, phone banks, campaign workers, all of that. It did not show virtually everything else that Americans must purchase in this country has also increased—homes, education, automobiles, health care—not to mention the purchasing power of the individual citizen.

Senator MCCONNELL has pointed out that in 1996, we had a pretty high-stakes election, a very important election. There was a fierce ideological battle over the future of this country. On a per eligible voter basis, the congressional elections cost $3.89. Every voter in America, dividing it up equally, is $3.89, about 4 bucks. The Senator pointed out that that is roughly the cost of a McDonald's extra value meal.

The second major flaw I think in McCain-Feingold is that no matter how you try to regulate or cap the flow of money to campaigns, it reappears, most of the time in the murky and illegal shadows with little or no public disclosure. Witness the circumvention of current campaign laws in regard to the money laundering scheme among certain interest groups, the Democratic National Committee and the Teamsters Union.

To make matters worse, McCain-Feingold compounds the felony. Instead of focusing on blatant violations of current law, the reformers want to place limits on money spent to support or defeat candidates for election.

And therein, Mr. President, lies the ''Aha!'' of this current debate, what is really going on. As Paul Harvey says, the rest of the story. It is pretty simple, really. Just take the interest groups who are pushing for this so-called reform and then take a look at their legislative agenda. I wrote it down. I had a staff member go through it. All the interest groups that are for campaign finance reform and then their legislative agenda:

Nationalized health insurance; status quo on Medicare and Social Security—this is my version; increased Federal role in education; opposition to liability and tort reform; opposition to tax cuts; increased Federal role in environmental protection. I might support part of that. Opposition to a balanced budget; reduced defense spending; opposition to current welfare reform.

I am not trying to perjure these positions. They are honest positions. The AARP, AFL–CIO, Common Cause, and the many so-called nonprofit consumer groups have every right to express their views, and they do. These issues are bigtime stuff. How we decide these issues will affect the daily lives, pocketbooks, and future of every member of these organizations, every American.

Organized labor should weigh in. Boy, they sure as heck did in the last election in my campaign. But so should the business community and farmers and ranchers and small business Main Street America, and all of the folks who might just disagree on how we get there from here on these issues. The truth of it is this reform is skewed to a particular political point of view. It is called unilateral retreat from the political playing field for those who have a political view different from you, but we will continue our vote, our vote buying, really, through the Federal budget.

Take the proposal to ban so-called soft money. Ban soft money and all of the interest groups whose future is and will be decided in part by the decisions of those who propose the ban will simply bypass the Republican and Democratic Parties and will conduct their own campaigns, and we will have a further weakening of the two-party system. That is wrong. That is detrimental.

I know soft money has become a pejorative, but, in fact, it is the only money spent today on campaigns by the American people that is not under control of the Federal Government. We haven't got our fishhooks into the regulations and redtape and all that goes with it.

Are we really saying, Mr. President, are we really saying that in America citizens and various interests groups whose very economic future depends on the decisions we make in this Congress cannot support or oppose those candidates? Think about it. ''I'm sorry, you cannot invest in good government, you cannot express your point of view independent from the FEC.'' There are many countries in which that is the case—China, Iraq, Iran, North Korea. I do not think we want to go down that road.

''I am sorry, Farmer Jones, you cannot run an ad or distribute a handbill opposing PAT ROBERTS in his freedom-to-farm bill 60 days before the election. That's soft money. You can't do it.'' The same thing for farm organizations or commodity groups—unless, of course, you are a newspaper or a labor union.

How do you define a newspaper, by the way? It used to be to be a newspaper you had a hatrack, and then you had a typewriter, and you had a letter press, and you had somebody run it. You had a list. You had advertisers.

You had to get your printing equipment somewhere. You had the local printing contract for the county.

Today, a newspaper is when you have a computer. You can manufacturer your own newspaper—Pat Roberts Weekly News, published every day. I do not know how you are going to define this. Who is going to be in charge?

Finally, let me stress the most serious flaw in the McCain-Feingold bill, and that is money spent to express your views or the views of voters cannot be regulated or banned without being at odds with the first amendment. We simply cannot improve the integrity of any political system by restricting the political speech under the banner of reform.

Speech controls in the last 60 days of a campaign envisioned in the bill represent the lawyer full-employment act. Just read the provisions exempting the voter guides and try to figure it out.

Well, finally, I must say, with all due respect—this may be viewed as a little partisan on my part—but with all due respect, that the administration's position in regard to campaign finance represents a new threshold for what is political chutzpah. Here we have evidence presented before the Senate Governmental Affairs Committee itemizing campaign malfeasance that includes everything from Buddhist nuns; unprecedented misuse of our Nation's intelligence agencies—let me repeat, unprecedented misuse of the CIA for campaign activities—that is unprecedented; money laundering in exchange for taking sides in a Teamsters election; a fugitive influence peddler bribing his way to the President's side—he did not get his way, thank goodness—soft money turned to hard, circumventing existing campaign limits; and now missing tapes of the White House coffees or fundraisers.

In answer to all of this, Mr. President, the people who have been caught with their hands in the campaign violation cookie jar say we need a new cookie jar. President Clinton stating he will take the bully pulpit for campaign finance reform is like somebody charged with drunk driving insisting we lower the speed limit for everybody else.

Mr. President, in regard to President Clinton, the administration and the proponents of reform that is not reform, the greatest of faults is to be conscious of none. In this regard, I do not mean to malign the President or my dear friends across the aisle, but this is not reform. I urge a ''no'' vote on cloture. Let us get on with the business of the Senate in the United States.

Oh, and real campaign reform? As stated by Robert Samuelson in his column in Newsweek, ''The best defense against the undue influence of money is to let candidates raise it from as many sources as possible—and most important—'' most important, do not infringe upon the first amendment, ''let the public see who is giving.'' They can figure it out. They are six jumps ahead of Washington and any proponent of reform we have in this body. ''That would be genuine reform.''

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I want to take a moment to thank my good friend from Kansas for really an excellent speech and important contribution in this debate. Not only was he right on the mark, he was fun to listen to.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I, too, commend the Senator from Kansas for his illuminating remarks and the Senator from Kentucky for enduring this process for now years.

I want to come to the reference to the Constitution by the Senator from Kansas. The Constitution that says that: Congress shall enact no law to abridge speech.

It does not say there are no exemptions. It says the Congress shall enact no law to abridge speech.

Let us put this in context. This language is in the first amendment of the Bill of Rights which grants us the right to speak as we would, the right to worship as we would, the right to assemble, which is also part of this debate, and the right to petition our Government without fear.

All of us would like to see the campaign process improved. There have been many who have mentioned transparency or disclosure, making sure that the American people know what is happening and when it is happening and trust in their judgment to make good decisions about whether they like it or do not.

This legislation abridges the Constitution, begins to manage speech, picks winners and losers, and attacks the fundamental rights of assembly.

You have to go back. In the early days, particularly 1775, before you could create a society or an association in the United Kingdom—which was the genesis of all the secret societies. The forefathers here knew of all of this activity. So that is why they framed the language that Congress shall enact no law to abridge freedom of speech or the right to associate. They had vivid memories of governments that prohibited and managed speech and threatened and intimidated people who spoke freely and forbid organizations from joining together for the purpose of petitioning or speaking out. The language in the Constitution is derived from the fear those people had of what goes on when governments tell people what they can say and when they can say it.

This legislation picks corporations that can say anything they want and picks other corporations and says they cannot say anything. People up here in the gallery are represented by corporations that would have no prohibition whatsoever. Cox Broadcasting, one of the largest communications institutions in the world, could say anything it chose through all of its affiliates, the Atlanta papers, their cable television, whatever, could say anything they chose about any candidate, their motives for or against any vote as often as they wanted at any time they chose under this legislation, but Georgia Pacific, which grows trees, could not.

I want to know, what is the difference between corporation A that happens to print a newspaper and corporation B that happens to grow trees? The forefathers said there shall be no difference. But this legislation says that we will manage the difference here. Cox Communications, say anything you want. Georgia Pacific, you're out. Shove off.

It picks certain kinds of corporations that are at liberty to participate and others that are removed from participation. That is an abridgement of the Constitution.

Let us come to this business of association, the right to associate, to say what you want, and what constitutes free speech.

In those days there were pamphlets. Now it is television and radio, telecommunications and computers. This legislation says free speech is only given to certain kinds of institutions and it is denied others. You know, the basic right to assemble, it says to those people, you can assemble, but, boy, you cannot say anything about a campaign for the 2 months before it. You cannot mention a candidate's name. You cannot participate. You cannot express your view, if you are for or against a candidate.

So it is not only a violation of the principle of freedom of speech, but it is a violation of the principle of assembly. The forefathers envisioned people—the Farm Bureau—people coming together to make a case, to speak to an issue. This says, ''No; that's a deterrent in our society. We're going to have to manage you. And we're going to remove you from the political process.''

The last point I will make, Mr. President, is this: After you have tried to manage these processes, and you have given some people freedom of speech and others not, some that can assemble and some that cannot, what have you ended up with, outside of abridging the Constitution? You have reinforced the power of incumbents. Because if the money can only flow to candidates, which candidate is it going to flow to? The incumbent in power or the challenger? The person that is more known and has access to the facilities of that power or the person that is on the outside?

Well, you do not have to be a rocket scientist to know the money will flow to the incumbent. You can call this the Incumbent Protection Act. It will be a magnet. It will move money to power. And it intimidates and chills people

from speaking out, which has been—you know, the genesis of all American glory is our freedom. The genesis of all American glory is that we have been a free people, and it has made us behave in unique ways. We are bold. We are visionary. We are builders. And we are not afraid. This kind of legislation chills and separates and is not healthy to the Republic.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

This morning we have another opportunity to speak again about this issue, campaign finance reform, which many people wish would go away but it is not going to. Again, it is a chance to review sort of the kaleidoscope of arguments that have been used to condemn our efforts on the McCain-Feingold bill and other campaign finance reform proposals.

Listening to the Senator from Georgia, we hear again the claim that what is really wrong with this bill is that it violates the first amendment—which, of course, we dispute and also find just a little amusing when you consider, first of all, that if there is any problem with this bill under the first amendment, we still do have nine people across the street who know how to handle that.

But many of the same Senators who are condemning our bill from the point of view of the first amendment are some of the first in line who are ready to amend the first amendment. That is part of the agenda of many of the folks on the other side of the aisle.

There is no compunction at all on the part of some of these folks to pass a flag-burning amendment to the first amendment, to make an exemption of free speech there. No concerns at all with regard to the first amendment and related rights in passing a school prayer amendment, which many of our opponents believe would not be a violation of the first amendment and which I think would be.

Virtually every opponent of this bill had no problem at all coming out here on the floor of the Senate and voting for the Communications Decency Act, which to me was the most blatantly anticonstitutional censorship bill we have seen in a very long time, and every single Member of the Supreme Court agreed; 9–0 they ruled that this bill, the Communications Decency Act, was unconstitutional. Where were all the Senators out here talking about the first amendment when I came out here in a rather lonely manner and said, ''By the way, this on its face cannot possibly pass muster''? Where was the concern for the first amendment? It was not there.

So I am puzzled about what the fear is. If it is so easy to play with the first amendment when it comes to school prayer and flag burning and the Internet, what is the problem with sending up a bill that reasonable people disagree about with regard to one aspect of its constitutionality? What is the threat to the Republic? Nothing, unless we have somehow eliminated the third branch.

Then, of course, we have been treated again to my favorite argument in opposition to this bill, that there is not enough money in politics. We heard it again today.

I have to tell you, that argument has proven to be the biggest loser of all with the American people. Does anyone really believe that the best thing that can happen in this society is that more money gets spent on election?

Let's remember what Mr. Tamraz said before the Governmental Affairs Committee on September 18, 1997. He is one who certainly understands what to do and what it means if we are going to keep expanding the role of money in politics. This is what he had to say in response to a question from our colleague, the Senator from Connecticut [Mr. LIEBERMAN].

Senator LIEBERMAN. So, do you think you got your money's worth? Do you feel badly about having given the $300,000?

Mr. TAMRAZ. I think next time I'll give $600,000.

Our colleague from Michigan, Senator LEVIN, asked a very direct question:

Senator LEVIN. Was one of the reasons you made these contributions because you believed it might get you access? That's my question.

Mr. TAMRAZ. Senator, I'm going even further. It's the only reason—to get access, but what I am saying is once you have access what do you do with it? Is it something bad or is it something good? That's what we have to see.

Mr. President, this is a picture, a portrayal of the vision that some of my colleagues have. The more money, the merrier. The more Mr. Tamrazes, the more $300,000 contributions, the continuing buying of access.

Their answer is to do absolutely nothing, to do nothing, to let this campaign financing arms race continue. Another tactic is to somehow pretend—this is the tactic of the majority leader—that the whole problem is just one group of people, the working people of this country as represented through unions. As if anyone in the United States of America honestly believes that the only group that has participated too much in the money aspect of the system is organized labor. As if it doesn't involve corporate spending. As if it doesn't involve the spending of ideological groups. I have to tell you I have absolutely no concern that even the most conservative antilabor person in America doesn't believe that the whole campaign finance system problems have been caused by labor. Nobody believes that. Yet that has been the strategy employed on the floor—to say unless you interfere with the basic rights of people that join together in a union on a voluntarily basis, that the whole issue isn't worth discussing.

Then of course we heard again from the Senator from Georgia, this notion that our bill would protect incumbents. Well, it is rare I'm on the floor and I just laugh out loud, but how can a system that already exists and has a 90-percent reelection rate for incumbents get much more proincumbent? What are we going to do, force people to stay in office? Are we going to have instead of term limits, term requirements—you have to stay here? It is absurd to suggest that our bill would have any impact to protect incumbents. It is just the opposite.

If we had a fair chance to raise the issue, we would have brought up what Senator MCCAIN and I like to call the challenger amendment to provide incentives and opportunities for candidates who cannot afford a great deal to participate in the process by getting the benefit of reduced costs in their television time.

These are some of the arguments that have been used that I think are pretty well worn. In fact, let me just illustrate how serious this ratification of the current system is by going back to one example. This is the example of the Federal Express Corp. This is what is being ratified, by the attempt to kill campaign finance reform. We are doing nothing to prevent the episode that I'm about to describe. In fact, we are telling Corp.s in this country if you are going to protect your shareholders and fulfill your fiduciary duties, you better play this soft money game and play it hard and fast or otherwise you will lose out in the competitive world.

In other words, it is the opposite of what I thought the other party was about—free enterprise. This is the antithesis of free enterprise. This encourages the purchasing of access and power in Washington, not the fair, free-market competition that so many of us believe is the underpinning of our economy. This is the polar opposite of that.

Now, the Federal Express Corp. wanted, for a very long time, to get a provision into the law that would prevent their unions from organizing in a way that would be meaningful and allow them to get the benefits that they need and the salaries they want from the Federal Express Corp. The record of FedEx with regard to employees and unionization is not a good one, and the Federal Express Corp. tried repeatedly to get a rider attached to various bills that would do this. They never had a hearing on a rider in the House Aviation Subcommittee; they tried to attach it to the fiscal year 1996 omnibus appropriations bill and failed; the House Republicans tried to attach it to the fiscal year 1996 omnibus, another appropriations bill, and failed; they tried to attach it to the National Transportation Safety Board Authorization Act and failed; they tried to attach it to the Railroad Unemployment Act and failed; the Senate Republicans supported attaching the Labor-HHS Appropriations Act in the Appropriations Committee and failed; it was not included when the FAA Reauthorization Act passed the House; it was not included when it passed the Senate.

And only at the end of the road, with no positive vote in favor of this provision at any point, it was placed in conference committee and brought out to the floor. We remember well last year the fact that we had to actually keep the Senate a few days in session to make the point on this. This was not a technical correction, as was argued. In fact, what happened here was that at the very same time this effort was being made by FedEx Corp., some campaign contributions were being made.

Mr. MCCONNELL. Will the Senator yield?

Mr. FEINGOLD. After I finish this.

Mr. MCCONNELL. About getting speakers in before 1 o'clock.

Mr. FEINGOLD. I will try to conclude quickly.

Mr. President, at this time, the Federal Express Corp., according to Congressional Quarterly on October 2, 1996, had contributed, between October 17 and November 25, $200,000 to the Democratic Senatorial Campaign Committee and $50,000 to the national Republican Senatorial Campaign Committee. Specifically, the company also gave $100,000 to the Democratic National Committee and $100,000 to the Republican National Committee right before this provision was stuffed into conference committee.

Now, this is the kind of democracy that we are ratifying.

I ask unanimous consent to have printed in the RECORD an article from the New York Times dated October 12, 1996, entitled ''This Mr. Smith Gets His Way in Washington, Federal Express Chief Twists Some Big Arms.''

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

[From the New York Times, Oct. 12, 1996]

THIS MR. SMITH GET HIS WAY IN WASHINGTON—FEDERAL EXPRESS CHIEF TWISTS SOME BIG ARMS

(By Neil A. Lewis)

WASHINGTON, Oct. 11.—As the Senate rushed to adjournment earlier this month, one odd and seemingly inconsequential item stood in the way: the insertion of a few words in a 1923 law regulating railway express companies.

It was not the kind of thing that would ordinarily seize the attention of senators eager to go home barely a month before Election Day. But they stayed in session until the language was enacted, because the beneficiary of the arcane language was the Federal Express Corporation, which has become one of the most formidable and successful corporation lobbies in the capital.

Federal Express wanted the language change because it might exempt its operations from the National Labor Relations Act and, as a result, help it resist efforts by unions to organize its workers. Despite passionate speeches by opponents on behalf of organized labor, the company was able to engineer a remarkable legislative victory, prevailing upon the Senate to remain in session two extra days solely to defeat a filibuster by its opponents.

''I was stunned by the breadth and depth of their clout up here,'' said Senator Russell D. Feingold, a first-term Democrat from Wisconsin who had opposed the change. In the end, Mr. Feingold was one of 31 senators who voted against Federal Express.

Senators say the ingredients in Federal Express's success are straightforward, distinguished from other corporate lobbying by degree and skillful application: a generous political action committee, the presence of popular former Congressional leaders from both parties on its board, lavish spending on lobbying, and a fleet of corporate jets that ferry dozens of officeholders to political events around the country.

Mr. Feingold said that as he tried to rally support against the Federal Express legislation, he was frequently and fervently rebuffed by colleagues who said they had acquired obligations to the company.

''The sense I got was that this company had made a real strong effort to be friendly and helpful to Congress,'' Mr. Feingold said.

He would not identify the lawmakers but said that as he approached them about the legislation, he discovered that many just wanted to talk about how Federal Express had helped them. ''In these informal conversations, people mentioned that they had flown in a Fedex plane or gotten other favors,'' he said.

Senator Ernest F. Hollings, a South Carolina Democrat who proposed the amendment to help Federal Express, said he did so because he was grateful to the company for its willingness to use its planes to fly hay to his state during droughts.

But others say lawmakers benefit more directly. Senator Paul Simon, an Illinois Democrat who is retiring this fall, said that in a caucus of the Senate's Democrats just before the recess, one senior senator refused to oppose the company, bluntly telling his colleagues, ''I know who butters my bread.''

Mr. Simon would not identify the lawmaker except to say he was a longtime member of the Senate.

''I know that I have ridden in their planes several times,'' said Mr. Simon, who opposed Federal Express on this bill. ''But what happened here was just a blatant example of the power of their political efforts. If the John Smith company came along and asked for the same thing, it wouldn't have a prayer.''

Federal Express, Tennessee's biggest private employer, makes no apologies either for the merits of the legislation it sought or for its efforts to establish relationships with members of Congress.

''We play the game as fairly and aggressively as we can,'' said Doyle Cloud, the vice president of regulatory and government affairs for Federal Express. ''We have issues constantly in Washington that affect our ability to deliver the services our customers demand as efficiently as possible.''

For example, Mr. Cloud said, Federal Express regularly seeks to make clearances through customs easier to increase efficiency. ''To do things like that, it's absolutely necessary that we are involved politically as well as regulatorily,'' he said.

In addition to its cargo fleet, Federal Express maintains four corporate jets that when not used for company trips are made available to members of Congress. Mr. Cloud said that they were used mostly to ferry groups of lawmakers to a fund-raising event and only rarely for an individual lawmaker.

Congressional regulations require that lawmakers using corporate aircraft reimburse the company for the equivalent of first-class air fare, and Mr. Cloud said that was always done. Records maintained publicly by Congress do not show how often members use corporate flights. Federal Express declined to make the company's records available, but Mr. Cloud said that during political seasons, Federal Express might fly a group of lawmakers, about once a week.

Two popular former lawmakers, meanwhile, serve on the Federal Express board: George J. Mitchell of Maine, the former Democratic leader of the Senate, and Howard H. Baker Jr., the former Republican leader of the Senate.

The company's political action committee is one of the top five corporate PAC's in the nation. In the 1993–94 election cycle it gave more than $800,000 to 224 candidates for the House and Senate. According to the Federal Election Commission, it gave $600,500 to candidates in this cycle through August. The company has also donated more than $260,000 this year to the Democratic and Republican parties.

In the first six months of 1996, Federal Express reported spending $1,149,150 to influence legislation, an investment that included the hiring of nine Washington lobbying firms. Typically, a company hires a number of lobbying firms because each one has a relationship with an individual lawmaker who may be important on particular issues.

''The sky's the limit for Federal Express when it wants to get its own customized regulatory protection made into law,'' said Joan Claybrook, president of Public Citizens, a Washington-based government watchdog group.

During the legislative debate last week, it appeared that the company also used a United States Ambassador to press its case, but the diplomat and company have denied that.

When a lobbyist for organized labor sought to talk to Senator J. Bennett Johnston about the Federal Express issue, Mr. Johnston replied in the presence of several witnesses that he already had made up his mind, because he had just been successfully lobbied on the issue on behalf of Federal Express by James R. Sasser, Mr. Sasser, a former Democratic senator from Tennessee, is the current Ambassador to China and would be prohibited from lobbying on behalf of Federal Express.

Mr. Johnston, a retiring Democrat from Louisiana, said through his spokeswoman that his comment was a ''terrible slip of the tongue.'' The spokeswoman said that Mr. Johnston had just been lobbied by Frederick Smith, the founder and chairman of Federal Express, and that he had meant to use Mr. Smith's name.

The spokeswoman, Audra McCardell, said that Senator Johnston had lunch earlier in the week with Ambassador Sasser and that the Federal Express matter had come up ''in chitchat.'' She said that Mr. Johnston had merely told Mr. Sasser how he was going to vote on the issue. For his part, Mr. Sasser, who was retained as a consultant by Federal Express before his confirmation as an ambassador, said in a telephone interview that he did not lobby Mr. Johnston, although they might have discussed the issue.

Mr. Smith spends considerable time in Washington, where he is regarded as Federal Express's chief advocate. It was Mr. Smith who hit a lobbying home run in 1977 when he persuaded Congress to allow the fledgling company to use full-sized jetliners to carry its cargo, rather than the small planes to which it had been restricted. Mr. Cloud said that was the watershed event that allowed the company to grow to its present dominating position in the industry, with almost $10.1 billion in annual business.

Federal Express has also been able to get other special provisions written into the law. In 1995, for example, Congress gave it an exemption from certain trucking regulations. It has also won exemptions from noise abatement requirements.

The provision that Federal Express successfully sought last week was insertion of the words ''express company'' in legislation that designates companies that can be organized by unions only under the Railway Labor Act. Under that law, unions are allowed to organize only in national units,

rather than locally. Federal Express is fighting efforts by the United Automobile Workers to unionize its drivers. Of the 130,000 domestic employees of the company, only its 3,000 pilots are unionized.

Allen Reuther, the U.A.W.'s chief lobbyist, said that the union found it ''especially outrageous for the Senate to provide this special interest provision for just one company.''

Federal Express and its supporters in the Senate attached the legislative language as a rider to an airport bill that promised dozens of local airport improvements and enhanced security measures. Many lawmakers who usually vote with labor decided the bill had to pass, even with the Federal Express provision.

But the votes of 17 Democrats to help Federal Express by ending a filibuster against the provision—including that of Senator Thomas A. Daschle of South Dakota, the minority leader—angered labor officials, especially John J. Sweeney, president of the A.F.L.–C.I.O. Some union leaders said they might withhold future contributions to the Democratic Senate Campaign Committee.

But after Senator Edward M. Kennedy of Massachusetts, who led the filibuster, visited Mr. Sweeney on Thursday with a note of thanks for his support, the tension eased and union officials relented. President Clinton signed the airport measure into law on Wednesday.

Mr. FEINGOLD. I ask unanimous consent a related article a year later in the New York Times, August 25, 1997, entitled, ''Face Time for Federal Express'' be printed in the RECORD.

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

[From the New York Times Aug. 25, 1997]

FACE TIME FOR FEDERAL EXPRESS

When a big corporate political donor is invited to press his company's case at the White House before the President, he is probably going to expect results. But the attempt by Federal Express to buy influence with the Clinton Administration over an economic dispute with Japan, which was disclosed last week, has not helped anyone.

Instead of advancing his company's interests, Frederick Smith, the Federal Express chairman, has probably set them back. Thanks to the now well-documented tendency in this White House to mix policy-making with insatiable political fund-raising, a sensible objective for the United States has been tainted and the 1996 Democratic fundraising effort has been revealed once again as structurally corrupt.

President Clinton says he is proud of the fund-raising he and his party carried out in recent years, and that there were no direct quid pro quos for donors. But the episode involving Federal Express, first reported in the Washington Post, provides a case study in why the system he embraces not only has polluted American politics but has actually damaged American interests abroad.

At issue is a long-running demand by Federal Express to fly cargo through Japan to its new hub at Subic Bay, the former American naval base in the Philippines. A 45-year-old aviation agreement between the United States and Japan clearly requires Tokyo to grant access to Federal Express, as this page argued to years ago. Both the Bush and Clinton Administrations have supported the company's cause, by Federal Express wanted sterner action. Mr. Smith used his meeting with Mr. Clinton to press for sanctions against Japan. Federal Express also ponied up $506,000 in campaign contributions to the Democrats last year, along with $540,000 to the Republicans.

Federal Express has been a major success story in the competitive global economy, and is worthy of American support. Its gamble in setting up a hub at Subic Bay has revitalized the area around the old naval base. It makes sense in the new age of commercial diplomacy for the United States to help American companies in their attempts to win contracts and market access. But such an approach is simply undercut in the eyes of the world when it looks like nothing more than a payoff for a large political donation.

In addition, the United States needs to be sensitive to the risks of favoring one company's interests over another's, however plausible that company's case. The appearance of evenhandedness was undermined by Mr. Clinton's ill-advised meeting with Mr. Smith. Until now, the United States has refrained from the tougher approach of the sanctions demanded by Federal Express. Though sanctions might well be justified and certainly would be legal, there was good reason to hesitate. Sanctions could well invite Japanese retaliation, which, in turn, would almost certainly damage other American companies doing business in Japan. In negotiating with Tokyo, the United States has to weigh the interests of everyone, not just Federal Express.

The point is that the United States' bargaining position with Japan has been weakened because of Mr. Smith's clumsy intervention and the Administration's willingness to peddle White House meetings. Even among those in the White House who opposed the idea of sanctions, there was agreement that Mr. Smith had a legitimate complaint. It will be understandable now if Japan takes less seriously an American demand that looks so obviously like a favor to a political contributor.

Other airlines have reason to fear that Federal Express will gain an upper hand over them. The way to remove such suspicions is obvious. Enacting legislation banning open-ended contributions by individuals and corporations is the only way to restore integrity to the process in Washington.

Mr. FEINGOLD. That article details a similar series of activities that had to do with FedEx's desires with regard to trade and Japan. Here is the real conclusion of the story, and I want others to have a chance to speak, so let me continue by saying we all remember that the United Parcel Service had a strike not too long ago. It was the biggest news in America. Who is their competitor? The Federal Express Corp. The Federal Express Corp. used this process, this fundraising process, this access process, this soft money process, to get a special benefit so they don't have that kind of union. They don't have that kind of strike because their folks can't get together to do that because of Federal law.

What happened? Apparently, as a result of the UPS strike, FedEx benefited. The Federal Express Corp., according to one report, is gaining market share because of its adroit handling of additional business during the recent UPS strike, analysts say. Some analysts estimate that the UPS market share slipped to about 70 percent of the U.S. package delivery market from 80 percent before the strike.

Mr. President, there is a difference between FedEx and UPS, and the difference was the ability of campaign money to prevent FedEx employees from organizing the way they want. That is the kind of democracy and economy that we will have if the filibusterers prevail.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today along with my colleague from Vermont to express my disappointment and regret that the Senate has missed an opportunity today to coalesce around a middle ground that would allow campaign finance reform to advance.

Together with Senator MCCAIN, who deserves our gratitude for his courage and tenacity in bringing this issue to the fore, along with Senator JEFFORDS and Senator SPECTER, I have worked over the past week to forge a compromise that would address the two concerns that have emerged as the chief stumbling blocks to Senate passage of campaign fiance reform. Namely, the objection of Republicans to a package that does not address the issue of protecting union members from having their dues used without their permission for political purposes with which they may disagree. And the objection of Democrats to singling out unions while not providing similar protections for members of other organizations, or for shareholders in corporations.

Last week, in response to concerns which had been raised by the minority leader, we proposed an alternative that would provide the same protections to members of organizations across the board, and to shareholders of corporations. Together with Senator JEFFORDS, Senator SPECTER and Senator MCCAIN, we fine-tuned the proposal into a balanced approach with the potential to move this debate forward. It appeared our plan was the best hope of preventing a filibuster and advancing campaign finance reform.

Unfortunately, our efforts to make the process work in this instance will not succeed today. Despite our willingness to forge a compromise which would address the concerns of both sides—we have not been able to secure an agreement to ensure passage of the compromise.

The criticisms of our proposal from both sides are typical of the concerns when a proposal strikes a balance between two dies. Nobody really likes it. One side feels we go too far. The other side feels we don't go far enough.

But in the legislative arena, when both sides are committed to moving forward and finding a solution, that is how we do it. Both sides give. While we have not been able to reach a conclusion today, given the artificially short time limits imposed by the nature of the parliamentary procedure under which we are forced to consider this issue, I believe if Senators are truly committed to campaign finance reform, then it is definitely dead in this session of Congress.

I am saddened, because we have not only an obligation to provide legislative solutions, but to restore the public's faith in the integrity of the process. If we ultimately fail to coalesce around a middle ground, it would serve only to confirm the public's belief that we lack the will to address this issue in a fair and bipartisan manner. And it will certainly point to the consequences of a shrinking middle in American public life.

Mr. President, I have worked hard over the last week with my colleagues on this compromise because I earnestly believe that's what people expect of us. They expect that the U.S. Senate will conduct itself as the deliberative body it was designed to be, and they have a right to that expectation.

We should be putting our heads together, not building walls between us with intractable rhetoric and all-or-nothing propositions.

I have been part of the legislative process in Congress for over 18 years. I am here because I believe in finding solutions. That is our job, Mr. President: finding solutions. Now, I've been here long enough to know that that is not always possible. And I've been here long enough to know that it is always difficult. But then we were sent here to do a difficult job. So I say let's have the difficult conversations and really give thoughtful consideration to how we can hurdle our most challenging obstacles. That's the way it should be—that's how we end up with better legislation.

The fact is, this issue will not go away. The public disillusionment with our campaign finance system will not disappear absent meaningful reform. It will come back again and again and again.

I believe each and every time it will come down to the basic issue of enacting reform that does not unfairly disadvantage either party. As long as we have two-party government, no reform will ever pass unless it truly levels the playing field.

This is an issue that need not be intractable, as we demonstrated with the proposal we put forward in this debate. It is my belief that eventually the basis for evenhanded reform is embodied in the middle ground approach we proposed. Unfortunately, that day will not be today.

Finally, I want to issue a challenge to the majority leader and the minority leader. It is the duty of leaders to lead. I urge them to do just that by appointing a bipartisan working group of Senators who want to make the system work.

I entered public service to help make Government work. It is a task made more daunting by the mounting chorus of partisanship that has engulfed our Nation's politics.

The status quo, Mr. President, is unacceptable to virtually everyone except apparently to many Members of this body. There are, however, those of us on both sides who want to resolve this problem. What we need is the leadership to bring this spirit to life.

We need to devote less energy to criticizing and judging each other and more to forging consensus and understanding. Only then can we come together and enact legislation that the majority of Americans feel is sensible and long overdue. Let's make, then, a historic statement that the old ways of doing business must be relegated to the annals of history. Let's return elections to the American people and restore confidence in our Government.

Mr. President, I would like to yield to my colleague and friend, the Senator from Vermont, who has worked so hard on the compromise that we try to put forward today.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Senator for a very eloquent statement on where we are and where we ought to be.

I think it is incredibly important that those of us who are as dedicated as she is and as I am—perhaps those of us in the middle, as so often happens in this body—have to take a look at what we can do to pull things together.

Now, I am personally convinced, having talked with a number of Democratic Senators and a number of Republican Senators, that there are at least 60 Senators who want meaningful campaign reform. However, we have postured ourselves at this time and particular moment in a situation where that will not occur. I am pleased in a way that we are going into a brief period of recess. I am dedicated, as I know the Senator from Maine is, to using that period of time to try to find, if we can, a common ground.

I think it is important for us to take a look at what we really need to do and where the real stumbling blocks are. We are two political parties, Republicans and Democrats. Some things advantage one and some things advantage another. So we have to find ways to reform the campaign finance system and do whatever is necessary to make sure that we can find something that both sides can—not willingly, but certainly with the public pressure out there now—do something. We can find a way to do that.

What needs to be done? The Senator from Maine has done superb work in trying to find a middle ground on one issue with the Democratic Party, and that is how to handle the situation with unions—and we would say all groups—to make sure that the people that are involved, that have to contribute the money, or do contribute the money, have a say in how that money is spent; first, so that they know how it has been spent in the past so they can better judge what happens in the future, but also that they have full disclosure and the ability to say no, or the ability to at least say ''not my money,'' which is what our amendment does. I think that is a very big step forward.

Now, there have been all sorts of technical problems raised with this, that, and the other thing. But the substance of it is one in which all America can agree. When you are in the situation where you have money taken from you, you ought to have at least a say as to where it is going and, even more important, to say ''not my money.'' ''You can spend your money and the rest of the money, but not mine.'' I think that is a pretty simple philosophy with which many Americans would agree.

The next area we have to take a look at—and this is critical for the Republicans and it is also the center of debate nationwide—is what happened at the White House with all this money pouring in, hundreds of thousands over here, and all that so-called soft money. We have to do something about that. But to say that, especially under the Constitution, we can just ban it, or we can set up rules where you can't use any of it, that is not going to work. It is not going to work because people have the right under our first amendment to be able to spend money on political campaigns, but how much and for what purposes, that can be controlled, as we have found.

I will tell you, the money will find a way, some way, to be spent. If we don't have it spent for ''party building'' as ''soft money,'' it will be in ''issue advocacy'' or ''independent expenditures.'' So the best thing to do is to make sure that there are limits placed on it, that there is full disclosure, and that there are ways to make sure that these funds are not abused or become dominant in the process. There are ways to do that. They are not ones that everybody is going to readily agree upon. But on the other hand, from a first amendment perspective, the way people want to help a political party ought to be something that we can find a solution for. So I hope now that we are in this situation where it is obvious that no final decision can be made, no way will be found in the next few hours for us to solve this, that we step back and work together. The Senator from Maine and I are both dedicated to finding those Senators in the middle that are willing to help us pull something together so that we can get at least 60 votes.

I hope now that we can move back to the regular legislative process in the interim, to move legislation along which is necessary to be moved along, and, hopefully, as the Senator suggested, the leaders will get together and we can find a way to pull that middle together. There may be kicking and screaming in order to do that, but possibly we can find a way to let this Nation know that we want campaign finance reform, we want the process to be one we can be proud of, one which is acceptable to the American people, and one which allows everybody to know what is going on. I thank the Senator for her statement. I am sorry that we are in this situation, but I think it is important that we take a breath of fresh air and come back in the next week or so and, hopefully, make some progress.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine still has the floor.

Mr. KERRY. Mr. President, under the regular order, the Senator from Maine cannot yield the floor.

Mr. KYL. Mr. President, for several days now the Senate has debated campaign finance reform legislation. Advocates of the so-called McCain-Feingold proposal deserve credit for advancing the issue. Unfortunately, in the view of a majority, they have been unable to construct a bill that does not violate the first amendment to the Constitution. There are other proposals for reform that I believe can address the problems without compromising the Constitution. Therefore, I will vote to bring at least one of those proposals—the Paycheck Protection Act—to a vote but not yet support consideration of McCain-Feingold.

Some have argued that details are less important than the general principle of reform. But reform to one is not necessarily reform to another. For example, most Republicans believe that all contributions to politics should be voluntary. Most Democrats, on the other hand, say they agree but they are unwilling to give up compulsory union dues that are then contributed to candidates. Thus, reform to us is not reform to them.

Recognizing that we approach the need for reform from different perspectives, I have tried to evaluate the issue by applying some basic principles that I think most of us would agree with. For example, our laws should be clear, simple, and enforceable. They should insist on full and timely disclosure. They should place constituent interest over special interest. They should ensure voluntary participation for all. And, they should protect our right to free speech—unregulated by the government. This last principle is significant because our constitutional rights to free speech, free assembly, and the right to petition our Government were specifically established to protect our political expression. The Supreme Court has confirmed this, declaring that political expression is ''at the core of our electoral process and of the first amendment freedoms.'' (*Buckley* v. *Valeo*, 424 U.S. 44 (citing *Williams* v. *Rhodes*, 393 U.S. 23 (1968))).

The McCain-Feingold proposal incorporates some of these important principles. For example, the bill requires more timely and detailed disclosure of campaign spending. This allows people to make more informed decisions regarding contributions made to their elected leaders. The bill calls for tougher penalties for campaign violations. This might make people think twice about breaking the law. The bill attempts to tighten the restrictions on fundraising on federal property and strengthen the restriction on foreign money ban. Both of these provisions would address some of the Clinton-Gore campaign finance improprieties. The bill prohibits those under 18 from contributing to campaigns, ensuring that only those who vote can contribute, again addressing a problem with the Clinton-Gore campaign. The bill also extends the ban on mass mailing by House and Senate Members from 60 days before an election to January 1 of an election year, thereby reducing an incumbent advantage.

I support the intent, if not the exact language, of each of these provisions. I also believe that any reform legislation should include a requirement that candidates raise a majority of their campaign contributions from within their respective States and that all political activities be funded with voluntary contributions and not extracted in the form of compulsory union dues. The first of these proposals is not included in the McCain-Feingold legislation, and I believe it is necessary to meet the principles of putting constituent interest over special interest. The second proposal is not adequately dealt with because of opposition from Senator MCCAIN's Democratic cosponsor.

The most extensive provisions of the McCain-Feingold proposal address so-called soft money and issue/express advocacy. While these provisions are well intentioned, I believe they would dramatically restrict party building activities and free speech for individuals, associations, and citizens.

The McCain-Feingold approach to so-called soft money contributions is to completely prohibit them. These are contributions of citizens and organizations to political parties and cannot be spent for individual candidates. Hard money, on the other hand, is contributed directly to candidates to be spent by them.

Unlike hard money, soft money can be contributed in unlimited amounts to support political party organizations by helping them to engage in grassroots volunteer activities. The bill's total ban on soft money contributions would restrict State and local campaign committees from supporting the following election activity: voter registration activity within 120 days before a Federal election; voter identification, get-out-the-vote activity, or general campaign activity conducted in connection with any election that includes a candidate for Federal offices—generally referred to as party building activity; and a communication that refers to a clearly identified candidate for Federal office and that is made for the purpose of influencing a Federal election. Thus, if the law were to completely ban soft money, it is not the candidates, but the political parties that would suffer the most. Is this the type of political activity we really want to get rid of?

The McCain-Feingold proposal also explicitly forbids so-called issue ads, ads that mention a candidate's name within 60 days of a Federal election. Issue advocacy can best be defined as any speech relating to issues and the policy positions taken by candidates and elected officials. It can be as simple as a statement such as, ''Senator Smith's position on school vouchers is dead wrong.'' Or it can be as involved as a multimillion dollar campaign of broadcast and print advertisements that spreads the same message. The Constitution protects the right of any group or individual to engage in issue advocacy. It is the essence of free speech.

Attempts to regulate and require disclosure of issue advocacy expenditure through statute and through FEC regulation have repeatedly been declared unconstitutional by the Supreme Court and lower Federal courts. The Court has always viewed issue advocacy as a form of speech that deserves the highest degree of protection under the first amendment. Not only has the Court been supportive of issue advocacy, the justices have affirmatively stated that they are untroubled by the fact that issue advertisements may influence the outcome of an election. In fact, in Buckley versus Valeo, the court stated:

> The distinction between discussion of issues and candidates and advocacy of the election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are often intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest. *Buckley* v. *Valeo*, 424 U.S.1, 42 (1976).

Moreover, defenders of the first amendment know that the freedom to engage in robust political debate in our democracy will be at risk if the Congress or the FEC is given the authority to ban issue ads close to an election, or evaluate the content of issue ads to determine if they are really a form of express advocacy. The Supreme Court recognized this danger long before Buckley versus Valeo. In 1945, in Thomas versus Collins, the Court states:

> . . . the supposedly clear-cut distinction between discussion, laudation, general advocacy, and solicitation puts the speaker in these circumstances wholly at the mercy of the varied understanding of his hearers and consequently of whatever inference may be drawn as to his intent and meaning. Such a distinction offers no security for free discussion. In these conditions it blankets with uncertainty whatever may be said. It compels the speaker to hedge and trim *Thomas* v. *Collins* 323 U.S. 516 (1945).

McCain-Feingold would impose regulations on issue advocacy in violation of Court declarations. Advocacy groups such as the National Right to Life, Sierra Club, and National Taxpayers Union, to name just a few, would be severely circumscribed in the exercise of their first amendment rights. The FEC has a poor track record of trying to broadly interpret current election statues to encompass issue advocacy speech.

In fact, as recently as October 6, 1997, the Supreme Court let stand a circuit court decision striking FEC regulations because they infringed upon a

group's right to characterize a candidate's position on abortion rights. *Maine Right to Life* v, *FEC* (1997WL274826, 65USWL3783) (October 6, 1997) (Case number 96–1818).

The result of the McCain-Feingold 60-day ban on issue advocacy before an election will be that associations or groups of citizens could not characterize a candidate's record on radio and television during that period. It would, thus, severely limit citizen involvement and speech.

The only recourse would be for such associations—nonprofit 501(c)3 and 501(c)4 organizations—to create new institutional entities—political action committees [PAC's]—to legally speak within 60 days before an election. Such groups would, thereby, also be forced to disclose all contributors to the new PAC.

Not all members of nonprofit organizations want to become members of PAC's. Separate accounting procedures, new legal costs, and separate administrative processes would be imposed on these groups, merely so that their members could preserve their first amendment rights.

It is noteworthy that none of these proposals seek to regulate the ability of the media to exercise its enormous license to editorialize in favor or against candidates at any given time.

Finally, as noted, McCain-Feingold does not ensure that American citizens have the right to voluntarily participate in the political process. I am specifically referring to the protection from mandatory withdrawals of dues from a worker's paycheck for political activities without prior approval. Contrary to the claims of its supporters, McCain-Feingold does not provide such protection.

As written, the McCain-Feingold legislation applies only to nonunion member employees. These are workers who choose not to join a union, but who under a collective bargaining agreement must pay dues—that is, agency fees—to support the costs of union representation. McCain-Feingold covers only 10 percent of the roughly 18 million dues-paying employees nationwide. I support Senator LOTT's Paycheck Protection Act, which covers all 18 million.

McCain-Feingold also requires labor unions to notify these nonunion members that they are entitled to request a refund of the portion of their dues or agency fees used for political purposes. The effect of this proposal is to place the burden on the worker—after the fact—to petition for a refund of these automatically withdrawn dues. By contrast, Senator LOTT's Paycheck Protection Act requires unions to obtain union and nonunion employee's written permission first before using any portion of his or her dues for political activities.

Simply put, I believe all contributions to political activities should be voluntary. No one should have automatic political withdrawals from his or her paycheck unless consent is first given. The Paycheck Protection Act codifies this right. McCain-Feingold does not.

To conclude, I strongly believe certain aspects of our campaign finance system need reform. But reform that is consistent with the principles I outlined earlier. Although well intentioned, McCain-Feingold layers more regulation on top of current regulation and also infringes upon the constitutional rights to free speech and association. And it does not guarantee voluntary participation in the political process. For these reasons I cannot support it in its current form.

Mr. DODD. Mr. President, I rise today in strong support of the campaign finance reform legislation sponsored by Senators MCCAIN and FEINGOLD.

The McCain/Feingold bill is a beginning, and is an important step towards reforming how we finance campaigns. It ends soft money contributions to national parties, expands disclosure requirements, and strengthens election law. It puts guidelines on hard money contributions and begins to address the problem of so-called ''issue advocacy'' advertisements that may be designed to persuade the public about a candidate instead of educating the public about an issue. It also requires labor unions to notify non-union members that they are entitled to request a refund of the portion their agency fees used for political purposes. Make no mistake about it—one bill cannot end the spiraling cost of campaigns or stop the coercive influence of money in our government. But it is a beginning.

I am more convinced than ever that our current approach to funding political campaigns is broken and desperately in need of repair. My good friend, Senator FORD from Kentucky, cited the great cost of campaigns and the immense time needed to raise money as the reason for his retirement from the United States Senate. He explained that to run for re-election in 1998, he would need to spend the next two years raising $100,000 per week. Today, a run for the Senate may require over $5 million. On average, a Senator needs to raise $16,000 per week during their six year term to accumulate the funds needed to run a credible campaign.

Not only are distinguished elected officials leaving public service due to the daunting cost of running for office, but many Americans have decided not to seek office because it simply costs too much money. This robs us of leaders with new ideas and diverse backgrounds, and it threatens to undermine our country's participatory democracy.

Our democracy rests upon the fundamental principle that every person's vote is equal. A citizen walks into a voting booth, casts his or her vote, and the majority rules. But only fifty percent of Americans vote and only four percent of the population contribute to campaigns.

The American people worry that those who wrote the checks now expect to write the laws. They see powerful lobbyists working to turn back the clock on 25 years of environmental protection, and to unravel laws that keep our workplaces safe and protect the food we eat. This appearance of undue influence supports the public's cynicism.

Incredibly, those who defend politics as usual are not concerned about the amount of money in our political process. These leaders insist that the political process is fine, even though a record $765 million was consumed on House and Senate campaigns in 1996. In fact, Speaker GINGRICH and other leaders in his party complain that too little, not too much, money is spent today on political campaigns.

We all know that the Government Affairs Committee is, even as we speak, holding extensive hearings on the campaign finance practices of the last Presidential election. Yet, as we have seen here on the floor this week, the Majority Leader and most of those in his party would do nothing. However, there are a few Republicans, including one of the leaders on this issue Senator MCCAIN, who have voted the responsible way and I commend them. It is now time to come together in a bipartisan manner and focus on the future of elections in America for all Americans.

Since I was elected to Congress as part of ''Class of 1974,'' I have consistently fought for campaign finance reform. Since 1985, I have cosponsored seven campaign finance reform bills to remove the influence of money in elections and bring democracy back to the people of this country. In an attempt to curb the threatening influence of money, I have supported prohibitions in ''soft money'' in federal elections, and as the General Chairman of the Democratic National Committee, I challenged my counterparts to do the same. In another effort to limited the influence of money, I have supported caps on PAC contributions to candidates and limits on the total amount Senate candidates can accept from PACs. To level the playing field, and help challengers gain exposure, I have agreed to proposals for free or reduced response advertisement costs for candidates attacked by independent expenditures. I have supported requirements that Senate candidates raise most of their money from their home states in an attempt to bring elections back home to the people. Finally, I voted for a Constitutional amendment allowing Congress to set campaign spending limits. I know many of my fellow colleagues share my commitment to reform.

As we debate reform, I am concerned that we stand behind the Federal Election Commission, which is charged with monitoring and watching campaign finance violations. The FEC must have the finances and resources it needs to promptly and effectively enforce the laws that govern our campaigns. Between 1994 and November

1996, the FEC's caseload rose 36 percent, and because complaints related to the 1996 election are still being filed, the FEC expects the caseload to ultimately rise by 52 percent. Of the 262 complaints filed with the FEC in the latest election cycle, only 88 are currently under active review.

To address the effectiveness of the FEC, earlier this year I authored the FEC Improvement Act. I am pleased that most of the proposals from my bill—including electronic filing, authorizing the FEC to conduct random audits, and stiffer penalties—have been incorporated into the McCain/Feingold legislation.

Time after time, Congress has talked about reform but in the end done nothing. Over the past 10 years, Congress has produced over 6,742 pages of hearings, members have made over 3,361 speeches, committees have produced more than 1,063 pages of reports, the Senate has recorded over 113 votes and formed one bipartisan commission. Yet in the end, it's just been business as usual, while the voice of the average American in our democratic process grows fainter, quality candidates say no to public service, and our democracy withers.

I regret that the Senate this week has again missed an opportunity to pass comprehensive reform. The Senate missed another opportunity even though 53 Senators voted to fully consider the bill. I am saddened that the majority leader, along with the majority of his Republican colleagues, deployed procedural tactics that thwarted real reform. I lament this maneuver.

It saddens me that the Republicans have chosen to sabotage this bipartisan bill. It saddens me even more that this procedural sabotage occurred after concerted efforts to accommodate Republican concerns. Important provisions including voluntary spending limits, free or discounted television and advertising time, and curbs on contributions to PAC's have all been modified in the spirit of bipartisanship. However, the Senate now may not even have a clean vote on campaign finance reform legislation this session.

I have voted against Senator LOTT's amendment because it was not a bipartisan effort. The Lott amendment was a partisan maneuver to end efforts for comprehensive campaign finance reform. I will continue to vote against any amendments that lack solid bipartisan support and harm a constructive effort for real reform. Conversely, I will consider supporting any amendments to the current legislation that have bipartisan support and would improve this bill. I will also continue to support any positive efforts by both sides to have campaign finance reform considered by the Senate for a full and complete debate this session.

I call on all my colleagues to chart a new course, to put aside our differences, and to put first and foremost in our deliberations the good of the Nation. As leaders, we must not shirk our responsibility to do all we can to the reform campaign finance system. The McCain-Feingold bill begins that process, and I believe that as a body we have a solemn responsibility to embrace this legislation.

Ms. MOSELEY-BRAUN. Mr. President, S. 25, the Campaign Finance Reform Act of 1997 does not represent my ideal package of reform. In fact, S. 25 is far from it. I believe, however, that this legislation does bring us one step closer to getting the kind of real, comprehensive campaign finance reform we so desperately need.

We need to get Americans back into the system and get them involved in decisions that affect their lives. We need campaign finance reform to restore the American people's faith in the electoral process. Americans are frustrated; many believe that the current system cuts them off from their government. A League of Women Voters study found that one of the top three reasons people do not vote is the belief that their vote will not make a difference. We saw the result of this cynicism in 1994 when just 38 percent of all registered voters headed to the polls. And we saw it again in 1996 when only 49 percent of the voting age population turned out to vote—the lowest percentage of Americans to go to the polls in 72 years.

I have noticed a difference in voter turnout since my own election. In 1992, I won with 2.6 million votes, which was 53 percent of Illinois' total vote. In 1996, Senator DURBIN won with a vote total of 2.3 million, which was 55.8 percent of the total vote. Senator DURBIN won by a greater margin but with fewer total votes cast.

Unfortunately, the effort needed to raise the average of $4 million per Senate race decreases the time Senators need to meet their obligations to all of their constituents. According to recent Federal Election Commission figures, congressional candidates spent a total of $765.3 million in the 1996 elections, up 5.5 percent from the record-setting 1994 level of $725.2 million. That figure does not include the huge amounts of ''soft money'' spent by political parties.

Furthermore, when voters see that the average amount contributed by PACs to House and Senate candidates is up from $12.5 million in 1974 to $178.8 million in 1994—a 400 percent rise even after factoring in inflation over that period—there is a perception that lawmakers are too reliant on special interests to make public policy that serves the national interest. More and more voters believe that Members of Congress only listen to these special interest contributors, while failing to listen to the very constituents who put them into office.

That is part of the reason why there is overwhelming public support for reform. And make no mistake, there is a real public consensus that reform is needed—now. Ordinary Americans want—and deserve—government that is responsive to their needs and problems. The way to do that is through spending limits. Spending limits will make our system more open and more competitive. Spending limits can help focus elections more on the issues, instead of on advertising.

We must be sure that we don't have a process that only further empowers political elites that are already empowered. We want campaign finance reform that allows candidates more time to talk to voters. Voters want to know that the system works for ordinary Americans and not just those few who can devote substantial time and money to politics. They deserve better than the present system.

S. 25 addresses some of these needs. This bill prohibits soft money contributions to national political parties, increases the amount of ''hard'' money individuals may contribute to State parties for use in Federal elections, and increases the amount of ''hard'' money an individual may contribute in aggregate to all Federal candidates and parties in a single year.

In addition, S. 25 expands disclosure requirements and strengthens election law violations to lessen the influence of ''big money'' in campaigns.

I believe that these are vital first steps toward addressing the problems of the current system. Campaign finance reform cannot work for every American, however, unless it also works for every candidate, including minority candidates and women. Minority and women candidates currently have less access to the large sums needed to run for office than other candidates. That financial inequity is one of the primary reasons both women and minorities have long been under represented in both the Senate and House. The increased occurrence of big money candidates feeding their own campaigns and driving up the costs of campaigns overall only adds to the barriers keeping women and minorities out of public office.

Unfortunately, S. 25 does little to stop or control these upward spiraling costs, and that is disappointing, because self-financing candidates continue to be a rapidly growing phenomenon in our current political system. While it is true that these millionaires don't always win, no one can honestly deny that these individuals contribute to the increasing campaign costs that turn so many voters off. In 1994, for example, one candidate for the Senate spent a record setting $29 million, 94 percent of which was his own money. And during the last election cycle, a presidential candidate spent $30 million of his own money for just the primary elections.

Even more appalling is the fact that self-financing candidates do not have to demonstrate broad financial support to either launch or support their candidacies. Allowing these self-financing candidates to avoid having to show a broad range of support is, I believe truly undemocratic. In fact, I believe

that every candidate should be able to demonstrate that they have the support of a broad range of individuals and organizations, that their candidacy has, in fact, come about as a true desire of the ''people.''

If we could prove that spending exorbitant amounts of money on campaigns increased voter turnout, we would have an excuse for allowing the costs of campaigns to continue escalating. But we cannot. While the total amount raised for the 1996 election by both Democrats and Republicans increased by 70 percent over the same period during the 1991–92 cycle, voter turnout has plummeted to its lowest point since 1924. What's more, these funds are often used to finance negative, nongermane, and personally distasteful ads that do nothing more than turn off the voters and take attention away from issues of vital importance to all Americans, such as retirement security, education, and children's health. If we continue this trend, the wealthiest Americans will be the only ones who will be able to afford to participate in our political system, leaving the rest of us to only dream about contributing to this democracy.

If candidates were required to seek and demonstrate support from a broad range of individuals—an important component of the democratic process—the Supreme Court might see the First Amendment issue somewhat differently. An appropriate analogy would be the laws that require candidates to obtain a certain number of signatures as a requirement for access to the ballot. In other words, the reason for this limit would not be to equalize resources, but to ensure that the amounts candidates spend have some relation to breadth of support. This proposal may be at least arguably consistent with Buckley, since the Court in that case recognized that the government has ''important interests in limiting places on the ballot to those candidates who demonstrate substantial popular support.''

In fact, it is that statement by the Court which demonstrates the flaw in the Buckley versus Valeo decision. In the not too distant past, a candidate had to have the endorsement of a political party, or have his or her own strong, grass roots organization in order to have the large number of people it takes to gather sufficient petitions to be put on the ballot. Now, however, it is actually possible to hire people to collect petition signatures, so petitioning does not necessarily demonstrate broad support the way it used to. In fact, a wealthy candidate, under the current state of the law, doesn't have to have any broad support at all to gain access to the ballot, only enough money to hire enough petition collectors. If the important government interest the Buckley Court acknowledged is to be protected, therefore, some limits on the use of money by wealthy candidates is required. The use of money by wealthy candidates has to be brought into the bill's reforms.

This bill could have only been strengthened by a provision that would have created some mechanism to control this form of campaign financing. It is unfortunate that this bill does not have such a provision, as I have no doubt that, ultimately, unregulated financing will have no result but to drive voters, and talented but less wealthy candidates, out of the electorate.

Despite this shortcoming, I fully support the goals and the spirit of S. 25. It is a solid bill, and a firm step toward the type of comprehensive campaign finance reform that our nation needs to ensure that our electorate becomes involved and has more faith in the people they send to Congress to represent them. S. 25 has the potential to reduce some of the cynicism many Americans feel toward the electoral process, and therefore has the potential to ignite in many Americans the type of desire to become more involved in debates on fundamental issues like retirement security, healthcare security, and education.

Voters, and not money, should determine election results. The money chase has gotten out of control, and voters know that big money stifles the kind of competitive elections that are essential to our democracy. S. 25 is a crucial first step in bringing campaigns back to the people. I urge my colleagues to support S. 25, and I urge my colleagues to continue considering ways in which we can encourage the American people to continue playing a role in our democracy.

Mr. ABRAHAM. Mr. President, I rise today to explain my vote against cloture on the McCain-Feingold Campaign Finance Reform legislation.

As a supporter of campaign finance reform, I have previously outlined the standards which any reform legislation MUST meet in order to gain my support. In addition, I insist that there be some objectives which should be evident in any reform bill. The McCain-Feingold bill, unfortunately, falls short of reaching both of these standards, thus I voted against cloture.

First in the ''must'' category is that any reform legislation must be consistent with the First Amendment of the Constitution of the United States. Mr. President I could not support McCain-Feingold because some provisions of the bill would establish prior restraint on political speech. Specifically, section 201 of the bill which seeks to redefine ''express advocacy'' raises serious constitutional questions and would in my judgement fall short of the constitutional standard established in Buckley Valeo (1976), the landmark case on campaign finance reform.

Second in the ''must'' category is that the legislation must not impede or intrude on the prerogatives of the states and local units of government with respect to how they conduct political campaigns. Mr. President, there are provisions in the McCain-Feingold legislation that will limit the ability of the state and local political party committees to conduct legitimate election activity. Moreover, I feel that as presently constituted, McCain-Feingold would set in motion a process which ultimately would result in even further intrusion of state and local government election law.

Any campaign finance reform legislation must also, in my judgement, maintain a proper balance between the first amendment rights of the actual candidates and the political parties they represent and the rights of those who are not directly in the arena. Unfortunately, McCain-Feingold tilts the balance strongly in the direction of special interest groups. As these special interest groups grow in dominance, they simultaneously diminish the roles of the candidates and political parties. This, Mr. President, is not the way our founding fathers envisioned that our democratic electoral system would conduct itself. Candidates, political parties and interest groups should all be able to participate in the electoral system under the first amendment, however one entity should not be able to dominate the political speech arena. Otherwise, Mr. President we will end up with a system in which the candidates themselves are more bystanders than participants and in which the various interest groups on all sides of all the issues are doing all of the talking.

Furthermore, any campaign reform legislation we pass must be balanced. I believe that McCain-Feingold was not balanced and clearly contained provisions that would protect and enhance the ability of the Democratic Party to raise funds from its traditional sources, while disproportionately limiting the ability of the Republican Party to conduct itself.

Finally Mr. President, to have my support, any new campaign finance legislation must address what I find in my state to be the most disturbing aspect of the way American federal elections are funded: namely, the increasing extent to which the campaigns of candidates for the House and Senate are financially supported by people who are not even constituents of the candidates themselves. McCain-Feingold does not even address this problem. There was no attempt in this bill to limit out of state or non-constituent contributions to a candidate.

As I mentioned previously, I do support reforming the method by which our federal campaigns are financed. Any campaign finance reform bill I support must be consistent with the Constitution, not impede on local and state government prerogatives, affect both parties fairly and equally, and address the problem of special interest, out-of-state money. Unfortunately, the McCain-Feingold legislation failed to meet these tests and, therefore, did not have my support.

While Congress will continue to work on this issue, I feel it is unnecessary to

wait for legislation before those of us who are concerned take action. In fact, during my campaign in 1994, I voluntarily imposed my own limits on the flow of PAC and out-of-state dollars to my campaign. Instead of simply waiting around for Congress to act, I will continue to observe voluntary caps and encourage other Members to act themselves in ways they might choose to address concerns they have with our system.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, in an effort to try to accommodate the Senators here, we have about 9 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. Would it be agreeable to the Senator from Massachusetts and the Senator from Wyoming that they each take 4 minutes, and I will have the last minute, as I have not spoken in this hour? Would that be fair?

Mr. KERRY. Mr. President, is it possible to get an extra 2 minutes?

Mr. MCCONNELL. It is 9 minutes until the vote. I say to my friend from Massachusetts, if we quit talking about it and enter into an agreement, you will have 4 minutes, Senator ENZI will have 4 minutes, and I will have 1.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes.

Mr. KERRY. Mr. President, let me speak rather quickly as to where we find ourselves. Notwithstanding the comments just heard with respect to the desire for campaign finance reform, there is one simple fact that the country is about to witness. The U.S. Senate is about to see campaign finance reform stay off the calendar and only come back, not as a matter of automatic debate on the floor of the Senate, only come back if the majority leader decides he wants to bring it back.

Effectively, we are witnessing 45 Democrat U.S. Senators prepared to vote today for McCain-Feingold, for campaign finance reform, and we have at least 4 Republican Senators prepared to vote for it today, and we are being denied the ability to be able to have that up-or-down vote on campaign finance reform. That is the bottom line. That is what is happening here.

The fact is that we have had an awful lot of straws sort of put up as the reason for doing this—people hiding behind the first amendment, people hiding behind the notion that incumbency is at stake. Incumbents get most of the money today. The current system protects incumbents.

Under McCain-Feingold and under the Supreme Court, both have said you can't limit issue advocacy. There is nothing in this bill that restrains the capacity of any American to go out and talk about an issue. There is something in this bill that tries to say we are going to draw a distinction between that which is really advocacy for an issue and that which is trying to elect or defeat a candidate.

The bottom line, Mr. President, is here is what this fight is about. We have a group of people who believe that their hold on power and their ability to be elected is dependent on the money that they spend. They are seeking a partisan political advantage in whatever structure they try to form as campaign finance reform. Now, that is not new here. I have seen that on this side of the aisle, too. My colleagues are fairly—and I underscore ''fairly''—concerned about whether or not, if they are limited in some regard, people who oppose them—in some instances labor—are going to have an unfair advantage. We ought to have a fairer playing field.

But what Senator SNOWE and Senator JEFFORDS offered us as we tried to negotiate was not a fair playing field. We wound up with labor having to have its members give their written consent as to what they would allow their dues to do. But a member of the National Rifle Association, a stockholder of AT&T whose money also winds up going into political purposes, would not be treated the same.

So, in effect, we will see a failure today because the Republicans decided they wanted to try to legislate an unfair advantage to themselves. We are simply not going to allow that to happen. It is a tragedy for the American people that partisan efforts are going to take precedence over what is an overwhelming desire by the American people to see their democracy protected and not to have it increasingly become a dollar-ocracy or whatever you want to call it. Increasingly, this system is broken. Everybody knows it. For the Senate simply to sort of fall prisoner to a parliamentary process of partisanship rather than a genuine effort to try to come to agreement, I think, does not serve any of us well here. I regret that. I regret it for the institution. For the 13 years I have been here, we have been trying to deal with campaign finance reform. One side or the other is always trying to find that advantage. We have shown how you can do it fairly. Everybody in the country, I think, has a pretty good definition of that fairness. I hope my colleagues will recognize as they go home that their citizens and constituents are really fed up and want change.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise in favor of campaign reform, but not the proposal before us. I resent that we must apparently be for this bill before us or we are pictured as being opposed to reform.

This bill has gone through somewhat of a transformation, but not much. Rather than reform the way campaigns are financed, this legislation would infringe on the first amendment rights of millions of American citizens and place enormous burdens on candidates running for office. We must ensure the enforcement of the current law before we build a whole new bureaucracy. That is what we are talking about.

I believe this debate over changes in campaign laws is especially timely in light of the recent discovery of the video tapes of the White House coffees. It is illegal to campaign, it is illegal to raise money on Federal property. They are more suspicious since the White House withheld the critical evidence from the investigative committee for over 8 months. They just found the tapes? They just found part of the tapes—44 out of 150? How hard can tapes be to find? Don't they have a procedure for storing tapes? If they are important enough for history in the first place, should there not be a mechanism for finding them?

While it's not clear what took place, it calls out for a serious investigation and the appointment of a special prosecutor.

Now we want to add extra criteria. If we just add them, will Congress be the only ones who have to abide by them? Will an acceptable defense be that everybody is doing it, even if that is not true? One of the lessons I learned in my 18 years in elected office is that you don't increase compliance with existing laws by increasing the complexity. We haven't talked about truth in advertising. We haven't talked about how much money is being spent and a way to disclose and to get accurate and complete disclosure from all groups that are involved in the process. We are only touching on campaign finance reform, and we are calling it the whole ball of wax, the whole answer to everything.

Mr. President, while the McCain-Feingold legislation claims to clean up elections, it does so by placing unconstitutional restrictions on citizen's ability to participate in the political process. For the past few weeks, we have heard Members of this Senate bemoan the fact that various citizen groups have taken out ads criticizing them during their elections. Having just run my first statewide campaign last year, I can sympathize with my colleagues who have been the object of often pointed and critical campaign ads. I've said frequently that campaigns need a good truth in advertising law. That's not restriction of free speech. That's requiring honest speech. Yes, there are fine lines of spin, but we haven't even tried to clean up the blatantly wrong ads. Instead we want to restrict the right to even tell the truth. I believe that in a free society it is essential that citizens have the right to articulate their positions on issues and candidates in the public forum. The first amendment to our Constitution was drafted to ensure that future generations would have the right to engage in public political discourse that

is vigorous and unfettered. Throughout even the darkest of chapters in our Nation's history, our first amendment has provided an essential protection against inclinations to tyranny. Our political future relies on the protection of free speech.

The Supreme Court has consistently held that the first amendment protects the right of individual citizens and organizations to express their views even through issue advocacy and even if its aimed at an individual. The Court has consistently maintained that individuals and organizations do not fall within the restrictions of the Federal election code simply by engaging in this advocacy.

Issue advocacy includes the right to promote any candidate for office and his views as long as the communication does not in express terms advocate the election or defeat of a clearly identified candidate. As long as independent communication does not cross the bright line of expressly advocating the election or defeat of a candidate, individuals and groups are free to spend as much as they want promoting or criticizing a candidate and his views. While these holdings may not always be welcome to those of us running campaigns, they represent a logical outgrowth of the first amendment's historic protection of core political speech. We talk about how much money is spent that way for advocacy, but we are just guessing. We are jumping to the step of precluding that right of free speech talking about how much the cost of campaigns have gone up, but we don't even have a mechanism for reporting that in any meaningful way. That should be the first step. We need quick and complete disclosure of all funds spent in a campaign, directly and indirectly. That means hard money and soft. We need to know from where and whom it comes and for what it was spent. Obviously we need to know how the money got there. We need to know that the laws on collecting it apply to everyone. That's a simpler step than what is proposed and more constitutional too.

These unconstitutional restrictions of this bill would increase the power of the media elites at the expense of the average American voter. Our Founding Fathers drafted the first amendment to protect against attempts such as these to prohibit one segment of our society from entering into public discourse on issues that greatly affect them.

I commend the sponsors for eliminating from the most recent version of their legislation the provision that forced businesses to give away their product in the form of free broadcast time. I also appreciated them taking out the complicated funding formulas. Nonetheless, I still cannot support legislation that stifles the free speech of the American citizens and gives expanded new powers to a Washington bureaucracy. For these reasons, I must oppose the revised McCain-Feingold legislation. I ask my colleagues to join me in paying trouble to the first amendment and opposing the McCain-Feingold legislation.

I thank the Chair and yield the remainder of my time.

Mr. MCCONNELL. I thank the Senator from Wyoming for his important contribution to this debate. We have 25 speakers in opposition to McCain-Feingold, and a growing number of our Members want to speak out in opposition to this piece of legislation.

I think a very encouraging thing happened this morning that I would like to report to my colleagues right before the vote.

I had an opportunity to attend an announcement of a new organization called the James Madison Center for Free Speech. What the James Madison Center for Free Speech is going to do is handle litigation all across the country in cases involving political speech. We have heard it announced that the forces of reform who want to shut Americans out of the political process and being frustrated in Washington are taking their cases out around America. There have been various State laws and referenda that have passed—all of them, so far, struck down in the Federal courts. But the James Madison Center is going to be there to represent litigants all across America who stand up for first amendment free speech.

I think that is an important announcement. The proponents of campaign finance reform have said they are not going to go away. The opponents are not going to go away. The James Madison Center is going to be there every time free speech is threatened anywhere in America.

Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 25, as modified, the campaign finance reform bill:

Thomas A. Daschle, Carl Levin, J. Lieberman, Wendell Ford, Byron L. Dorgan, Barbara Boxer, Jack Reed, Richard H. Bryan, Daniel K. Akaka, Christopher Dodd, Kent Conrad, Robert Torricelli, Charles Robb, Joe Biden, Dale Bumpers, Carol Moseley-Braun, John Kerry.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 25, a bill to reform the financing of Federal elections, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida, [Mr. MACK] is necessarily absent.

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—52

Akaka	Feinstein	McCain
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Thompson
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	
Feingold	Lieberman	

NAYS—47

Abraham	Faircloth	Lugar
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Helms	Smith (NH)
Coverdell	Hutchinson	Smith (OR)
Craig	Hutchison	Stevens
D'Amato	Inhofe	Thomas
DeWine	Kempthorne	Thurmond
Domenici	Kyl	Warner
Enzi	Lott	

NOT VOTING—1

Mack

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 1258 to Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, D. Nickles, Jon Kyl, Slade Gorton, Mitch McConnell, Connie Mack, Larry Craig, Strom Thurmond, Gordon Smith, Jesse Helms, Kay Bailey Hutchison, Christopher S. Bond, Bill Frist, Charles Grassley, Thad Cochran, Rick Santorum.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on amendment No. 1258 to S. 25, a bill to reform the financing of Federal elections, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—51

Abraham	Enzi	Lugar
Allard	Faircloth	McCain
Ashcroft	Frist	McConnell
Bennett	Gorton	Murkowski
Bond	Gramm	Nickles
Brownback	Grams	Roberts
Burns	Grassley	Roth
Campbell	Gregg	Santorum
Chafee	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchinson	Smith (OR)
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Domenici	Lott	Warner

NAYS—48

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Snowe
Dodd	Kohl	Specter
Dorgan	Landrieu	Torricelli
Durbin	Lautenberg	Wellstone
Feingold	Leahy	Wyden

NOT VOTING—1

Mack

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

PROVIDING FOR CONDITIONAL ADJOURNMENT OF BOTH HOUSES OF CONGRESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the adjournment resolution, House Concurrent Resolution 169; that the resolution be agreed to; and that the motion to reconsider be laid upon the table, all without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 169) was agreed to, as follows:

H. CON. RES. 169

Resolved by the House of Representatives (the Senate concurring) That when the House adjourns on the legislative day of Thursday, October 9, 1997, it stand adjourned until 10:30 a.m. on Tuesday, October 21, 1997, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, October 9, 1997, Friday, October 10, 1997, or Saturday, October 11, 1997, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, October 20, 1997, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I don't have a complete schedule yet, but I believe we are ready to go to the HUD–VA appropriations conference report. We are trying to get clearance to go to Transportation appropriations conference report after that. We are still working with Senator DASCHLE so that we can outline the schedule for the remainder of the day. We are arranging for some debate time. We are also working on clearing some Executive Calendar nominations. Hopefully, within the next few minutes, we will be able to make some further specific announcement and try to get a UC on all of that. I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Arizona is recognized.

CAMPAIGN FINANCE REFORM

Mr. MCCAIN. Mr. President, a minority has prevailed for the moment in blocking campaign finance reform. They will not prevail forever. Sponsors of campaign finance reform knew from the outset that our legislation faced long odds. We knew that finding a supermajority of Senators to cut off debate would be very difficult. Not impossible, but difficult.

What we had hoped might occur is that as the amending process on the bill proceeded, Senators from both sides of the aisle would begin to find common ground on this subject, and the basis for a fair bipartisan compromise would be discovered. That was not to be the case, however, because the rules of this debate were structured to prevent anyone from offering any amendment. No vote on any single aspect of campaign finance reform was allowed, and that's unfortunate.

The chief opponent of our bill, the Senator from Kentucky, very forthrightly claimed that he would proudly cast a vote against any bill that sought to reduce the amount of money that currently soaks our Federal election system. I commend him for his candor and having the courage of his convictions.

Mr. President, I wish all opponents of campaign finance reform were so forthright. I wish all Members of the Senate could have had the opportunity to unambiguously register their support for or opposition to campaign finance reform in all its forms so that the American people would have a clear public record of where we all stood on the subject. I can only assume that the public was denied a clear record because some of us are apprehensive about how the public would react to our votes. I cannot find any other explanation for the elaborate lengths opponents of the bill went to in order to prevent a single vote on any amendment to this legislation.

I do not resent the use of the filibuster to obstruct reform. I regret it, but I do not resent it. It is a frequent roadblock to action in the Senate, and I and the other sponsors of the bill always understood that we must overcome it to prevail. Necessary to our efforts to overcome this institutional obstruction, however, is the amendment process. We believe that if Senators are obliged to vote yea or nay on various aspects of reform, the public's reaction to our votes might persuade 60 Senators to vote to limit debate. But as I have noted, we were precluded from offering and disposing of amendments.

As I made clear to everyone before debate on this bill began, if the supporters of McCain-Feingold were denied an up-or-down vote on the bill or on amendments to the bill, we would exercise our rights as Members of the Senate to offer amendments related to reform on legislation subsequently considered by the Senate. Now we are confronting a parliamentary tactic that is intended to deny us the opportunity to offer amendments to the highway funding bill. I don't think that it is fair, even if it is sanctioned by Senate rules. Nor do I think the tactic will permanently preclude us from offering reform amendments to other legislation.

Mr. President, no Member of this body can be permanently disenfranchised from the right to offer amendments. It is a practical impossibility. Unanimous consent is required for nearly all the work of the Senate, and Members who are denied their right to amend legislation are not likely to consent to moving that legislation forward. Every Senator knows that their colleagues who intend to offer campaign finance reform amendments will eventually succeed in doing so. At some point, the support or opposition of Senators will be a matter of public record. Therefore, I am at a loss to understand what purpose is served by attempting to temporarily prevent us from offering these amendments.

We cannot be disenfranchised permanently, Mr. President, because to do so would disenfranchise the American people. The people have a right to know where their elected representatives stand on the issue of campaign finance reform so that they may render an informed judgment at election time

about how fairly we represent their concerns.

The supporters of reform intend to offer amendments related to various aspects of reform, and as I have stated previously, I intend to offer an amendment banning soft money, the unregulated ocean of money which is drowning the integrity of our political system and which occasioned so much scandal in the last election. I am looking forward to the great debate on the first amendment that supporters of soft money will offer in opposition to the ban.

I know that the Senator from Kentucky will enthusiastically engage in that debate, and I again commend him for having the courage of his convictions, for his clear willingness to have his opposition to reform recorded unambiguously for the people to judge. Will the other Senators join him? I don't know. I don't think support for unlimited soft money is quite so clear as his opposition to other reform proposals. I think we would win a vote banning soft money. I am not certain, but I am fairly confident, and I intend to find out.

We will keep trying until the Senate agrees to provide the people we serve with an honest, clear record of our support or opposition to campaign finance reform. They will then make a judgment as to whether they approve of our position or not.

Finally, again, Mr. President, I am hopeful that at some point, there will be sufficient requests by the American people, including a million signatories, 1 million Americans signing a petition asking us to address this issue of campaign finance reform. I hope that sooner or later that and the better angels of our nature will persuade us that it is time to sit down and work out a campaign finance reform which is fair to everyone and gives and restores the American people control of their Government.

I yield the floor.

Mr. KERRY addressed the Chair.

Mr. BOND. Without objecting, may I say, we are trying to arrange for the expeditious consideration of the VA–HUD report.

Mr. KERRY. I just ask for 3 minutes or so. I want to respond to Senator MCCAIN.

Mr. BOND. I have no objection.

THE SENATE WILL ULTIMATELY BE HEARD

Mr. KERRY. Mr. President, I would like to thank the Senator from Arizona for his comments, for his steadfast efforts and leadership on this and, speaking for Senator DASCHLE who is not here at this moment and for the leadership on this side, we would like to make it very clear that what Senator MCCAIN has said we are determined to try to help effect. We are determined that we will bring back campaign finance reform again and again and again until we have the ability to vote up or down on either McCain-Feingold or on some measure of full reform. I think Senator MCCAIN has appropriately suggested that ultimately the will of the Senate can't be held down on a matter like this. Senators will have to vote one way or the other in order to make their positions clear, and the will of the Senate ultimately will be heard.

We, on our side, are particularly grateful to Senator FEINGOLD for his leadership, but, Mr. President, we regret enormously that the American people were not permitted to have one amendment properly voted on and debated. Not one. Not once in this important issue, where 88 percent of the American people believe we ought to have reform, was the U.S. Senate, known as the world's greatest deliberative body, able to truly deliberate. Some would argue deliberation comes in many forms and a filibuster is a form of that deliberation. But everyone knows that a majority of this Senate was prepared to vote for this bill as it is today. This bill will come back again and again until the Senate has a chance to work its will.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

UNANIMOUS–CONSENT AGREEMENT—CONFERENCE REPORT ACCOMPANYING H.R. 2158

Mr. BOND. Mr. President, I ask unanimous consent that the Senate now turn to the VA–HUD conference report; that the report be considered read; and that there be 20 minutes equally divided between the majority and the minority, plus 5 minutes for the Senator from Washington, Senator GORTON; that following the conclusion or yielding back of time, the conference report be agreed to and the motion to reconsider be laid upon the table, all without intervening action or debate.

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

DEPARTMENTS OF VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

Mr. BOND. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2158) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 6, 1997.)

Mr. BOND. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am pleased to present the Senate with the conference report accompanying H.R. 2158. The bill provides a total of $90.7 billion in new budget authority, including $21.5 billion in mandatory spending, which is $855 million less than the President's request.

As with most legislative activity in this body, the bill is not perfect, but I do think it reflects a very balanced approach to a number of particularly difficult funding and policy decisions. In achieving that balance, I owe a special debt of gratitude and express my sincerest thanks to my hard-working ranking member, Senator MIKULSKI, whose cooperation, guidance, and wise counsel has helped to craft a consensus in reaching many of these difficult decisions.

We have done our best to ensure that both the spirit of the budget agreement and the highest priorities of the President have been met without jeopardizing key programs, such as veterans' medical care and the space program which were not protected in the budget agreement.

For the VA, the highest priority in the VA–HUD conference report is afforded to veterans' programs which total $40.45 billion and veterans' medical care in particular. The conference report provides $17,060,000,000 for VA medical care, which is $100 million more than the President's request and more than $300 million above the amount assumed for veterans' medical spending in the budget agreement. This level should ensure continued care to all eligible veterans and continued improvements to the VA medical system. Increases also are provided for the State Nursing Home Program construction and research.

For the Department of Housing and Urban Development, the conference report provides close to $25 billion for fiscal year 1998, including full funding of $8.2 million for section 8 contract renewals as provided through the budget resolution.

Other key programs include $310 million for drug elimination grants; $1.5 million for HOME; $4.7 billion for community development block grants; $600 million for the Native American Block Grant Program; $823 million for homeless assistance programs; $35 million for Youth Build; $25 million for Brownfields; and $138 million for the economic development initiative.

Unfortunately, we were unable to fund the preservation program due to the high cost of the program, reported

fraud and abuse, and HUD's lack of capacity to administer the program. To continue the program would cost some $2 billion over the next several years. Therefore, we have included instead $10 million to reimburse costs expended by project owners and nonprofit and tenant purchasers under the program.

This bill also authorized enhanced—or ''sticky''—vouchers which will protect tenants from being forced to move if an owner chooses to prepay a mortgage and higher rents are charged.

Mr. President, I also point out that we have worked with the Department of Housing and Urban Development and colleagues in the authorizing committee to craft an ongoing solution to the high-cost rental program under multifamily projects in a program known as mark-to-market.

We believe that the Senate's position, which finally has been accepted by the House, to deal with these programs to provide a continuation of housing services to those residents in particularly elderly and other projects funded under a multifamily basis, is the best approach to dealing with what otherwise would be a budgetary nightmare and potentially totally disruptive to the residents.

For EPA, the conference report provides $7.4 billion for fiscal year 1998, an increase of over $400 million over fiscal year 1997; and an additional $650 million for fiscal year 1999 for the Superfund program. The appropriation includes $3.3 billion for the operating programs, an increase of $200 million or 6 percent over fiscal year 1997.

State revolving funds would receive a total of $2.075 billion, including $1.35 billion for clean water and $725 million for drinking water. The President's proposed reduction of $275 million from the clean water State revolving fund was fully restored.

For Superfund, the conference report includes $2.1 billion, an increase of $750 million over the current level. This funding includes an advance appropriation of $650 million to be made available on October 1, 1998, so long as a Superfund reform bill is enacted by May 15, 1998. This reflects the budget agreement which assumed this additional funding only upon a comprehensive reform of the Superfund program.

In addition, given the priority the administration places on funding for Boston Harbor, the conference report provides $50 million, which is $27 million more than proposed by the House.

For NASA, the conference agreement recommends $13.6 billion, the same amount as proposed by the House and an increase of $148 million over the Senate level and the administration's budget request. This amount will help NASA deal with the recent problems with the space station program without jeopardizing critical programs, such as space science, earth science, and aeronautics.

For the National Science Foundation, appropriations would total almost $3.5 billion, a $60 million increase above the budget request. This funding includes an additional $40 million for plant genome research. Mr. President, this new comprehensive initiative is critical to the future of U.S. crop production, the ability of our strong agriculture sector to provide the food and fiber needed in this country and the world.

For the Federal Emergency Management Agency, this agreement recommends $830 million, including $320 million for disaster relief and $30 million for a new predisaster mitigation grant program intended to improve the Nation's ability to reduce the costs and impacts of natural disasters, particularly in communities with significant disaster risks.

For the National and Community Service Program, funding is $425.5 million, an increase of $25 million over the current year. Despite continued concerns many of us have with this program, we have acknowledged the priority the President has placed on the program. And, in addition, the $25 million is targeted directly to the critical issue of child literacy.

Community development financial institutions are provided $80 million. While this funding is $45 million less than the President's request of $125 million, the conference report funding represents a compromise which reflects significant concerns raised in the last several months over the lack of administrative capacity and accountability at CDFI, including concerns relating to the contracting of services. We expect that the Treasury Department will continue to put in systems, procedures and policies that will ensure that the CDFI program will be administered appropriately in the future.

As I said before, on the section 8 mark-to-market reforms, title V of the bill provides, beginning in fiscal year 1999, a comprehensive reform program that provides a mortgage and rent restructuring program to reduce the costs of oversubsidized section 8 multifamily housing properties insured under the FHA. Under this mark-to-market program, FHA-insured properties with above-market rents are eligible for debt restructuring to reduce the rent levels to market-rate rents or the project base rents needed to support operations and maintenance.

In response to concerns about HUD's capacity, the legislation shifts the management, administration, and restructuring of the portfolio to capable local entities with a public purpose. In most cases, State and local housing finance agencies will be responsible for the restructuring of projects and consultation with project owners, the tenants and the affected community.

In addition, the legislation requires the continuation of project-based assistance for projects that serve elderly and disabled families, thus ensuring the availability and affordability of low-income housing for the elderly and disabled.

I note that a number of provisions, some of which I do not support, were added in conference to ensure the passage of the bill in both the House and the Senate and to promote signing by the President.

In addition, we reached a number of accommodations with the White House with the cooperation and assistance of Senator MIKULSKI, Congressman STOKES, Congressman OBEY, and other members of the conference. We are grateful for their assistance.

I yield to Senator MIKULSKI for her opening statement.

Ms. MIKULSKI. Thank you very much, Mr. Chairman.

The PRESIDING OFFICER [Mr. INHOFE]. The Senator from Maryland.

Ms. MIKULSKI. Thank you, Mr. President.

I rise today to join my very distinguished colleague, the Senator from Missouri, to offer for the Senate's consideration the conference agreement on the VA-HUD bill.

This bill contains $99 billion—$99 billion—in outlay spending, of which almost $20 billion is in mandatory spending. This isn't just about numbers though. And it will not be about statistics; this is about people.

The VA-HUD bill is probably one of the most complex that comes before the Senate. In terms of dollar amounts, it ranks up there with defense, and it ranks up there with the Labor, Health and Human Services budget. What it does in terms of dollar amounts, though, is it really is focused on two policy objectives. No. 1, how do we respond to the day-to-day needs of our constituents, those veterans who need health care or access to a mortgage, or constituents who need housing, whether it is housing for the elderly, or housing for neighborhoods trying to rebuild themselves, or in response to the need for emergency assistance?

At the same time, this subcommittee gets America ready for its future. It is significant in public investments in science and technology. That is where we have tried to make wise and prudent choices, on how we respond to the day-to-day needs of the American people and at the same time help our country get ready for the future. I believe that, working on a bipartisan basis, we have been able to do this.

I thank my colleague, Senator BOND, for the collegial manner in which he and his staff have worked with my staff and myself to craft a bipartisan bill that represents the best interests of the American people.

I am very pleased to say that when it has come to meeting the health needs of our veterans, whether it has been making sure that the housing needs are met, and at the same time whether it is our space program or our investments in information technology, we have not played politics.

Isn't this what the American people want us to do? For the people who risked their lives at Iwo Jima, Pork Chop Hill, Desert Storm, the Mekong delta, they want us to get out there and get up every day and see how we

can be responsible in meeting their needs and not play politics with their needs. Well, we looked at people who need public housing or subsidized housing, how we can ensure that housing is not a way of life but a way to a better life. Isn't that what the American people want us to do?

When they look to not only the Stars and Stripes, but they look out there to the stars of the universe, they want the United States of America to lead the way. They do not want us to play politics with our space program. And we have not done that.

At the same time, they know a new century is coming, a new economy is on its way. We need groups like the National Science Foundation, in its investments in information technology and other basic scientific research, to do that basic research which the Federal laboratories and our universities are best at, so that we can then turn to the private sector to value add where public investments in publicly funded research will lead to the private-sector jobs. And they do not want us to play politics with that. And guess what? We did not.

So, Mr. President, as we come before you with this VA-HUD bill, I think that is what we have done. We have moved this legislation forward. I think the numbers speak for themselves.

We have provided $300 million more for VA medical care than the budget agreement because we said, ''Promises made should be promises kept to our veterans.''

We wanted to be sure that the VA medical research could continue to be funded in a way that meets the important practical clinical research that is important. I am so pleased that we are going to be doing research on gulf war syndrome. I am particularly pleased that we have the set-aside for both Parkinson's disease and prostate cancer. With quality VA medical care and research, we are providing real help for real people.

When we look at our housing and urban development, we once again make sure that we adequately fund the very successful program that funds housing for the elderly in our local communities.

This committee was concerned, though, about two things. First, we were concerned that the way section 8 was being funded could inadvertently result in yet one more unfunded liability to taxpayers and a hollow opportunity for the poor. The Senator from Missouri, Senator BOND, has been an architect of reform in this area. I have noted with great pleasure the way he worked with the administration in terms of fashioning a compromise where we meet our fiscal and social responsibility simultaneously.

We also fund something called HOPE VI which says that public housing should not be a way of life but a way to a better life. We have come up with not only a new physical infrastructure, but a new social infrastructure that says, if you get a subsidy, you have to get yourself, your family, and your community ready for the future because it mandates that you must be in job training and it mandates also that you must be engaged in community service in your own area.

This way we build the capacity of the individual, we build the community in which that individual lives, and we get value not only for the taxpayer, but the lives of residents will be transformed forever.

Again, this committee provided real help for real people. This year, when we looked at the environment, the President's request had many items we worked on, from Superfund to Brownfields, clean air to clean water. What we have been able to do is not only work on these issues, but also lay the groundwork for the research that needs to be done to be sure that we have sufficient science for a regulatory framework.

I am very grateful for the response of the Senator from Missouri when I came to him when Maryland was hit by a terrible tragedy in which we had a fish kill over on our Eastern Shore. We had thousands of fish die. Our great medical community was concerned that it was having a dire effect on the physical and public health of our community.

Before we responded inappropriately, we felt that we needed to have our Federal laboratories engaged so that they could support not only Maryland, but other affected States like Virginia and North Carolina, so we could come up with wise solutions to protect public health and also maintain the community.

I want to thank Senator BOND for responding to my request for $3 million that will fund EPA to find a solution to a problem called the pfiesteria, an ''X Files''-like organism that goes from a vegetable to an animal and then attacks fish in a vicious way. What we are able to do now is to provide the best science to come up with the best solutions to be able to protect lives, protect the Chesapeake Bay, and protect our economy. I want to thank the Senator for responding to that because it was a last-minute, but certainly a much needed request.

In NASA, we also talked about how we maintain our core programs—safety for the shuttle, we will fly high in the space station, and we will once again have adequate funding for Mission to Planet Earth. While we study the great universe, we also need to look back on the one planet where we do believe there is intelligent life, and that is our own dear planet Earth. Thanks to this we will be able to study our planet as if it were a distant planet and come up with new ways of doing business, where we can predict earthquakes, where we can predict floods, where we can predict famine, and using the tools of science, we can help countries all over this planet be able to protect themselves from either the dire effects of nature or the dire effects that we bring upon ourselves.

I am also particularly pleased that, once again, the chairman responded to a request from both the administration and from this side of the aisle to maintain the National Service Program. This is a program where we ask young people to volunteer in their communities, and while they are doing that, receive a voucher to reduce their student debts, and at the same time give back to their community.

There are many aspects of this bill which we could elaborate on, but the one that we probably have to respond to most immediately is the Federal Emergency Management Agency. FEMA is the 9–1–1 agency for the American people. Unfortunately, just about every Senator's State had a call on FEMA. We were able to respond to that, and once again, we worked on a bipartisan basis. What we are also going to do now is to practice the three R's of emergency management: readiness and preparedness, response when a disaster hits, and restoration. Only this time when we restore, we are not going to only restore, we will take steps to help communities reduce the impact from future natural disasters like hurricanes and floods.

Mr. President, we could talk about the legislation, but what I am here to say today is that what we have done in this subcommittee is that we have responded to the needs of the American people, we have gotten ourselves ready for the future, we have been fiscally responsible, and we have done it on a bipartisan basis. At the end of the day, I don't think we can do better than that. I will be able to go back to my constituents in Maryland and say, ''We think we have done a good job for you. We think we have done a good job for America.''

I thank Senator BOND and his staff for the way they worked with us, particularly John Kamarck, Carrie Apostolou, and a wonderful detailee, Sarah Horrigan. I also want to thank my staff, Andy Givens, David Bowers, and also another detailee, a science whiz kid like Sarah, Stacy Closson, who came to us to learn about how the Senate works, while we have a better insight into how science works.

Mr. President, I think that concludes my remarks. I yield the floor and I will look forward to the passage of the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, my remarks are directed at the two distinguished managers of the bill, and I hope they will be able to respond to the concerns I am about to raise.

On July 22, while this bill was being debated on the floor of the Senate, I shared with the Members of the Senate a series of scandals across Indian country with respect to a housing program for low-income Indian reservation residents. The scandal occurred in my own State in Washington in the construction of a 5,000 square foot, $400,000 home under this low-income program for the chairman of the housing council

of the particular tribe, and similar activities in other reservations across the country in which money had been misused not for the benefit of low-income Indians on reservations but for the benefit of the people who were managing the money themselves, most of whom were above average in income.

As a result of that set of facts, themselves a result of a long investigation on the part of the Seattle Times, the Senate unanimously passed an amendment that says ''The Secretary of Housing and Urban Development shall bar any person from participating in any activity under the native American housing block grants program under title I of the Native American Housing Self-Determination Act of 1996 or any activity under the jurisdiction of the Department of Housing and Urban Development where such person has substantially, significantly, or materially violated the requirements of any such activity. The Secretary shall pursue reimbursement for any losses or costs associated with these violations.''

Now, Mr. President, the two managers were delighted to accept that amendment. The Senator from Missouri told me a week or so ago that the House was greatly resistant to these provisions and that he greatly feared he would have to drop them. In fact, he has done so, Mr. President. I simply would like to get his explanation as to why Members of the House of Representatives seem to feel that someone can ''substantially, significantly, and materially violate the requirements of the law'' and suffer no consequences for doing so?

This seems to me to be a ratification of this widespread fraud. At least two people working for the Department of Housing and Urban Development were transferred, another has been forced into early retirement as a result. But why is it that a simple prohibition against what amounts to total fraud—effectively stealing not just the money of the people of the United States, but of poor members of these tribes, now is suddenly dropped from the bill?

What sanction contained in this amendment was regarded as so obnoxious by Members of the House of Representatives, I ask my distinguished friend and chairman, that they refused to include it in the final bill?

Mr. BOND. Mr. President, to respond to my good friend, I first commend him for calling attention to some of the abuses that occurred. When we accepted on the floor his proposal, it was in light of the abuses and the problems that were uncovered. As I have advised my colleague from Washington, the House had grave concerns about the breadth of this issue, fearing that it might bar not only people actively engaged in fraud but people with other problems in their background or in other time periods or in other areas. I cannot do a good job of explaining their objection because it was not my objection. We were unable to include it because we did not have adequate support from our side to overcome the resistance of their side.

I point out to my colleague from Washington that HUD currently has authority under this program to address fraud and abuse in this program and they have assured us that they will.

Having said that, Mr. President, I assure my friend from Washington, I am from Missouri, and assurances—frothy substances do not satisfy me; I am from Missouri, and you must show me.

I expect that the new Native American Housing Block Grant Program which is under consideration in the Banking Committee will include program administrative and oversight requirements. At this point we must defer to the Banking Committee which is currently looking at native American housing block grant reforms as part of a HUD extender bill which would extend the authorization of a number of the programs such as FAA and multifamily risk programs. We expect this bill will be considered by the House and the Senate before the end of the session.

I hope there would be an opportunity once again, for the Senator from Washington to address the very real concerns he noted.

Mr. GORTON. Mr. President, I appreciate those expressions on the part of my friend from Missouri and I emphasize that I know he supported this provision and that he did his best to keep it included in the bill.

I hope that at some future time in authorizing legislation or otherwise we will be able to do something similar to this. I, too, have heard the assurances of the Department of Housing and Urban Development that this will not happen again, but we have gotten those assurances in the past without them having been carried out.

I summarize by saying how anyone could say that a person who ''has substantially, significantly, or materially violated the requirements'' of this law should somehow or another not even receive so much as a tap on the wrist and should be allowed to go on doing in the future what that person has done in the past, is beyond my understanding. I am sorry this is not in the bill. I don't think the excuses of its opponents and the House conferees are adequate in the slightest, but I do know that the chairman and the ranking minority member sympathize with me on this and will support us as we continue on a crusade for honesty and straightforward dealing and using this money for the purposes for which it was intended. I know they will support that in the future.

Mr. BOND. Mr. President, I thank the Senator from Washington for his comments.

MULTIFAMILY ASSISTED HOUSING REFORM

Mr. D'AMATO. Mr. President, I wish to express my strong support for the inclusion of the Senate's ''Mark to Market'' reform legislation in the Fiscal Year 1998 VA-HUD Appropriations Conference Report. The conference report effectively incorporates The Multifamily Assisted Housing Reform and Affordability Act of 1997 (S. 513), as passed by the Banking Committee and full Senate with minor modification.

This legislation averts a serious affordable housing crisis by restructuring the Department of Housing and Urban Development's [HUD] Federal Housing Administration [FHA] insured section 8 project-based assisted portfolio. This legislation will save taxpayer money by reducing above-market rents on section 8 properties, will protect residents, and will help maintain a stock of affordable housing which will remain available for the future. The financial viability of assisted projects will be protected by refinancing and restructuring mortgages which are insured by the FHA.

I salute my friend and colleague Senator CONNIE MACK, Chairman of the Subcommittee on Housing Opportunity and Community Development, for his outstanding efforts in crafting this legislation and ensuring its swift enactment. Through his extraordinary leadership this legislation has been developed in a bipartisan, measured and thoughtful manner. I thank my friend Senator KIT BOND for the critical role he played in the development of this bill as a member of the Banking Committee in the last Congress and for his leadership as chairman of the VA–HUD Appropriations Subcommittee in bringing this measure to final passage.

Mr. President, this legislation is supported by a broad range of interest groups including resident organizations, owners, nonprofit housing associations, the National Governors Association, the National Affordable Housing Management Association, the National Housing Conference, the National Association of Home Builders, and the National Council of State Housing Finance Agencies. The New York Housing Conference and the New York State Tenants and Neighbors Coalition have been instrumental in the development of this bill and I thank them for their valuable input and support.

This legislation addresses the escalating costs of the HUD section 8 program and achieves fiscal year 1998 savings of $562 million. Importantly, this legislation will save the American taxpayer $4.6 billion over the next 10 years by reducing exorbitant rents in the section 8 program. At the same time, the legislation will protect the FHA multifamily insurance fund from losses due to defaults. The mortgage restructuring provisions contained in this bill will allow projects to continue to operate effectively with reduced rent levels.

Mr. President, millions of needy Americans depend on section 8 housing to provide them with affordable shelter. The average income of these families, elderly and disabled persons is similar to those in Federal public housing—approximately 17 percent of the

local area median income. In addition, over 35 percent of these persons are elderly. Many more are disabled or families with children. It is essential that we protect these residents.

Mr. President, the legislation protects residents from displacement and provides them with a meaningful voice in the restructuring process. Resident involvement is essential to prevent physical deterioration of buildings, identify criminal activity and threats to health and safety, and contribute to the long-term viability of the affected buildings and communities. The legislation provides for a strong role on the part of residents to participate in activities such as the determination of eligibility for restructuring, decisions to renew project-based contracts, the formation of the rental assistance assessment plan, capital needs and management assessments, and physical inspections.

In addition, resident involvement in the decisions which affect their communities and lives will be further ensured by the selection of resident-friendly participating administrative entities [PAE]. The legislation mandates that any organization selected as a PAE must have a demonstrated track record of working directly with residents of low-income housing projects and with community-based organizations. It is imperative that these PAE's provide for resident input that is meaningful. This will be achieved by the PAE providing residents timely, adequate and effective written notice of proposed decisions, timely access to relevant information and an adequate time period for analysis and provision of comments to the PAE and HUD. The PAE and HUD will take into account resident comments in a thoughtful and constructive manner.

Mr. President, the bill seeks to preserve affordable housing throughout our nation for the benefit of current and future residents. Criteria have been developed to assess whether a project should maintain project-based assistance or be converted, in whole or in part, to tenant-based assistance. Projects in disrepair will be rehabilitated, where feasible, and their proper maintenance will be ensured. The legislation contains important new enforcement tools for HUD to employ to crack down on fraud, waste and abuse by unscrupulous landlords. Landlords who break the rules will be banned from the program. New protections against equity skimming, as well as expanded civil money penalties will greatly assist efforts to eliminate owners who have cheated the Federal Government. In addition, the legislation refocuses HUD's efforts on oversight and enforcement. By devolving the primary responsibility for conducting mortgage restructurings to the State and local level, HUD staff will be able to concentrate on rooting out abuses within the system.

Rents on restructured properties will be set at local market rates based on comparable properties, or where comparables are unavailable, at 90 percent of HUD's Fair Market Rent [FMR]. The legislation provides that up to 20 percent of a given PAE's inventory may receive budget-based rents, capped at 120 percent of FMR, in order to maintain the financial viability of the projects.

The HUD Secretary may waive the 20 percent limitation upon a demonstration of special need. Report language accompanying The Balanced Budget Act of 1997 (S. 947), which passed the Senate on June 25, 1997, states:

> The Committee expects that the Secretary shall utilize this important discretionary tool to address the unique circumstances of various communities and regions throughout the nation. The Secretary should consider relevant local or regional conditions to determine whether good cause exists in granting such a waiver. Such factors should include, but should not be limited to: (1) whether the jurisdiction is classified as a ''high cost area'' under other federal statutes or programs; (2) prevailing costs of constructing or developing housing; (3) local regulatory barriers which may have contributed to increased development costs; (4) State or local rent control or rent stabilization laws; (5) the costs of providing necessary security or services; high energy costs; the relative age of housing in a jurisdiction; or (6) other factors which may have contributed to high development or operational costs of affordable housing in a given jurisdiction.''

By providing a priority to State and local housing finance agencies [HFA] to serve as PAE's, we recognize and build upon the increasing financial and housing management expertise of these public entities. HFA's are accountable to State and local governments and the public and are dedicated to increasing the availability of affordable housing. In addition, they have extensive experience with the section 8 portfolio itself and will be able to leverage additional resources for its benefit.

Mr. President, this legislation protects the interests of the Federal taxpayer, the security of our residents and the future of affordable housing. It is with great pride that I commend my colleagues in the Senate for working together to avoid the social and fiscal crisis which would have occurred had HUD's multifamily inventory not been reformed. This legislation was carefully crafted with the spirit of bipartisanship for over 2 years. I salute all who contributed to this important and essential effort and support immediate passage.

MARK TO MARKET REFORMS

Mr. D'AMATO. Mr. President, I would like to engage in a colloquy with the distinguished chairman of the VA–HUD Appropriations Subcommittee, Senator KIT BOND, for the purposes of clarifying the intent of the VA–HUD Conferees in regard to several aspects of the section 8 reforms included in the conference report.

First, I would like to clarify the intent of the conferees regarding determination of market rent levels. In my home State of New York, there are some 1.2 million apartments which are covered by State rent control and rent stabilization laws. It is particularly important that the participating administrative entities [PAE] which conduct mortgage restructurings in New York have the flexibility to consider the rents of these apartments, particularly those subject to rent stabilization or rent control regulation, in making determinations of market rents.

Mr. President, I note with regret that the Fair Market Rent [FMR] System currently used by HUD has numerous flaws, especially when applied to a metropolitan area as large and diverse as New York City and its surrounding suburbs. For instance, HUD utilizes a single Fair Market Rent estimate for the entire municipality which fails to take into account the various differences in true market rents between such disparate markets as Queens, Brooklyn, Manhattan, and Rockland County. These markets are vastly different, but HUD's FMR system does not reflect these variations.

This legislation, which originated in the Banking Committee, takes into account the shortcomings and limitations of the FMR System. Instead of relying on this flawed system, the bill adopts an approach which would allow participating administrative entities to estimate true market rents based on comparable properties. While it is true that rent levels which are subject to State and local rent regulation may not fully reflect true market rents, nevertheless they can often form the basis for estimating such true market rents. Indeed, many rent stabilized apartments in New York City are far closer to true market rent levels than HUD's FMR estimates.

Mr. President, I thank the conferees for including legislative amendments to the original Senate bill, S. 513, in the final legislation which will allow participating administrative entities to consider rent stabilized units for the purposes of estimating local market rents. I would ask my friend, Senator BOND, if my statements are consistent with the intent of the conferees?

Mr. BOND. Mr. President, my friend Senator D'AMATO, the chairman of the Committee on Banking, Housing and Urban Affairs, is entirely correct. His statements are consistent with the intent of the conferees to devolve decisionmaking responsibility to the State and local level. Clearly, the conferees recognize that participating administrative entities in some jurisdictions may find it necessary to take into account rents on units which are subject to local rent stabilization regulations in order to determine comparable market rent levels.

The conferees are mindful of the unique circumstances of New York rental markets. For that reason, the legislation was crafted to allow the consideration of rent stabilized apartments within the definition of comparable properties for the purposes of determining market rent levels.

Mr. D'AMATO. Mr. President, I thank the distinguished Senator for his clarifying remarks. I would ask for one additional point of clarification.

Mr. President, the section 8 reform provisions include a mandatory renewal of project-based assistance for restructured properties which have a significant number of elderly or disabled persons, or which are located in tight rental markets, such as New York City. In addition, there is a local option to replace project-based assistance contracts with section 8 vouchers, after completion of a rental assistance assessment plan by the PAE with meaningful consultation with the owner of the affected project.

This plan, as with all aspects of the overall mortgage restructuring and rental assistance sufficiency plan, shall also be developed with an opportunity for meaningful input by the affected residents as well. It is imperative that residents be kept informed of the process for mortgage restructuring and the possibility of receiving tenant-based assistance, and be offered ample opportunity to voice their preferences as to the type of assistance provided. It would not be outside the authority of the PAE to conduct a survey, on a project-by-project basis, as to resident preferences in this regard.

Mr. President, I would like to emphasize the role of State and local decisionmaking in making this determination. It is not the intent of the drafters of the legislation that HUD attempt to micromanage or second-guess the determination of the PAE. Neither is it their intent that the HUD implementing regulations include one-sided interpretations of the statutory language which will force a preference for tenant-based assistance upon the local decisionmakers. The criteria are intentionally objective and neutral and the final decision for applying them rests at the local level.

In addition, in interpreting these criteria, the participating administrative entities should, to the fullest extent possible, consider the local experience of the various forms of housing assistance. For instance, the PAE should consider the actual effectiveness of tenant-based assistance. In many cases, voucher-holders are unable to utilize their vouchers. In many areas too, voucher-holders often find their choices constrained to certain areas, neighborhoods and projects. The lease-up rates and need to utilize section 8 reserves in order to improve these rates by the local public housing authorities would be relevant in determining the local effectiveness of the voucher program.

Also, in determining the relative affordability of vouchers, the PAE should consider whether a resident's rental contribution could rise above 30 percent of his or her income. Recent data from HUD indicate that a large percentage of voucher-holders pay more than 30 percent of their incomes for rent, and many pay more than half of their incomes in rent. This data is extremely disturbing. The rent burden of voucher-holders is especially relevant in making these determinations. The PAE could consider the impact of reductions in the FMR to the 40th percentile of available units on tenant-choice and rent burden as well.

Whenever possible, the PAE should use local experience in making this determination rather than relying on national averages, which often are rendered meaningless when applied locally. PAE's should asses the need for a stock of affordable housing which will be available on a long-term basis, when judged in light of the housing needs identified in the local consolidated plan. PAE's should consider the amount of multifamily housing currently being developed in that area which is affordable to low-income families.

Mr. President, it is imperative that PAE's consider the characteristics of specific projects. For instance, a particular project could contain a number of apartments with three or more bedrooms in a geographic area where there is a dearth of such affordable housing available to large families. In all cases, PAE's should consider the long-term consequences of their decisions. I would ask my friend, Senator KIT BOND, whether my statements are fully consistent with the intent of the conferees?

Mr. BOND. Mr. President, the statements of the chairman of the Committee of Banking, Housing and Urban Affairs are indeed consistent with the intent of the conferees. Indeed, devolving responsibility and decisionmaking to the State and local level is one of the primary goals of this mark to market legislation. Not surprisingly, that is also the reason for the priority in selecting State and local housing finance agencies to be PAE's.

The decisions made by these entities will have long-term consequences. The PAE's therefore should be granted great deference in assessing the impact of these decisions on local housing markets. Also, I would reiterate the Senator's statement on the importance of resident and owner involvement in the decisionmaking process. We believe the local PAE's will be in a better position to make these determinations than Federal officials at HUD or the Office of Management and Budget.

Mr. D'AMATO. Mr. President, I once again thank my colleague for his clarifying remarks and I offer my congratulations to him on the passage of legislation which is fair, balanced and very effectively serves the needs of the American people.

DISQUALIFIED PROPERTIES UNDER ''MARK-TO-MARKET''

Mr. SARBANES. Mr. President, I am pleased that the mark-to-market legislation that is incorporated in the VA–HUD conference report contains some measures that deal with properties that are disqualified from the restructuring program. I believe that it is critical that flexibility is provided to the participating administrative entity [PAE] and HUD in dealing with disqualified properties. I am, however, concerned about those properties that are not part of the mark-to-market program but are disqualified from the renewal process.

Mr. MACK. I agree with Senator SARBANES that this flexibility is extremely important in dealing with disqualified properties and that with input from local governments, communities, and residents, hopefully some creativity can be used. I strongly believe that it is important that the Federal Government terminate its relationship with those owners who have abused the program and those properties where it is simply infeasible to continue to subsidize. However, we should not take a ''one-size-fits-all'' approach and ensure that the interests of residents, communities, and local governments are carefully considered.

I am also concerned about those properties, not eligible for mark-to-market, whose contracts are not renewed due to noncompliance actions by owners or the poor physical condition of the property. I have some reservations about HUD's policy to simply voucher out those properties instead of exploring other creative options such as transfers or sales to resident-supported nonprofit entities.

Mr. BOND. In addressing the Senators' concerns, it is my expectation that the Secretary of HUD will use the same procedures outlined in the mark-to-market legislation for those properties affected by the nonrenewal policy. The Secretary should not only explore the use sales or transfers to nonprofit organizations, but also allow these properties to retain project-based assistance if the ownership or physical condition problems are adequately addressed. I agree with Senator MACK that under no circumstances should we continue to subsidize bad landlords or bad properties, but that we need to be careful about how we handle these situations.

CONFLICTS OF INTEREST UNDER ''MARK-TO-MARKET''

Mr. MACK. Mr. President, under the ''mark-to-market'' title that is contained in the VA–HUD appropriations conference report, a strong priority to public entities is provided to act as participating administrative entities [PAE]. It is expected that qualified public entities will handle most of the work under this program. However, in instances where a qualified public entity is not available, the Secretary of Housing and Urban Development [HUD] is provided flexibility in selecting other qualified entities such as nonprofit and for-profit entities.

To ensure that these entities do not use their positions as PAE's for unfair financial benefit, the bill contains an important provision that would prevent conflicts of interests by PAE's. It is my understanding that this provision was included to permit the Secretary to establish guidelines that

would prevent conflicts of interest by a PAE that provides financing or credit enhancement as part of the restructuring process. Further, the provision allows the Secretary to establish guidelines to deal with other conflicts of interest issues that would prevent PAE's, especially nonprofit and for-profit private entities, from using their roles as PAE's in the restructuring program that go beyond the public purposes outlined in the legislation.

I would like to ask Senator BOND if this is also his understanding of the bill.

Mr. BOND. The Senator is correct. To handle the workload and complexity of transactions under mark-to-market, a significant amount of flexibility is provided to the PAE's. However, it is expected that the Secretary establish strict and coherent guidelines to ensure that PAE's do not go beyond their restructuring duties as intended under the bill. To further prevent any abuses, the bill forbids private entities that act as PAE's to share, participate in, or benefit from any equity in the restructuring program. Last, it is expected that those most affected by restructuring, namely residents, communities, and owners, are involved in the process to protect the public interests.

SECTION 8 RENEWAL POLICY

Mr. MACK. Mr. President, I understand that the VA–HUD appropriations conference report contains important renewal policy provisions related to expiring section 8 contracts. I would like to ask Senator BOND if my understanding is correct.

Mr. BOND. The Senator is correct. The bill provides renewal policies for projects which undergo restructuring under the mark-to-market program and those which do not.

Briefly, for fiscal year 1998, the conferees have approved a 1-year extension of the basic rent renewal policies in section 211(b) of the fiscal year 1997 VA–HUD Appropriations Act and the mark-to-market demonstration program to cover contracts expiring in fiscal year 1998.

This means that projects which undergo restructuring under the demonstration program—those with rents in excess of 120 percent of the fair market rent [FMR]—will receive rents determined under the restructuring plan. For projects that do not enter the demonstration program, contracts will be renewed at rents in effect upon expiration, but not to exceed 120 percent of FMR. The 120 percent of FMR limit, however, does not apply to rents for certain exception projects enumerated in the bill. These projects, which include section 202 elderly projects and publicly financed projects, for example, will be renewed at existing rent levels.

The legislation also establishes permanent renewal policy for fiscal year 1999 and beyond when the permanent mark-to-market program is implemented. Projects which are subject to the program—those with rents in excess of comparable market rents—will receive rents in accordance with the restructuring plan. For projects that do not undergo restructuring, the Secretary may provide section 8 assistance for all units assisted by an expiring contract at rents up to comparable market rent.

I also note to the Senator that to ensure consistency with the permanent mark-to-market program, we expect that the Secretary will use the definition of comparable market rents in section 514(g)(1) of title V of the bill when establishing guidelines for the permanent renewal policy.

Under the permanent renewal authority, there again will be certain exceptions. Generally, these contracts would be renewed at the lower of existing rents—subject to an operating cost adjustment factor—or budget-based rents—subject to a budget-based rent adjustment.

The approach agreed to by the conferees provides policy continuity for the expected 1 year period during which the new mark-to-market program is being developed, provides an incentive for projects to participate in the mark-to-market program, and makes clear a cost effective permanent renewal policy which will take effect in fiscal year 1999.

TENANT PARTICIPATION

Mr. KERRY. Mr. President, I want to again express my gratitude to my colleagues Senator MACK and Senator BOND for their unrelenting efforts to include the mark-to-market legislation in this bill, and congratulate them on their success.

As originally passed by the Banking Committee and the Senate, the mark-to-market legislation had more detailed language imposing specific requirements on PAE's with regards to tenant participation in the decisions regarding the restructuring and ongoing treatment of eligible properties. At the request of HUD, the conference report provides for a more streamlined approach. We accommodated the administration on this issue because we do not want to unnecessarily bog down the restructuring and rehabilitation process.

However, I want to make clear that the Congress fully expects that PAE's will establish procedures that ensure meaningful and effective participation for residents of the restructured projects and other affected parties, and that a streamlined process should not be construed to in any way allow the process of participation to be circumvented.

Is that your understanding?

Mr. MACK. Thank you, Senator KERRY. Let me say that I strongly support tenant and community participation in this process. As you know, I have consistently advocated for such a role for tenants and other community residents in both the mark-to-market legislation and the public housing legislation, which passed the Senate unanimously. So I would concur that we expect PAE's to take this provision seriously, while balancing this with the need to complete the restructuring process in a timely fashion.

Mr. BOND. I agree with my colleagues. In accommodating HUD's desire to streamline the tenant participation process, the Congress in no way intends to minimize the importance of meaningful and effective participation of project residents and others with a stake in the restructuring process, including local governments. I agree with my colleagues that this must be done in a way that also ensures that the mark-to-market process is completed in the 3-year window created by this legislation.

SECTION 517(C)

Mr. FAIRCLOTH. Mr. President, I want to clarify section 517(c) of the pending conference report. Let me be clear that the intent of this provision is solely to encourage the Government-sponsored housing enterprises, Fannie Mae and Freddie Mac, to provide technical assistance and other support for maintaining the availability of affordable housing.

Mr. MACK. The Senator from North Carolina is correct. This provision was contained in the legislation as it was initially reported out of the Banking Committee as part of the committee's reconciliation bill. At that time, the Banking Committee's report made it clear that nothing in the section was intended to be interpreted to impose any new regulatory mandate on Fannie Mae and Freddie Mac to continue existing section 8 contracts in their current subsidized form.

HUD ECONOMIC DEVELOPMENT GRANT, LEHIGH COUNTY, PA

Mr. SPECTER. Mr. President, I have sought recognition to thank my colleague, Chairman BOND, for including in the conference report $700,000 for a targeted grant for economic development for Lehigh County, PA. I am advised that these funds will be used to establish an aquatic and wellness center on the grounds of Cedar Crest College.

The center has much local support because it is designed to stimulate economic development in the Lehigh Valley. For example, the center is expected to host athletic events and bring as much as $3 million annually in economic benefits to the region. The center is also envisioned as a means of reducing juvenile crime in the Lehigh Valley. According to the center's planners, underprivileged inner-city youths will be provided free access to the center in the hope that it will provide a drug-free, healthy environment to juveniles and thus help break the temptations of street life and crime. We need to do much more to reduce juvenile crime, and offering civic diversions is an important means of accomplishing this goal. There will also be improved civic health for all social groups, particularly the elderly and the disabled.

Private sources have raised $2 million of the $9 million cost of constructing the facility, and the Commonwealth of Pennsylvania has included this project in its capital budget. Accordingly, I am pleased that the Congress has chosen to make available economic development funds for the center.

Mr. BOND. I thank my colleague for his comments and want to confirm his understanding that the $700,000 in the conference report is intended to be made available for this center at Cedar Crest College, which should contribute to economic development in the Lehigh Valley region.

Mr. COCHRAN. Mr. President, I would like a clarification of an item included in the fiscal year 1998 Veterans Affairs, Housing and Urban Development, and independent agencies appropriations bill.

The item on which I would like clarification was included under the Economic Development Initiative Program section of the bill and provides a grant of $1,000,000 to the city of Jackson, MS. The conference report states that the grant should be used for training facilities and equipment for a downtown multimodal transit center, phase II. The conference report incorrectly identifies what the grant is to be used for. In fact, the grant is for the acquisition and rehabilitation of facilities and related improvements for a downtown multimodal transit center, phase II, in the city of Jackson, MS.

These funds are specifically to be used for the aquisition and rehabilitation of a trolley barn, downtown employee shuttle park and ride lots, and a long-term intermodal passenger parking lot. This funding will help revitalize an area of the city of Jackson that has been federally designated as an enterprise community.

It is my understanding that the conference report incorrectly identified the purpose of the economic development initiative grant and that congressional intent for the $1,000,000 grant to the city of Jackson, MS, is for the purposes as I have described them. Would the chairman clarify this understanding?

Mr. BOND. Yes. The conference report does mistakenly identify the purpose of Jackson, MS, grant. The economic development initiative grant for the city of Jackson should be used for the purposes as Senator COCHRAN describes them.

Mr. COCHRAN. I thank the chairman.

ELDERLY HOUSING

Mr. HARKIN. Mr President, I want to express my appreciation to the chairman of the VA–HUD Subcommittee and to Chairman of the Subcommittee on Housing for working with me to address the special difficulties concerning the treatment of rural elderly housing projects under the new Multifamily Housing Restructuring Program contained in the conference report. As the statement of managers states

A large portion of the properties in the upper Midwest are elderly facilities in rural areas, which are particularly disadvantaged under the Department's fair market rent system because these properties were built to a different standard compared to general rental properties, and the nature of the rental housing depresses the FMR's.

The statement of Managers clearly recognizes the situation confronting a large number of projects in my state of Iowa and in other states in the Midwest. There are a variety of factors causing an especially difficult problem for many rural elderly projects. First, they were logically built with common rooms, elevators and other amenities to serve their elderly occupants which added to construction costs and are rarely found in the rental housing surveyed by HUD for FMR-setting purposes. Second, the nature of rural rental housing in much of the rural upper Midwest creates very low FMR's. Third, a very large share of the projects built in the late 1970's which are now coming up for renewal were rural elderly projects in many States. That means that those States will see a large number of projects needing exceptions from the rent limitations requiring actions by the Secretary. The measure provides for some waiver authority with limits set by geographic areas.

I want to clarify that the waiver authority and other requirements placed in the legislation during conference are intended to provide maximum flexibility for restructuring projects to ensure that elderly projects, and especially rural elderly projects, are preserved as project-based, low-income housing. This valuable resource is needed to ensure the availability of affordable, low-income housing for the elderly and disabled.

Mr. BOND. Mr. President, I appreciate the concerns and efforts of the Senator from Iowa in this area. I share his concern about preserving elderly rural housing and that any adverse effect on elderly residents be minimized. Clearly, we expect that there will be instances in which participating administrative entity may need to look at rents outside the jurisdiction to best determine comparable rents. This concept is borne out in the definition of ''comparable properties'' in section 512(1) where such properties are defined as meaning ''properties in the same market areas, where practicable, that (A) are similar'' in various indicated ways to the project at issue, including ''type of location,'' ''unit amenities,'' and ''other relevant characteristics.'' The addition of the words ''type of'' was added to meet the concerns you and others expressed that the lack of comparable housing for the elderly in relatively low population markets calls for appraisers to, within the normal practices, to use comparables in similar types of locations in other markets when there are not two comparable properties in the market.

I presume in such a case where it has been determined appropriate to look at other market areas for comparable properties, that the use of the phrase ''in the same market area'' with respect to comparable properties in the definition of ''eligible multifamily housing projects'' in section 512(2)(A) would be guided by the same standards as apply in connection with determining comparable properties, i.e., the limitation to the same market area would be to the extent it was practicable and that as indicated in the statement of managers, the participating administrative entity may look at rents outside the project's jurisdiction.

And, we expect that the Secretary will grant the waiver authorities allowed to him regarding the 20 percent limit on properties receiving an FMR of up to 120 percent and for granting appropriate properties FMR's in excess of 120 percent up to the limits allowed in the legislation.

Again, I thank you for your efforts in this area.

PARTICULATE MATTER RESEARCH

Mr. SHELBY. Mr. President, I would like to take this opportunity to thank the chairman for including language on particulate matter research in the VA, HUD, and independent agencies appropriations bill for fiscal year 1998. This bill allocates approximately $50 million for research on the possible health effects of airborne particulate matter. The administration based its most far-reaching and costly air quality standards on inadequate research and methodology. The language in this bill ensures that critically needed research is carefully and objectively mapped-out.

The emotionally charged debate on this issue, the concern expressed by State, local, and Federal officials over the rules, and the numerous unanswered questions and uncertainties identified by EPA's science advisers and other independent scientists only serves to underscore the pressing need for further research. There is widespread disagreement in the scientific community over the adequacy of the studies the EPA used as a basis for the new air quality standards.

I am greatly disturbed that these costly standards were promulgated without any form of scientific consensus that the regulations will provide any measurable improvement in human health. Currently, these standards are subjective in nature not based on available objective scientific evidence. It is critical to our Nation that a well organized and thought out scientific review of these matters occurs. Premature implementation of the standards is far more damaging to our Nation than taking the time to allow a larger portion of the scientific community to study and review these standards. I believe my colleague from Alabama would like to share his thoughts on this matter.

Mr. SESSIONS. Numerous scientists, including several who have testified on this issue before the Environment and Public Works Committee, have stated that the size, shape, or chemical composition of the PM that is causing the

alleged adverse health effects is unknown. There are various theories—sulfates, acids, transmetals, ultrafines—regarding the potential bad actor.

During testimony before the Senate Environment and Public Works Committee, we learned that the EPA based its setting of the new particulate matter standard on inconclusive scientific data. In one EPA study, which attempted to show a relationship between levels of particulate matter and mortality and morbidity in Birmingham, AL, the author of the study admitted that if humidity was considered in the model, the effects of particulate matter on morbidity and mortality was statistically insignificant.

Billions will need to be spent by individuals, industry, and State and local governments to meet compliance with the administration's PM2.5 standard. Unless the problem is clearly identified before control programs are implemented, there is no assurance that there will be any health benefits resulting from the new standards. In fact, the new standards themselves may bring adverse health effects as an unintended consequence caused by a lower standard of living.

Mr. Chairman, I am pleased that your bill addresses the lack of scientific evidence to justify the newly promulgated air quality standards. Science on this matter needs to be completed in order to obtain a clearer understanding if there is a problem and then what needs to be done to address the problem. This measure will begin the process of a strong scientific overview. I support the immediate direction for scientific research.

Mr. BOND. I believe research, as outlined in this bill, will begin to improve our understanding of the relationship between particulate exposure and adverse health effects. The funding and direction provided in the bill will put into place a needed mechanism to establish a comprehensive, peer-reviewed research program which will benefit all parties involved with the decisionmaking activities regarding particulate matter in the years to come. The EPA was one of several organizations that worked with us to develop the research directives in this bill and I fully expect the EPA to follow the direction and spirit of the statement of managers.

Mr. SHELBY. When the administration promulgated these rules, they acknowledged the need for additional scientific studies to attempt to validate their actions. Considering the current controversy surrounding the lack of scientific evidence for the air quality rule, I am pleased that your language opens future research to a diverse section of our Nation's scientists. Mr. Chairman, how does this language ensure that the EPA will establish a collaborative relationship with the participating organizations.

Mr. BOND. The research program is intended to build on the research that is planned or underway at the EPA, National Institute of Environmental Health Sciences, National Academy of Sciences [NAS], Health Effects Institute and several other public and private entities. Within 30 days of the enactment of this legislation, the EPA is required to enter into a cooperative agreement with the National Academy of Sciences [NAS] to develop a comprehensive, prioritized, near- and long-term particulate matter research program, as well as a plan to monitor how this research program is being carried out by all participants. All parties, including Congress, will be apprised of the research plans and all subsequent steps throughout the process. The EPA is expected to implement NAS's plan, including appropriate peer reviews. NAS will monitor the implementation of the research plan and periodically report to Congress as to the progress of the research program. We believe the language included in this bill set forth a realistic and thoughtful plan to address the numerous scientific questions that need to be investigated prior to the next NAAQ's review for particulate matter.

Mr. SHELBY. Thank you, Mr. Chairman and Senator SESSIONS, for participating in the colloquy.

COORDINATED TRIBAL WATER QUALITY PROGRAM

Mrs. MURRAY. Mr. President, I want to thank the subcommittee for its hard and diligent work on this bill. In particular, I appreciate the recognition of the Coordinated Tribal Water Quality Program in Washington State [CTWQP].

The CTWQP is a most important model for demonstrating how tribes can solve their water quality protection problems by coordinating with local, State, and Federal Government agencies. This program began in 1990 when the 26 tribes and tribal organizations in Washington State came together with a cooperative intergovernmental strategy to accomplish national clean water goals and objectives. As a result of Federal court decisions, the State of Washington has recognized the tribes as comanagers of water quality in the State. This program has been an effective tool for leveraging scarce public funds to create viable, watershed-based water quality protection plans.

It is my understanding Congress has increased EPA's General Assistance Program [GAP] and other funding mechanisms over the years which includes the base program efforts for the CTWQP in Washington State.

Mr. BOND. Mr. President, the Senator from Washington is correct. The GAP and other funding mechanisms in EPA have increased over the years to meet the needs of tribal governments. These needs include the CTWQP in Washington State. The funding will allow the tribes to fulfill their roles as comanagers of water quality in Washington State.

Mrs. MURRAY. I thank the distinguished chairman for this clarification.

Ms. MOSELEY-BRAUN. Mr. President, while I congratulate Senators BOND and MIKULSKI on their efforts to craft this year's VA, HUD, and independent agencies appropriations bill, I would like to take exception to language contained in the Senate committee report regarding the Fair Housing Act and property insurance.

The report contains two paragraphs regarding the Office of Fair Housing and Equal Opportunity's continued exercise of regulatory authority over property insurance under the Fair Housing Act. I would like to remind my colleagues that discrimination in the provision of property insurance is a clear violation of the Fair Housing Act.

In 1988, Congress gave the Department of Housing and Urban Development [HUD] the authority to promulgate regulations to enforce the Fair Housing Act. At that time, HUD under then-President George Bush and HUD Secretary Jack Kemp—issued a regulation which defined conduct prohibited under the Fair Housing Act to include: ''refusing to provide property or hazard insurance for dwellings, or providing such insurance differently, because of race, color, religion, sex, handicap, familial status, or national origin.''

The reason for this prohibition is simple. Without property insurance, no lender will provide a mortgage. Without a mortgage, few individuals can buy a house.

Recently, Federal courts of appeal in two different circuits have held that the Act applies to insurance discrimination, and the Supreme Court has denied petitions to review those holdings. [See *NAACP* v. *American Family*, 978 F.2nd (7th Cir. 1992) cert. denied, 508 US 907 (1993); *Nationwide* v. *Cisneros*, 52 F3d 1352 (6th Cir. 1995), cert. denied, 64 U.S.L.W. 3560, (Feb. 20, 1996)]

Some have maintained that combating insurance discrimination has nothing to do with civil rights, but rather is a regulatory issue. Enforcement of antiredlining provisions, however, is not insurance regulation—rather, it is about prohibiting discrimination, a subject that, under our Constitution, is clearly the responsibility of the Federal Government. The law works to ensure that insurance—like all other goods and services—is available to all citizens, regardless of race.

The Senate report contains language stating that the ''McCarran-Ferguson Act of 1945 explicitly states that unless a Federal law specifically relates to the business of insurance, that law shall not apply where it would interfere with State insurance regulations.'' Current law does not violate the McCarran-Ferguson Act. Federal courts have consistently held that the Fair Housing Act only adds remedies for illegal discrimination—it does not preempt any State regulation.

The Senate language also states that ''HUD's insurance-related activities duplicate State regulation of insurance.'' While most State insurance codes do address issues pertaining to unfair discrimination, referring to treating the same insurance risks differently, these

State insurance laws generally lack the protections and remedies provided by the Fair Housing Act.

Congress has consistently rejected the argument that the Federal Government should leave the enforcement of civil rights to the exclusive jurisdiction of the States. Even in States whose civil rights laws address discrimination in property insurance, protection equal to the Fair Housing Act is all too often lacking. Currently, only 29 States have laws and enforcement mechanisms that have been certified as substantially equivalent to the Federal Fair Housing Act. Federal enforcement must continue if we are to eliminate property insurance discrimination nationwide.

Nothing is more central to the American dream than owning your own home. Millions of Americans work hard and play by the rules to reach that goal. But if homeowners, or would-be homeowners, are redlined by insurance companies, they are denied their chance at the American dream.

The Fair Housing Act is the basic protection against property-insurance discrimination. I will continue to do everything in my power to ensure that homeowners and their families can continue to enjoy the protections of the Fair Housing Act and realize the American dream free from discrimination.

Mr. DOMENICI. Mr. President, I rise in strong support of the conference agreement on H.R. 2158, the VA–HUD appropriations bill for 1998.

This bill provides new budget authority of $90.7 billion and new outlays of $52.9 billion to finance operations of the Departments of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, NASA, and other independent agencies.

I congratulate the distinguished subcommittee chairman and ranking member for producing a bill that is within the Subcommittee's 302(b) allocation. When outlays from prior-year BA and other adjustments are taken into account, the bill totals $89.9 billion in BA and $100 billion in outlays. The total bill is exactly at the Senate subcommittee's 302(b) nondefense allocation for budget authority and outlays. The bill is under the Senate Subcommittee's defense allocation by $2 million in BA and by $1 million in outlays.

Further, I am pleased that the conferees have produced a bill that largely is in accord with the budget agreement reached with the Administration earlier this year.

Mr. President, I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of the conference agreement on H.R. 2158.

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

H.R. 2158, VA–HUD APPROPRIATIONS, 1998, SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Conference report:					
Budget authority	128	68,447	.....	21,332	89,907
Outlays	128	79,833	.....	20,061	100,022
Senate 302(b) allocation:					
Budget authority	130	68,447	.....	21,332	89,909
Outlays	129	79,833	.....	20,061	100,023
President's request:					
Budget authority	129	76,965	.....	21,332	98,426
Outlays	128	80,313	.....	20,061	100,502
House-passed bill:					
Budget authority	128	69,823	.....	21,332	91,283
Outlays	128	80,403	.....	20,061	100,592
Senate-passed bill:					
Budget authority	128	68,729	.....	21,332	90,189
Outlays	128	79,559	.....	20,061	99,748
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority	−2	.....	.....	.....	−2
Outlays	−1	.....	.....	.....	−1
President's request:					
Budget authority	−1	−8,518	.....	.....	−8,519
Outlays	.....	−480	.....	.....	−480
House-passed bill:					
Budget authority	.....	−1,376	.....	.....	−1,376
Outlays	.....	−570	.....	.....	−570
Senate-passed bill:					
Budget authority	.....	−282	.....	.....	−282
Outlays	.....	274	.....	.....	274

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

Mr. MACK. Mr. President, I want to congratulate the chairman of the VA-HUD Subcommittee, Senator BOND, for crafting a measure that carefully balances a wide range of competing and diverse interests. I believe this conference report deserves the strong support of all Senators.

I am especially pleased that this bill contains legislation I introduced, along with Senators D'AMATO, BOND, and BENNETT, and cosponsored by Senators DOMENICI, CHAFEE, FAIRCLOTH and GRAMS, to reform the Nation's assisted and insured multifamily housing portfolio. It is unusual to have extensive authorizing language in an appropriation. However, title V of this bill, the Multifamily Assisted Housing Reform and Affordability Act, balances both fiscal and public policy goals. It will save scarce Federal resources over both the short and long term while preserving the affordability and availability of decent and safe rental housing for lower income households.

About 20 years ago, the Federal Government encouraged private developers to construct affordable rental housing by providing mortgage insurance through the Federal Housing Administration [FHA] and rental housing assistance through the Department of Housing and Urban Development's [HUD] project-based section 8 program. In addition, tax incentives for the development of low-income housing were provided through the tax code until 1986.

HUD's section 8 assisted and FHA-insured multifamily housing program has created thousands of decent, safe and affordable housing properties. However, the current program allows some owners to receive more—often far more Federal dollars than necessary to maintain their properties. Further, a portion of the rental stock suffers from poor management or has become physically distressed. Thus, in some cases, taxpayers are paying costly subsidies for inferior housing.

We are on the verge of a funding crisis in the renewal of HUD's expiring section 8 rental assistance contracts. Indeed, HUD Secretary Cuomo has called the section 8 contract renewal problem ''the greatest crisis HUD has ever faced.'' Over the next several years, a majority of the section 8 contracts on the 8,500 FHA-insured properties will expire. If contracts continue to be renewed at existing levels, the cost of renewing these contracts will grow from about $2 billion in fiscal year 1998 to $5.2 billion in fiscal year 2002 and more than $7.7 billion 10 years from now. The total cost of renewing all section 8 project-based and tenant-based assistance would grow from $9 billion in fiscal year 1998 to as much as $18 billion in fiscal year 2002 without policy changes.

Federally assisted and insured housing serves almost 1.6 million families with an average annual income of $7,000. About half of the households are elderly or contain persons with disabilities. Many of these developments are located in rural areas where no other rental housing exists. Some of these properties serve as anchors of neighborhoods where the economic stability of the neighborhood is dependent on the vitality of these properties. If the project-based contracts are not renewed, residents and communities would be adversely affected. Further, most of the underlying FHA-insured mortgages—with an unpaid principal balance of $18 billion—will be forced into default.

The Banking Committee began its examination of what is commonly referred to as the ''mark-to-market'' issue more than 2 years ago. Since that time, we have received extensive input from all of the potential stakeholders in this issue, including residents, project managers, low-income advocates and project residents, State and local interests, the financial community, and HUD.

The version of the bill we are considering today reflects negotiations with all parties that have occurred since its original introduction as S. 513 in March. It is a consensus bill that helps to ensure that residents, communities and the Federal investment in the housing are protected at a cost we can afford.

At a Housing Subcommittee hearing in June, HUD Secretary Cuomo raised some administration concerns about S. 513. We have attempted to address those concerns and provide a reasonable degree of flexibility for HUD in its overall administration of the mortgage restructuring program and also to provide reasonable opportunities for the use of tenant-based assistance after restructuring. I appreciate the cooperation of Secretary Cuomo in helping to move this important legislation forward.

I want to thank Senator D'AMATO, chairman of the Banking Committee,

for his ongoing, strong support for this legislation. In addition, I appreciate the support of Senators SARBANES and KERRY. From the outset, mark-to-market has been a bipartisan effort, and those Senators have made invaluable contributions to the final version of the legislation.

I want to touch briefly on some of the bill's major provisions and the compromises that are reflected in the conference agreement.

First, the bill ''marks'' rents on oversubsidized properties to comparable market rents or to 90 percent of area fair market rents. The underlying mortgages would be restructured so they could be supported by the new rents. In some cases, higher rents could be permitted if necessary to support proper operations and maintenance costs. These exceptions are principally intended to assure the continued viability of projects, generally serving the elderly, located in rural areas.

Second, the bill also recognizes that HUD lacks the staffing capacity and expertise to oversee effectively its portfolio of multifamily housing properties or to administer a debt restructuring program. Accordingly, the bill would transfer the functions and responsibilities of the restructuring program to capable third parties, preferably State and local housing finance agencies, who would act as participating administrative entities [PAE's] in managing this program.

The language concerning third parties has been modified from its original form partially in order to accommodate concerns raised by the administration. These changes will increase HUD's flexibility to partner with a variety of public, nonprofit, and for-profit entities that have expertise in affordable housing, while also providing an exclusive time period for applications submitted by publicly accountable entities.

Under the revised language, public entities—State and local housing finance agencies [HFA's]—would be given an exclusive time period to submit proposals to serve as PAE's. Criteria for the selection of PAE's would be based on the applicant's demonstrated experience and expertise in multifamily financing and restructuring and the capacity to work with low-income residents and communities. Further, selection would be based on the PAE's ability to perform the portfolio restructuring in a timely, efficient, and cost-effective manner. I would like to emphasize that the Secretary would be required to select housing finance agencies as PAE's if they meet the selection criteria.

I strongly believe that, based on the housing finance agencies' track records and mission that they are by far the most viable entities to carry out the responsibilities under this program and to balance the financial and social policy goals of the bill. Accordingly, it is my expectation that State and local HFA's would be responsible for most of the properties under mark-to-market, as evident by the significant participation of public entities under HUD's fiscal 1997 mark-to-market demonstration program.

Third, owners who clearly violate housing quality standards would no longer be tolerated. The bill screens out bad owners and managers and nonviable projects from the inventory and provides tougher and more effective enforcement tools that will minimize fraud and abuse of FHA insurance and assisted housing programs.

Fourth, the conference bill revises the original version of S. 513, which had called for the exclusive use of project-based rental assistance after restructuring. Under the conference agreement, project-based assistance would be maintained on properties located in markets where there is inadequate available affordable housing and for those that predominantly serve elderly or disabled populations. For the remaining inventory, PAE's would be provided the discretion of either maintaining project-based assistance or providing tenant-based assistance. The PAE's decision on the form of assistance would be based on factors related to the local market, the stability of the project, resident choice, and the impact on the community. This decision would only be made after consultation with affected owners and appropriate public officials, and significant participation by affected residents.

Fifth, the conference agreement establishes a new Office of Multifamily Housing Assistance Restructuring, headed by a Presidentially appointed Director, within HUD to oversee the restructuring process. The bill makes it clear that the Director will be answerable and be accountable to the Secretary, but will free of undue Secretarial interference in the conduct and decisionmaking of the office.

Last, the bill provides tools to recapitalize the assisted stock that suffers from deferred maintenance. It provides the opportunity for tenants, local governments and the community in which the project is located to participate in the restructuring process in a meaningful way. Residents would also be empowered through opportunities to purchase properties.

Mr. President, I would like to emphasize how important it is that we are addressing this issue this year. Delays will only harm the assisted housing stock, its residents and communities, and the financial stability of the FHA insurance funds. I would add that, as we face an explosion in the cost of section 8 contract renewals, we cannot afford to pay more than is reasonable to renew expiring contracts.

This legislation will protect the Federal Government's investment in assisted housing and ensure that participating administrative entities are held accountable for their activities. It is also our goal that this process will ensure the long-term viability of these projects with minimal Federal involvement. It is a sincere effort to reduce the cost to the Federal Government while recognizing the needs of low-income families and communities throughout the Nation.

In closing, I want to commend Senator BOND and his counterpart in the House, Congressman JERRY LEWIS, for their cooperation in acting to avert a potential section 8 contract renewal crisis. This is a bipartisan proposal that both reduces unnecessary Federal expenditures and represents good and thoughtful Federal housing policy.

REGULATION OF INSURANCE BY HUD

Mr. BOND. Mr. President, the Senate committee report on the fiscal year 1997 VA/HUD appropriations bill regarding HUD's regulation of insurance stated that:

> The Committee intends that funds appropriated to the fair housing initiatives program for enforcement of title VIII of the Civil Rights Act of 1968, as amended, which prohibits discrimination in the sale, rental, and financing of housing and in the provision of housing and in the provision of brokerage services, be used only to address such forms of discrimination as they are explicitly identified and specifically described in title VIII. Recognizing that there are limited resources available for FHIP activities, the Committee believes that FHIP funds should serve the purposes of Congress as reflected in the express language of title VIII.
>
> The Committee notes that HUD's Office of Fair Housing and Equal Opportunity has undertaken a variety of activities pertaining to property insurance under the authority of the Fair Housing Act. HUD recently testified that, due to congressional concern about such activities, it does not intend to focus its regulatory initiatives on property insurance. The Committee is encouraged by this statement, but remains concerned about HUD's use of funds for other fair housing activities aimed at property insurance practices.
>
> HUD's insurance-related activities duplicate State regulation of insurance. Every State and the District of Columbia have laws and regulations addressing unfair discrimination in property insurance and are actively investigating and addressing discrimination where it is found to occur. HUD's activities in this area create an unwarranted and unnecessary layer of Federal bureaucracy.
>
> The Fair Housing Act makes no mention of discrimination in property insurance. Moreover, neither it nor its legislative history suggests that Congress intended it to apply to the provision of property insurance. Indeed, Congress' intention, as expressly stated in the McCarran-Ferguson Act of 1945 and repeatedly reaffirmed thereafter, is that, unless a Federal law specifically relates to the business of insurance, that law shall not apply where it would interfere with State insurance regulation. HUD's assertion of authority regarding property insurance contradicts this statutory mandate.

Near-identical language was contained in the House Committee report on the fiscal year 1997 appropriations bill. Both reports make it clear that Congress does not intend for HUD to use any fiscal year 1997 FHIP funds for activities targeted toward the regulation and practices of insurance companies.

Nevertheless, on September 30, 1997, HUD announced 67 awards of fiscal

year 1997 grants under the FHIP. Out of the total of $15,000,000 in funds awarded, HUD announced that almost one third, an amount of $4,170,002, was awarded for activities including investigations, testing, and other enforcement-related projects specifically targeting insurance companies. This is in contradiction of the intent expressed in both the House and Senate Committee reports on HUD's fiscal year 1997 appropriations. I am very concerned about the improper use of these limited and precious resources in a manner inconsistent with the law and urge HUD to revisit these grants to ensure all awards are consistent with the intent of Congress.

Mr. KERRY. Mr. President, I rise in support of the VA–HUD conference report. This bill funds many programs that are crucial to the Nation's economic vitality. For example, the funding for the National Institutes of Health and the National Science Foundation contained in this bill both expands our basic knowledge and helps promote small, innovative businesses that create well-paying jobs throughout the country.

This bill also provides the funds that support important environmental programs, and, of course, allows us to keep faith with America's veterans by providing them with the health care they have earned, in some cases at great personal cost.

This bill also funds the Department of Housing and Urban Development. These funds will help families struggling to attain the dream of home ownership or simply to find or maintain affordable rental housing. It provides funds for homeless programs, programs that provide both shelter and the supportive services that are so important in the effort to stabilize the lives of these most unfortunate Americans and create opportunities for self-sufficiency.

I commend Chairman BOND and the ranking member, Senator MIKULSKI, for their efforts to serve so many important needs with so little money. In fact, Mr. President, while I support this legislation, I must point out that housing programs continue to suffer in our Nation's budget. Homeless programs continue to be funded at levels more than 25 percent below 1995 levels. We ask more from public housing authorities every day, but provide no more resources to them to do the job. We are facing an increasing housing crisis in America, but with decreasing resources, and that is an issue that we must, eventually, confront.

I specifically appreciate the willingness of Senators BOND and MIKULSKI to work with me, Senator D'AMATO, Senator MACK, and Senator SARBANES to include in this conference report important legislation commonly known as the Mark-to-Market [MTM] legislation. Senator MACK, in particular, deserves special mention for his efforts to get this legislation passed.

Passage of the MTM legislation is the first step in solving the problem that Secretary Cuomo called the biggest crisis facing HUD—the problem of oversubsidized section 8 projects that are threatened with default when their rental assistance contracts expire in the next few years. The problem is truly huge: up to 10,000 projects serving about 1.6 million families, including hundreds of thousands of elderly and disabled families, were facing possible default. This would have resulted in billions of dollars of losses to the American taxpayer through the FHA fund, and would have led to the outright loss or slow deterioration of increasingly scarce affordable housing.

Mr. President, the mark-to-market legislation—Title V of the appropriations bill—will allow HUD, primarily through State and local partners, to start pushing down excess rents to supportable market levels while providing funds to rehabilitate those properties that need capital investments. The bill will eliminate bad owners from the program. In such cases, the legislation encourages HUD or the PAE's to transfer these properties to new ownership, preferably to community-based nonprofits.

Most importantly, Mr. President, this legislation will help preserve hundreds of thousands of units of affordable housing for the foreseeable future. As I noted, we are seeing an overall reduction in the commitment to affordable housing by the Federal Government. The legislation we are passing today represents an important exception to that disturbing trend. The clear and resounding intent of this bill is to preserve and improve this important stock of affordable housing. I applaud my colleagues and the Secretary for embracing this goal, and I wholeheartedly support it.

In implementing this legislation, HUD will most often do the restructuring through a participating administrative entity, or PAE. We expect that State or local housing finance agencies, because of their experience with the financing and management of assisted housing, and their commitment to the long-term preservation of affordable housing, will typically be the PAE.

At the same time, we gave the Secretary the discretion to choose the PAE. There will be thousands of projects and hundreds of thousands of units that will have to go through the restructuring process. In order to get this done in a timely and cost-effective way, the Secretary may have to reach out to more than one entity in a given area, or HUD may decide to do some of the restructurings itself.

It is important to point out that the legislation requires that crucial decisions regarding the long-term disposition of the property such as, for example, whether the assistance is to remain project-based or, in a few cases, may be turned into tenant-based, shall be made by a public agency with a public mission whose interest is to preserve affordable housing.

Similarly, the ongoing oversight of the projects after restructuring is completed will be in the hands of HUD or State or local HFA's. The important point here is that public funds continue to be at risk; therefore, public agencies must take the responsibility for ensuring their safety.

To further ensure that HFA's are chosen to be the PAE's, I urge HFA's to strengthen their applications by creating partnerships with other experienced parties to strengthen their applications. Such partners would include community-based non-profits, residents groups, financial and other relevant experts.

Mr. President, I want to emphasize that the overriding, primary goal of this legislation is to preserve affordable housing for the long term. As a result, we expect the PAE's to continue to provide project-based assistance except in certain rare circumstances. The bill provides for the final decision to be taken only after consultation with residents and owners of the projects, local government officials, and other affected parties. Moreover, the PAE must take into consideration the availability of other affordable housing in the area, the ability of tenants to use vouchers successfully, the financial stability of the project, and other factors which, when taken as a whole, would lead a PAE to conclude that project-based assistance continues to be the best choice in most cases.

Mr. President, the legislation creates an office within HUD to oversee the restructuring process called the ''Office of Multifamily Housing Assistance and Restructuring'' [OMHAR]. The Director of this office will be appointed by the President and subject to Senate confirmation. The Director will work under the Secretary, subject to the Secretary's direction and oversight. Section 573(d)(2) of the bill gives the Director the authority to report directly to the Congress, in certain circumstances, when the Director determines, in his discretion, such a report would be appropriate.

Mr. President, let me reiterate a point also made by my colleagues regarding tenant participation in the restructuring process. It is our clear intent that HUD and the PAE's work with tenants in a meaningful and effective way with regards to all aspects of the restructuring process. This means timely access to relevant information, adequate time to analyze such information, the right to meet with the PAE, and the right to be included in physical inspections of the property, capital needs assessments, proposals to transfer the property, and other decisions that have significant impacts on the residents.

Finally, I want to point out that this bill also includes important provisions regarding the renewal of other section 8 contracts. These provisions authorize HUD to renew contracts on high-value properties that do not need to go through the restructuring process at

comparable market rents. The Congress expects HUD to exercise this discretion so as to avoid displacement of current tenants and, whenever possible, consistent with the purposes of this title, to preserve the housing for the long term.

In conclusion, Mr. President, I strongly support the MTM provisions in the VA–HUD conference report. They will be essential in restoring this valuable housing resource to sound financial and physical condition.

Mr. SARBANES. Mr. President, I rise in support of the VA-HUD conference report. This bill funds many important programs, programs that are crucial to America's veterans and to poor and working families struggling to attain the dream of home ownership or simply to find affordable rental housing. It will help ensure our Nation's environmental vitality, our Nation's health and scientific progress. The bill will maintain our commitment to the exploration of space. I commend the chairman, Senator BOND, and my good friend and colleague from Maryland, the ranking member, Senator MIKULSKI for their hard work to serve so many important needs with an ever-shrinking pot of money.

I also appreciate their willingness to work with me, Senator D'AMATO, Senator MACK, and Senator KERRY to include in this report important legislation designed to restructure HUD's portfolio of FHA-insured, assisted housing. This legislation is commonly known as the mark-to-market (MTM) legislation. Senator MACK, in particular, deserves credit for his tireless efforts to have this legislation included in the VA-HUD appropriations bill and for his willingness to work with the administration and the House authorizers to craft this final consensus. Again, I thank Senators BOND and MIKULSKI for their partnership in this important achievement.

Mr. President, the mark-to-market legislation—title V of the appropriations bill—will save the American taxpayers billions of dollars. It will allow HUD, primarily through State and local partners, to squeeze excess rents down to supportable market levels. It will provide for funds to rehabilitate those properties that need capital investments. It will eliminate bad owners from the program. Most importantly, Mr. President, this legislation will help preserve hundreds of thousands of units of affordable housing for the foreseeable future. At a time when we are cutting back on the Federal commitment to build new affordable housing while simultaneously facing growing needs for such housing, the long-term commitment established by this legislation is truly a landmark achievement.

In implementing this legislation, HUD will most often do the restructuring through a participating administrative entity, or PAE. The legislation clearly indicates that we expect that, with some exceptions, State or local housing finance agencies will act as the PAE. In fact, HUD has signed 14 management contracts with State housing finance agencies [HFA's] to implement the fiscal year 1997 MTM demonstration, which was based on the legislation in the current appropriations bill. The experience HFA's have in restructuring section 8 as a result of their participation in the demonstration, or in restructuring equivalent properties, along with their experience in FHA risk sharing, overseeing low-income housing tax credit deals, mortgage revenue bond deals, and in underwriting and managing market rate and assisted low-income multifamily housing, clearly makes the HFA's the most qualified candidates to be chosen as the PAE in most cases. In addition to all these financial engineering and management qualifications, the legislation requires the use of highly qualified HFA's because these public agencies have a public purpose and share with the Congress the commitment to preserve these projects as low-income housing far into the future. This factor was paramount in the decision to give the HFA's such a prominent role in the MTM process.

At the same time, we gave the Secretary the discretion to make the final choice of PAE because we did not want the Secretary to be required to choose an unqualified housing finance agency to be a PAE. There will be thousands of projects and hundreds of thousands of units that will have to go through the restructuring process. In order to get this done in a timely and cost-effective way, the Secretary may have to reach out to more than one entity in a given area, or HUD may decide to do the restructurings itself. In all cases, however, the crucial decisions that have major impacts on the residents, the projects, or their surrounding communities, such as, for example, whether the assistance is to remain project-based or, in a few cases, may be turned into tenant-based, shall be made by a public agency with a public mission whose interest is to preserve affordable housing.

In addition, the ongoing oversight of the projects, after restructuring is completed, will have to be in the hands of the public. This requirement can be satisfied by HUD doing the contract monitoring and oversight, or by contracting this function out to a State or local HFA. Again, this is a public trust, and the legislation requires that a public agency carry it out.

The Congress clearly expects HFA's who seek the role of PAE to strengthen their applications by reaching out to other experienced parties, particularly non-profits with experience in real estate development and/or management and with deep roots in their communities, to develop partnerships. In addition, PAE's may want to find financial and other relevant experts to ensure that they present the best possible application to the Secretary.

Mr. President, tenants, owners, HFA's, HUD, and the Congress all agree that the majority of the portfolio of affordable housing that will go through the MTM process should continue to have project-based section 8 assistance. For example, the legislation requires that elderly and disabled housing projects and housing in tight rental markets continue to receive project-based section 8 assistance.

It is the clear intent of the Congress that we preserve the existing section 8 project-based portfolio of affordable housing to the greatest extent possible. To do this effectively, we expect the PAE's to continue to provide project-based assistance except in certain rare circumstances. The bill provides for the final decision to be taken only after consultation with owners, residents of the projects, local government officials, and other affected parties. Moreover, the PAE must take into consideration the availability of other affordable housing in the area, the ability of tenants to use vouchers successfully, the financial stability of the project, and other factors which, when taken as a whole, would lead a PAE to conclude that project-based assistance continues to be the best choice in most cases.

Mr. President, in the course of the final negotiations to include the MTM legislation in the appropriations conference report, it was agreed to create an office within HUD to oversee the restructuring process. The office, called the Office of Multifamily Housing Assistance and Restructuring [OMHAR] will have a director that is appointed by the President and subject to Senate confirmation. The Congress clearly intends, as the legislation language states, that the Director will work under the Secretary, subject to the Secretary's direction and oversight. Section 573(d)(2) of the bill gives the Director the authority to report directly to the Congress, in certain circumstances, when the Director determines, in his discretion, such a report would be appropriate.

Finally, Mr. President, let me reiterate a point also made by my colleagues regarding tenant participation in the restructuring process. It is our clear intent that HUD and the PAE's work with tenants in a meaningful and effective way with regard to all aspects of the restructuring process. This means timely access to relevant information, adequate time to analyze such information, the right to meet with the PAE, and the right to be included in physical inspections of the property, capital needs assessments, proposals to transfer the property, and other decisions that have significant impacts on the residents.

In conclusion, Mr. President, I strongly support the MTM provisions in the VA-HUD conference report, thank my colleagues for their hard work, and look forward to seeing this important Federal resource restored to sound financial and physical condition.

Mr. BOND. Mr. President, a number of items in the conference report or statement of the managers require further clarification or correction due to

printers' errors. The items are as follows:

Within the housing certificate fund, the legislation requires HUD to provide enhanced or sticky vouchers to residents to prevent displacement where an owner of a property chooses to prepay the outstanding indebtedness under a preservation mortgage (which prepayment can now be authorized at the option of a property owner). These enhanced vouchers, including those provided in prior years, are not just for the first year after prepayment but must renewed for each subsequent year so long as the assisted family continues to live in the property.

Within the $32 million for section 107 grants under the CDBG Program, $4 million for technical assistance, $7.5 million for the Community Outreach Program, $6.5 million for Historically Black Colleges and Universities, $6.5 million for Community Development Work Study, with a $3 million set-aside for Hispanic-serving institutions, $7 million for insular areas, and $500 thousand for the National Center for the Revitalization of Central Cities.

Within the Economic Development Initiative grants, there is a grant to Arab, AL. The statement inadvertently refers to Arab, IL.

Within the Economic Development Initiative grants, the grant to the city of Jackson, MS, should be used for the acquisition and rehabilitation of facilities and related improvements for a downtown multimodal transit center in the city of Jackson. This project was incorrectly identified in the statement of managers.

In addition, with respect to EDI, the intent of the conferees is for HUD to use the maximum flexibility in funding the specified EDI grants in the statement of managers. HUD is not expected to establish special requirements but should work with the entities specified in each grant to ensure that activities can be funded and completed in an expeditious manner.

Within the Superfund research appropriation, there is a $2.5 million appropriation for the Gulf Coast Hazardous Substance Research Center. This item was included in both the House and Senate versions of the bill but not expressly identified in the statement of the managers.

Within NASA Science, Aeronautics and Technology is a $2 million appropriation for the Bishop Museum in Honolulu, HI. This item was included in the Senate version of the bill, and the House receded to the Senate in conference, but it was inadvertently not included in the statement of the managers.

Mr. JOHNSON. Mr. President, I rise today to express my strong support for the conference report on the fiscal year 1998 appropriations for VA, HUD and related agencies. While this bill continues to focus on the commitments this Nation has made to our veterans, and provides for the important scientific and environmental protection priorities that the administration has put forth, I want to take a moment to express my support for the steps the conferees have taken to address a serious and pressing issue facing low income housing assistance in this country.

Since its inception, the HUD section 8 housing program has provided rental assistance for low-income individuals through project-based contracts as well as vouchers which help to preserve low income housing availability. This conference report not only includes funding for the renewal of section 8 contracts, but contains the extremely important mark-to-market contract restructuring program which, beginning in 1999, will preserve affordable housing for millions of low-income tenants while saving the taxpayers billions over time as well. I want to commend my Banking Committee colleagues, particularly Senator MACK who authored the initial section 8 restructuring bill, for their tireless efforts to insure that this restructuring program was accepted.

Nationwide, section 8 contracts covering 1.8 million assisted units are expected to expire in fiscal year 1998. The mark-to-market program is a mortgage and rent restructuring program to reduce the costs of over-subsidized section 8 multifamily housing properties insured through the FHA. Under this restructuring program, FHA insured properties with above market rents are eligible for debt restructuring to bring the rent levels in line with market rate rent levels, or the project-based rents needed to support operation and maintenance of the housing facilities. The bill directs the HUD Secretary to work with State and local housing entities to reduce expiring section 8 contract costs, address troubled projects, and correct management and ownership deficiencies.

Because Congress has been unsuccessful in past attempts to move the type of section 8 overhaul necessary for the preservation of low-income housing assistance in this climate of budget cuts, HUD has been renewing all longer term expiring Section 8 contracts with quick-fix, 1-year contracts. The short-term renewals have led to confusion and fear among recipients of housing assistance in my State and across the country.

Many assisted housing residents in South Dakota have been worried for several months as to whether they will continue to have a roof over their heads in the coming year. As these residents received notice of expiring short-term and long-term section 8 contracts, families were concerned they would be forced from their homes. Some of these families have spent half their lives in these homes. Many of these residents are senior citizens. Many are widows and widowers. Many are disabled. These residents were told that unless Congress acted, they may be forced from their two-, three-, and four-bedroom homes or one- and- two-bedroom apartments and displaced into smaller sized units or homes.

For many residents in communities such as Northgate Community Homes and Lakota Homes in western South Dakota, this is not an option. Housing at every level of affordability is extremely scarce in my rural State. After raising families in these homes, senior citizen couples living in two- or three-bedroom homes have been told that they would have to downsize to one-bedroom homes. However, at the Northgate and Lakota developments, there are no one bedroom options. Thus these individuals and families have feared displacement into the surrounding area, with great uncertainty about their futures. I have been informed by city officials that the low-income housing stock currently available is inadequate to absorb the extra burden of these individuals and families forced from their section 8-subsidized homes and complexes.

Already, many elderly and disabled couples and individuals have left the developments over uncertainty about their homes. They are leaving behind years of improvements they made in their homes, as well as the cherished memories of raising families in these communities. They have been forced out because of confusion and expiring contracts.

People like Hazel Holmes of Sturgis, SD, who raised her family in a small two-bedroom home at Northgate Community Homes have been threatened by uncertainty. Hazel's husband died almost 10 years ago and she has continued to live independently in her home. With the expiring section 8 contract, she became very worried—like her neighbors—that she would be forced to leave her home and the neighbors she cherished. Couples like Ruth and Carl Kittleman and Ralph and Dorothy Iverson have already moved from Northgate due to inaction and confusion over this issue. Others fret on a daily basis about their futures. Seniors like Chuck Alberts have persevered each day with the pressure and stress of having his beloved wife Bev in a nursing home. He should not have the added worry about whether he will be able to stay in his home.

These are just a few examples of the serious section 8 scare that recipients of low-income housing assistance have faced in my State. I am extremely thankful that throughout consideration of the section 8 restructuring proposal my colleagues took special notice of the unique needs of rural housing contract restructuring. Because of continued pressure from myself and other rural members, the mark-to-market proposal contains language for a more flexible approach to determining market rents in rural communities—communities where market is difficult to determine, where the project in need of contract restructuring might be the only market for hundreds of miles. The broadened definition of market included in this bill will help to insure appropriate restructuring throughout my State.

In rural South Dakota, the 244 project-based section 8 contracts provide 6113 housing units, primarily for elderly South Dakotans. With full funding up to $8.2 billion provided through the fiscal year 1998 VA HUD bill, 1070 housing units up for renewal in South Dakota in the immediate future will continue to receive section 8 rental assistance. This volume pales in comparison to the hundreds of thousands of section 8 housing units in jeopardy in states like New York and Illinois, and I appreciate my colleagues' continued sensitivity for awareness of the unique needs of rural States.

Additionally, I commend my colleagues for relying on the qualified existing State housing finance agencies for the administration of contract restructuring, and on local housing entities for management and planning decisions, both subject to the approval of the HUD Secretary. With public input at every level, HUD will be able to reign in excessive subsidies to appropriate levels so that our Federal housing assistance funds go further, and maintain assistance for low-income individuals for the long term. While the majority of current project-based Section 8 will remain available, local communities will be involved in determining whether tenant-based assistance is more practical in certain communities. This freedom at the local level is important, yet I applaud my colleagues for including distinct protection for elderly and disabled project-based assistance, which will eliminate the type of fear and uncertainty that seniors in my state have been subject to in recent years.

Without the commitment to fund section 8 for the coming year, and the inclusion of the mark-to-market restructuring program, cuts in other programs for the elderly and disabled, and for preserving available low-income housing would be required. By addressing section 8 restructuring and providing adequate funding, this bill reaffirms the Congress' long term commitment to low-income housing assistance.

HUD and the States have a daunting task ahead, as thousand of projects under contract throughout the country are pending restructuring. In all cases, I am confident that the involvement and participation of local ad State housing interests at every level will protect the public interest, and all affected parties, including tenants, will have a voice in the future of low-income housing assistance.

Again, I commend my colleagues for including the section 8 restructuring program in the fiscal year 1998 VA, HUD appropriations bill, and I look forward to working toward continued security for low-income housing in the coming years.

FUNDING FOR THE HEALTH CARE NEEDS OF VETERANS IN NORTHERN CALIFORNIA

Mrs. FEINSTEIN. Mr. President, I rise today to weigh in on the provisions included in the VA–HUD conference report regarding the health care needs of Northern California's veterans. The conference report provides a total of $70.8 million for renovations to the existing McClellan Air Force Hospital at Mather Air Force Base in Sacramento, as well as for outpatient clinics in Fairfield, Mare Island, Martinez, Auburn, Chico, Eureka, and Merced. While I applaud this much-needed expansion of services in Northern California, I remain deeply disappointed by Congress' decision not to build a veterans hospital at Travis Air Force Base.

Since 1991, veterans in Northern California have been waiting for a new hospital to replace the Martinez hospital, which was closed for seismic reasons. I made a commitment with Vice President GORE to help bring a full veterans hospital to Fairfield, and I have been fighting for 4 years to get this project fully funded. Two previous Congresses appropriated funding to construct the Travis VA Hospital.

Now, unfortunately, we are turning our back on that commitment. It is truly a sad day when the men and women who have served our country without question—and who have the right to expect their government to fulfill its promises—are simply told ''tough luck.''

The fact is that a clear majority in Congress oppose the hospital's construction. This opposition has only grown stronger after two independent reports—one by the General Accounting Office and one by Price Waterhouse—concluded that the Travis VA hospital was not justified. Key Committee chairmen in both the House and Senate have made it clear that Congress will provide no Federal funds for a replacement hospital at Travis.

The VA–HUD conference report does appropriate $70.8 million for veterans' health care needs in Northern California, including:

A sharing agreement between VA and the Department of Defense for 100 VA beds at David Grant Medical Center at Travis. These beds will be serviced by VA doctors.

A new $13.5 million VA clinic, to be built adjacent to David Grant Medical Center. This clinic will include emergency room facilities, ambulatory surgery, mental health, some specialty services, and offices for doctors.

Conversion of McClellan Hospital at Mather Air Force Base to a VA Hospital. This will provide 55 new VA beds.

Upgrades to the VA outpatient clinics at Mare Island and Martinez.

New outpatient clinics in Auburn, Chico, Eureka and Merced.

Contracts with community hospitals in Martinez and Redding.

While this plan does not fulfill the promise that the VA made to Solano County veterans and does not establish the hospital that veterans groups like Operation VA fought so hard for so long to obtain, when examined in light of the position of current congressional leaders, it does provide health care for many veterans who presently cannot access the VA system. The new outpatient clinics and additional hospital beds will make it far easier for veterans in Northern California to benefit from the VA health system. For the first time, vets living along the North Coast and in the Sierra will have real and meaningful access to the VA. They will not have to drive for 4 hours or more for basic care. Their visits to the five new VA outpatient clinics will undoubtedly result in higher utilization of the VA inpatient facilities at Travis and Mather Air Force Bases.

I know that the people of Solano County have a lot of unanswered questions about the VA proposal, and I pledge that I will work with them to make sure that VA offers the high quality and accessibility of care that our veterans deserve. I am sure that groups like Operation VA will continue to fight for improved veterans health care in Northern California, and I am proud to join in that fight.

Mr. KERRY. Mr. President, as the ranking Democratic member of the Housing subcommittee, I spoke earlier today about very significant housing provisions in the VA-HUD conference agreement. I would like now to address some other components of this legislation which I believe to be very important to the Commonwealth of Massachusetts and the nation.

Mr. President, I appreciate the hard work of the Chairman of the VA-HUD appropriations subcommittee, Senator BOND, and the ranking member, Senator MIKULSKI, in crafting a bill which gives such serious consideration to the needs of the people of Massachusetts.

Mr. President, the subcommittee has allocated $50 million for the clean-up of Boston Harbor, a modest sum given the magnitude of the challenge and the scope and cost of the clean-up project. While the residents of Boston continue to face rising water and sewer rates, these rates are not nearly as high as they would be without the assistance of the federal government. The Boston Harbor clean-up project construction will be completed in the next two years. Federal assistance in these two remaining years will be crucial to ratepayers in the 43 greater Boston area communities who must shoulder most of the burden of the $3.5 billion project, which also includes the $2 billion required for combined sewer overflows (CSOs) and other water infrastructure upgrades.

The President s fiscal year 1998 budget provided $200 million over the next two years for the Boston Harbor clean-up—which we anticipate will be the last increment of funding assistance needed from the federal government for this important infrastructure project. Even if this amount is forthcoming, the federal share of the Boston Harbor clean-up project still will be well below the federal share provided for many other clean water projects across the country, and is certainly well below the full federal funding called for by

Congress when it passed the Unfunded Mandates Act in 1995.

The Massachusetts Water Resources Authority (MWRA), which is in charge of the Harbor cleanup, has continually worked to reduce project costs. Last year, Mr. President, the EPA approved a revised CSO plan developed by the MWRA, with assistance from the state Department of Environmental Protection and local communities, which is estimated to save ratepayers nearly one billion dollars.

During the early 1990s, under the past two Administrations—one Republican and one Democratic—the federal government provided $100 million per year to assist the citizens of the greater Boston area with this project. In FY 1996, although the President requested $100 million and I supported his request, Congress appropriated only $50 million for the cleanup of Boston Harbor. For FY 1997, while the President again requested $100 million, the Congress appropriated $75 million as the federal share. All federal assistance is needed and appreciated, so in that respect, I and the people of the Boston area are grateful for the $50 million contained in this year's VA/HUD bill. Nonetheless, we are disappointed the Congress, again, did not provide the amount contained in the President's budget.

I am extremely pleased that the conference report includes $3 million for water projects for Bristol County, Massachusetts. This amount is the same as the President's fiscal year 1998 budget request and will continue the support which the Committee provided in the past two years. Both Fall River and New Bedford, two major cities in Bristol County, are implementing court-ordered construction under the Clean Water Act that will cost hundreds of millions of dollars. These urban industrial communities continue to be burdened by high unemployment and an ongoing recession.

In addition, Mr. President, I am delighted the conference report includes a $1.7 million appropriation for water projects in the South Essex Sewage District and surrounding communities such as Lynn, Gloucester and elsewhere. These communities are struggling with the prospect of incurring obligations from $12,000 to $22,000 per household to come into compliance with current clean water regulations. Despite successful efforts to control costs, the projected costs are still huge and growing in the South Essex Sewage District: In 1993 the projected costs were $12.6 million and now, for 1998, the projected costs are estimated at $29 million. Federal assistance is critical to ease the burden of compliance on these communities and to further the national goal of protecting our environment.

Mr. President, the conference report also includes funding of $2 million for the Tapley Street project in Springfield, Massachusetts, which involves renovation of a former U.S. Postal Service distribution facility that was purchased by Springfield, in 1986 and is now vacant. This building will make an ideal site for consolidated public works operations that are currently scattered among several inadequate facilities, including a condemned yard and a makeshift garage in a different town. These deficiencies take a serious toll on city-owned public works equipment, employee morale and efficiencies of city services. The renovation will create 300 construction jobs in an area that has been hard-hit by an economic downturn and defense cut-backs.

Mr. President, among the important national program in this conference report, several are of particular interest to me. YouthBuild, which is funded at $35 million in this conference agreement for fiscal year 1998, is an extremely worthwhile program and a demonstrated success. YouthBuild programs around the country have been providing disadvantaged young people with the opportunity to finish their education while also providing leadership training and job skills through work on projects producing affordable housing. I am pleased that the conference report recognizes the need to continue and fund this program. I hope that next year, the amount of funding provided for it will be much closer to the $70 million 48 other Senators joined me in requesting for fiscal year 1998 in order to enable establishment of YouthBuild programs in communities around the country where there currently is no program.

Another important national program in the conference report is the Housing Opportunities for People With AIDS program, which is the heart of the federal housing response for people living with HIV/AIDS. I am pleased that HOPWA is funded at $204 million for fiscal year 1998. Mr. President, ninety percent of the HOPWA funds are distributed by formula grants to states and localities hit hardest by the AIDS epidemic; these states and localities control the use of these funds. Communities may use HOPWA funds to meet whatever housing needs they may have, from providing short-term supportive housing or rental assistance for low-income persons with HIV/AIDS to building community residences or providing coordinated home care services.

Finally, Mr. President, the Community Development Block Grant (CDBG) program and the HOME investment partnership program are arguably the most important federal programs for addressing the economic development and affordable housing needs of our nation's communities. I strongly urged the conferees to provide funding for both programs at levels at least equal to the FY 1996 appropriation of $4.6 billion for CDBG and $1.5 billion for HOME in addition to any Congressional set-asides. Both programs share the important feature of providing local flexibility within broad federal goals and purposes. The success of both programs merits continued strong federal support for CDBG and HOME even as other federal programs are being cut back. The conference agreement does, in fact, include those amounts for the two programs, but I am concerned because Congressional set-asides will be deducted from those levels. I will continue to support additional funding for both CDBG and HOME in future appropriations bills.

Mr. President, in total, this conference report is a laudable effort by the subcommittee and especially its Chairman and ranking member, especially as they continue to struggle with the imperative to achieve significant spending reductions resulting from the balanced budget the Congress approved earlier this year. I appreciate their consideration for the interests of the people of Massachusetts, and am pleased to support this agreement.

Mr. REED. Mr. President, I rise to express my support for the VA–HUD Conference Report and to commend the conferees for their work in resolving a number of contentious issues with the House.

First, I would like to commend the conferees for providing adequate funding to renew all expiring section 8 contracts. In my State of Rhode Island, it is expected that section 8 contracts on 4000 units will expire in fiscal year 1998, and I am pleased that this bill will ensure that all of these contracts are renewed.

I would also like to commend the conferees on their successful effort to include the section 8 mark-to-market reforms in the conference report. The Senate Banking Committee passed a mark-to-market bill in June that was initially attached to the balanced budget legislation, but was subsequently dropped in conference.

The significance of inclusion of the mark-to-market reforms in the conference report cannot be overstated because these reforms address an increasingly serious problem, which, if left uncorrected, will threaten the future viability of the section 8 program. The problem I am referring to is the projected increase in section 8 costs as the number of expiring section 8 contracts increases in coming years. In fiscal year 1997, approximately $3.6 was provided to renew expiring contracts. However, absent mark-to-market reforms, the costs of renewing expiring section 8 contracts is expected to increase to $9 billion in fiscal year 1998, and to $18 billion in fiscal year 2002.

The reforms included in this bill address this issue by enabling landlords of section 8 properties to restructure their mortgage contracts, which will reduce the escalating costs of the section 8 program. The reforms will also reduce the subsidy levels that HUD pays to landlords for section 8 assistance. Because of the high costs to build many of these section 8 properties, HUD has been forced in many cases to pay subsidies that are in excess of 120 percent of fair market rent. In fact, a recent study found that 75 percent of

HUD's newer assisted housing projects had rents above fair market rent, and that 50 percent of this housing had rents greater that 120 percent of fair market rent. I am pleased that this bill will address this problem by reducing rents to below fair market rents, or fair market rents for most section 8 housing. These changes will produce $500 million in savings for taxpayers.

Also, the mark-to-market provisions will improve the quality of section 8 housing by requiring landlords to evaluate the rehabilitation needs of their property and undertake necessary repairs. For too long, many of our section 8 properties have been in an embarrassing state of disrepair. In a recent study, it was found that 24 percent of the section 8 properties were distressed. Sadly, some of these section 8 properties have become havens for crime and drug activities. I am pleased that the mark-to-market reforms will begin to attack this problem by requiring landlords to make repairs to their properties and become more responsible owners.

The bill also includes provisions that will enable HUD to screen out rogue owners and managers, as well as provide more effective enforcement tools that will minimize fraud and abuse of HUD insurance and assisted housing programs.

Most importantly, the reforms in this bill will require landlords who are restructuring their mortgages to maintain their property as section 8 housing throughout the life of the mortgage. This provision is particularly important in ensuring the preservation of the existing stock of section 8 housing.

The mark-to-market reforms included in this bill could affect five Rhode Island housing developments in the near term, and could affect countless other developments in the future, as these provisions are fully implemented by HUD. Overall, I believe these reforms will improve the quality of life for tenants of section 8 housing, half of whom are seniors, and most of whom are very low income.

However, it should be noted that these reforms are not a panacea, and we should be mindful that there is much more to be done. For example, we must take steps to address the ever-worsening affordable housing crisis facing this Nation. Unfortunately, this bill follows HUD appropriations bills in recent years and fails to provide funds for new section 8 vouchers. Indeed, such funds have not been appropriated since 1993.

Also, there is the issue of the term of section 8 contracts. In years past, section 8 contracts have had terms that ranged from 5 to 40 years, with budget authority being allocated in accordance with the terms of the contract. However, because of the adverse budgetary implications of providing long-term contracts, expiring contracts are now being renewed for 1-year terms which require annual appropriations. These 1-year renewals have created a great degree of uncertainty among tenants of section 8 housing who are being notified annually by HUD that they may not have housing if Congress fails to provide section 8 funding. In a meeting with constituents, I was informed that some seniors who are residents of section 8 housing have suffered strokes and other ailments after being notified that their housing was in jeopardy if Congress failed to appropriate funding for section 8 renewals. Mr. President, this is a very serious issue which must be addressed.

While HUD is required to notify tenants about contract renewals, something must be done to ensure that this notification does not unnecessarily alarm seniors and other residents of section 8 housing. I understand that HUD is currently working with a number of tenant groups to craft a notification letter that is less alarming than letters in years past. I intend to work with HUD to see that future notices provide adequate information, without unnecessarily alarming section 8 residents.

Mr. President, I am pleased that this bill increases funding relative to fiscal year 1997 for a number of important programs to Rhode Island. For example, funding for the Community Development Block Grant Program, which provides flexible funding to States and localities for community development initiatives, is increased by $75 million. In fiscal year 1997, Rhode Island cities used over $20 million in CDBG money to fund initiatives ranging from job training to neighborhood revitalization.

In addition, funding for the HOME Program, which is aimed at expanding the supply of affordable housing, is increased by $100 million over fiscal year 1997. Last year, Rhode Island received $3 million in HOME funding which was used to provide 283 units of affordable housing.

Finally, the VA–HUD appropriations bill maintains level funding for a number of important programs such as the section 202 and section 811 programs that provide housing for the Nation's elderly and disabled. A number of Rhode Island groups have successfully used section 202 and section 811 grants to build housing for the elderly and disabled, ameliorating the shortage of affordable housing for these groups in Rhode Island.

In conclusion, I would again like to commend the work of the conferees. Their efforts will help preserve and maintain the section 8 program, in addition to a number of other important housing and community development programs.

Mr. MCCAIN. Mr. President, the Senate will act shortly to approve the conference agreement on the Fiscal Year 1998 VA–HUD Appropriations Act, and I intend to vote for the bill. The bill contains many very worthwhile programs that are vital to our Nation's veterans, to the economic development and viability of our cities, to rural communities, to environmental preservation and remediation, and for other important Government functions. The conferees have done an excellent job of crafting a bill that is balanced and fair, while staying within the budgetary allocations for these programs.

However, once again, I must highlight the myriad of programs that are included in this conference agreement that were not considered in the normal budgetary review process. These programs may very well have a great deal of merit, but unless one is a member of the Appropriations Committee, it is nearly impossible to determine what, if any, criteria were applied to determine the relative worthiness of each of the earmarks and set-asides in the agreement.

For example:

$5 million dollars is earmarked for a study on the cost-effectiveness of contracting with local hospitals in east central Florida for the provision of nonemergent inpatient health care needs of veterans. This earmark was contained in the House bill, but I find it difficult to determine from the conference agreement or the House report why such a study is so urgently needed in east Florida, rather than other areas of the country that may be considering this type of contracting.

As I noted when the Senate considered the bill, $10 is earmarked for demolition and replacement of the Heritage House in Kansas City, Mo. I still do not understand the urgency of proceeding with this, rather than other similar projects.

The bill earmarks $99.6 million for 120 specific Economic Development Initiative grants, as specified in the report language. While both bills contained these kinds of earmarks, my colleagues might be interested to know that the amount earmarked in the conference agreement is more than twice the amount earmarked in the Senate bill which was $40 million. I suspect that a scrupulous comparison of the lists of earmarked projects in the two bills would conclude that every project earmarked in either bill is included in this conference agreement, and then some.

The bill contains an earmark of $15 million for the county of San Bernardino, Ca, for neighborhood initiatives. I have not been able to find this earmark in either the House or Senate bill, neither of which contain any explanatory language on this initiative.

The bill contains a section which was also included in the Senate bill, transferring a previous $7.1 million earmark for a Kansas City industrial park at 18th Street and Indiana Avenue instead to the rehabilitation and infrastructure development associated with the Negro Leagues Baseball Museum and jazz museum at 18th and Vine.

The bill authorizes and appropriates $90 million additional funding for construction of a consolidated EPA research facility at Research Triangle Park, NC, and raises the total construction cap on the project, including a child care center and computer center, to $272.7 million. I recognize that this provision was included in the House bill, but I have not been able to find any justification in the bill or report for earmarking $90 million as part of a nearly $300 million expenditure for this project, versus other worthy projects.

The bill retains the earmarks in the Senate bill for a $50 million in grants to Texas, requiring State matching of 20 percent, for improving water and wastewater treatment facilities for the colonias; and a $15 million grant to Alaska to address drinking water and wastewater infrastructure needs.

The bill also includes an earmark of $253.1 million for 39 specific wastewater and water treatment facilities and ground water protection infrastructure, earmarked as stated in the report. Again, this type of earmark was included in the Senate and House bills, but the conference earmarked almost three times the amount in the Senate bill.

The bill also contains three earmarks which I believe were not included in either the Senate or House bill:

$4 million dollars is earmarked for each of three areas—a native American area in Alaska, a rural area in Iowa, and a rural area in Missouri—for rural economic development grants, to test comprehensive approaches to developing a job base through economic development, developing affordable low- and moderate-income rental and homeownership housing, and increasing the investment of both private and nonprofit capital. While I understand the need to provide funding for rural communities to improve their living standards, housing availability, and the like, I question whether the three areas singled out in this language are the most deserving of 4 million dollars each. And I note that the earmarks for rural areas in Iowa and Missouri were not contained in either bill, but were added by the conferees.

The bill includes a section, which I have not found in either the Senate or House bill, directing FEMA to make a grant of $1.5 million to resolve issues under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 involving the city of Jackson, Ms. Again, the justification provided for this project is sketchy, to say the least.

The bill contains a section which cancels the indebtedness of the village of Robbins, IL, for HUD-guaranteed water and sewer bonds, including principal, interest, and any fees and other charges. Again, I could find no mention of this proposal in either the Senate or House bills.

As I have said many times, these types of earmarks added in conference are an egregious evasion of the normal budget review process, which this body should not condone.

I will not elaborate on the many earmarks and set-aside in the report language of the conference agreement.

I ask unanimous consent that the objectionable provisions be printed in the RECORD.

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

OBJECTIONABLE PROVISIONS IN H.R. 2158, CONFERENCE AGREEMENT ON FISCAL YEAR 1998 VA/HUD/INDEPENDENT AGENCIES APPROPRIATIONS

BILL LANGUAGE

$5 million earmarked for a study on the cost-effectiveness of contracting with local hospitals in East Central Florida for the provision of non-emergent inpatient health care needs of veterans.

Prohibition on relocating the loan guaranty divisions of the Department of Veterans Affairs Regional Office in St. Petersburg, Florida to the Department of Veterans Affairs Regional Office in Atlanta, Georgia, because the conferees do not believe the VA has adequately justified the proposed relocation and has not provided a detailed cost-benefit analysis including comparison of savings for the cost of space and personnel.

$10 earmarked for demolition and replacement of the Heritage House in Kansas City, Missouri.

$4 million earmarked for each of three areas—a Native American area in Alaska, a rural area in Iowa, and a rural area in Missouri—for rural economic development grants, to test comprehensive approaches to developing a job base through economic development, developing affordable low- and moderate-income rental and homeownership housing, and increasing the investment of both private and nonprofit capital.

$99.6 million earmarked for 120 specific Economic Development Initiative grants as specified in the report language.

$15 million earmarked for the County of San Bernardino, California, for neighborhood initiatives.

$3.5 million earmarked for the non-Federal cost-share of the levee project at Devils Lake, North Dakota.

Sec. 203—Waives the requirement that the City of Oglesby, Illinois, hold public hearings concerning an environmental assessment for a warehouse project.

Sec. 206—$7.1 million transferring an earmark for a Kansas City industrial park at 18th Street and Indiana Avenue instead to the rehabilitation and infrastructure development associated with the Negro Leagues Baseball Museum and jazz museum at 18th and Vine.

Sec. 218—Cancels the indebtedness of the Village of Robbins, Illinois, for HUD-guaranteed water and sewer bonds, including principal, interest, and any fees and other charges.

Authorizes and appropriates $90 million additional funding for construction of a consolidated EPA research facility at Research Triangle Park, North Carolina, and raises the total construction cap on the project, including a child care center and computer center, to $272.7 million.

Earmarks $50 million for grants to Texas, requiring state matching of 20 percent, for improving water and wastewater treatment facilities for the colonias.

$15 million earmarked for grants to Alaska to address drinking water and wastewater infrastructure needs.

Earmarks $253.1 million for 39 specific wastewater and water treatment facilities and groundwater protection infrastructure, earmarked as stated in the report.

Directs FEMA to make a grant of $1.5 million to resolve issues under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 involving the City of Jackson, Mississippi.

Sec. 415—''Buy America'' protections.

REPORT LANGUAGE

[NOTE: Conferees state that they endorse all language in the House and Senate reports that is not explicitly contradicted in the conference agreement. Therefore, all earmarks and set-aside in the underlying reports remain valid unless reversed in the conference agreement.]

Earmarks $6 million for the Musculoskeletal Disease Prevention and Treatment Research Center at the Jerry L. Pettis Memorial VA Medical Center in Loma Linda, California.

Explicit emphasis on report language regarding expanding an outpatient clinic in Williamsport, Pennsylvania, activation costs for construction projects at the medical centers in Wilkes-Barre, Pennsylvania, and Phoenix, Arizona; and the demonstration project involving the Clarksburg VA Medical Center and Ruby Memorial Hospital.

Urges VA to establish a community-based outpatient clinic in Brookhaven, New York.

Supportive language for the two-year pilot project in New England and Hawaii, funded through the Department of Defense, to explore improved and innovative methods of diabetes detection, prevention, and care.

Encourages VA to examine carefully the work in Detroit associated with Population and Resources Management Information Network, and to consider setting aside an appropriate amount of funds for development and analytical work associated with that system.

Earmarks $98.4 million for 7 major construction projects of the VA, including a $4 million add-on for a cemetery in Arizona.

Earmarks $1.5 million for expansion of the existing national cemetery in Mobile, Alabama.

Earmarks $1.5 million to increase the number of niches at the columbarium at the National Memorial Cemetery of the Pacific.

Earmarks $48.3 million for 23 specific science and technology projects.

Earmarks $8 million of the funding set aside for research on EPA particulate matter standards to create ''up to five university-based research centers focused on PM-related environment and health effects;'' establishes certain governing criteria and guidelines for selection of these centers, although the report states the selection is to be competitive.

Earmarks $76.5 million from the budget for environmental programs and management at EPA for 60 specific projects.

Earmarks $2.5 million of the EPA's hazardous substance Superfund to continue a study on the health effects of consuming Great Lakes fish, and 2 million for continued work on the Toms River, New Jersey cancer evaluation and research project.

Encourages EPA to implement a fixed-price, at-risk contracting proposal for clean-up of the Carolina Transformer Site in North Carolina.

Urges immediate construction at the Pepe Field Superfund site in Boonton, New Jersey.

Recognizes the acute need for additional water treatment capacity in San Diego County, California, although limited funds prevented the conferees from earmarking an amount for this project.

States awareness of San Diego's application for grant assistance through the U.S.-Mexico border programs for the South Bay Water Reclamation Facility, and urges that the matter be reviewed carefully for appropriate support.

Notes support for construction of the Jonathan Rogers plant in El Paso, Texas, and encourages EPA to provide an appropriate amount from the border infrastructure fund to support the project.

Earmarks $500,000 from FEMA's emergency management planning funds for a comprehensive analysis and plan of evacuation alternatives for the New Orleans metropolitan area.

States awareness of proposals by the International Hurricane Center at Florida International University to apply advanced high-accuracy satellite laser altimeter surveying techniques to coastal and flood plain modeling and post natural disaster damage assessments, and urges FEMA to consider funding such proposals from discretionary funds.

Notes that Point Coupee Parish, Louisiana, faces the potential threat of multiple disasters, including weather-related threats, and urges FEMA to provide support for installation and testing of a prototype communications system.

Urges NASA to make available underutilized facilities at the Stennis Space Center for use by industry in launch vehicle development activities.

Earmarks $19.65 million from NASA's aeronautics and technology funds for 9 specific projects.

Earmarks $5 million of NASA's mission support funds for facilities enhancements at Stennis Space Center.

Prohibition on relocating NASA aircraft based east of the Mississippi River (at the Wallops Island flight facility) to the Dryden Flight Research Center in California.

Earmarks $1 million of National Science Foundation funds for the U.S./Mexico Foundation.

Mr. MCCAIN. Mr. President, this is not an exhaustive list of all the earmarks the conferees endorsed. As with previously submitted conference agreements, the conferees explicitly state in the report that they endorse all the provisions of the Senate and House reports on the bill, unless they are explicitly contradicted or addressed in the conference report. So there are a lot more earmarks that the conferees intend that the agencies will adhere to in allocating appropriated funds.

Again, Mr. President, I hesitate to say that all of these earmarks and set-asides are wasteful, or unnecessary. I want to stress that these projects may very well have merit and may very well be worthy of inclusion in this bill.

But the process the Congress established for itself, which involves both authorization and appropriation of spending items, is routinely ignored in the appropriations bills. These unauthorized and locality specific earmarks and add-ons have bypassed the normal agency review process and have bypassed the authorization process. They have simply been included in the appropriations bill because a small segment of the Senate or House, those who serve on Appropriations Committee, decided to include them.

Mr. President, the American people deserve to know how their money is spent, and why. Millions of dollars will be spent for the projects on the attached list, and I doubt that most Senators know why these projects were chosen for earmarks or set-asides. The American people certainly don't have access to that information.

I intend to send a letter to the President asking that he consider using his line-item veto authority to eliminate these spending items from this bill. That is why we gave him a line-item veto—to eliminate wasteful, unnecessary, and low-priority spending. He has already demonstrated his willingness to use the line-item veto, and I hope he continues to exercise that authority when clearly necessary.

Mr. President, as I said, I support the majority of the provisions of this bill, and I intend to vote for it. I am thankful, however, that a mechanism now exists that could, if utilized, eliminate the earmarks and set-asides in this bill to which I must object.

PARTICULATE MATTER RESEARCH

Mrs. BOXER. Mr. President, I would like to mention one issue of concern in the conference report on appropriations for the Environmental Protection Agency. It is in regard to report language on the Particulate Matter Research Program.

I agree that we need more research on the sources and the health effects of particulate matter and strongly support this bill's appropriation of funds for new research. However, I would like to make it clear, for the record, that I do not agree with the conference report language that says that ''we do not yet have available sufficient facts necessary to proceed with future regulations for a new particulate matter standard.''

The EPA standards are based on the best available science regarding the health effects of exposure to particulate matter. Some argue that we should not proceed until we have scientific proof of the exact relationship between exposures to particulate matter, and health effects.

If we applied that principle in the late 1970's, we would not be enjoying the benefits of our current standards which have led to, for example, air pollution from carbon monoxide being reduced by 28 percent, from sulphur dioxide 41 percent, and from lead 98 percent.

The PRESIDING OFFICER. All time has expired.

Under the previous order, the conference report to accompany H.R. 2158 is agreed to.

The conference agreement was agreed to.

Mr. BOND. Mr. President, I thank all of my colleagues and the leadership for allowing us to proceed in a timely fashion on this matter.

I have mentioned only briefly my appreciation for the work of my ranking member, Senator MIKULSKI. Truly, there is no better person to have in a very complicated matter like this than to have someone of Senator MIKULSKI's ability, perspicacity, and dedication to right and justice to carry through on this.

I am deeply grateful for her cooperation, the cooperation of the leadership on her side, and particularly the leadership of both sides of the aisle on the Banking Committee which authorizes housing programs without which we would not have been able to accomplish mark-to-market. Senator MACK and his staff, in particular, Senator D'AMATO, Senator SARBANES, Senator KERRY have been helpful.

I express my thanks to Andy Givens, Stacy Closson, and David Bowers on the minority. We could not have done this on our side without the dedicated work of John Kamarck, Carrie Apostolou, and of Sarah Horrigan, who assisted us as representatives on loan from the Office of Management and Budget.

Mr. President, again, I express my appreciation to my ranking member.

Ms. MIKULSKI. Mr. President, now that we have concluded our bill, I too want to express my appreciation to Senator BOND and his very able staff—I am sorry Sarah Horrigan is not with us, her able cooperation—and, to my own staff, Andy Givens, David Bowers, and Stacy Closson.

I wish all bills could move as quickly and as rigorously and thoroughly as ours did. I yield the floor.

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

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

PRIVILEGE OF THE FLOOR

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the privilege of the floor be granted to the following detailee to my staff: Mr. Peter Neffinger.

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

Mr. LAUTENBERG. 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. BUMPERS. 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 Arkansas is recognized.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 1283 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

Mr. SHELBY. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2169) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

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

(The conference report is printed in the House proceedings of the RECORD of October 7, 1997.)

Mr. SHELBY. Mr. President, I ask unanimous consent that the conference report be considered read, and that there be 20 minutes equally divided; that, following the conclusion or yielding back of the time, the conference report be agreed to and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I am pleased to present the conference report on the fiscal year 1998 Department of Transportation and related agencies appropriations bill. This bill is very similar to the transportation appropriations bill that the Senate approved 98 to 1 on July 30. It provides the highest level of funding for Federal-aid highways in history—$22.9 billion. That's slightly less than the amount we had included in the Senate bill because, in conference, we agreed to fund some other House priorities, but it's still a record level.

The actual distribution of those funds among the States will depend on reauthorization of ISTEA—the Intermodal Surface Transportation Efficiency Act of 1991—which has provided authorization for Federal surface transportation programs for the past 6 years and which expired at the end of fiscal year 1997. But this increase of almost $3 billion over fiscal year 1997 will almost certainly mean more Federal highway spending for each State.

The conference report also includes $300 million for the Appalachian Development Highway System as proposed by the Senate. This is a downpayment toward meeting the Federal Government's commitment to completing that System.

The bill includes $4.7 billion for transit grants, including $200 million for Washington Metro. I ask unanimous consent that a table which shows the distribution of these funds under current law be printed in the RECORD.

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

FISCAL YEAR 1998 DISTRIBUTION OF APPROPRIATED TRANSIT FORMULA AND DISCRETIONARY PROGRAM FUNDS BY STATE—ILLUSTRATIVE

State	Section 5307, urban area formula apportionment	Section 5311, nonurbanized area formula apportionment	Section 5310, elderly and persons with disabilities apportionments	Section 5309, fixed guideway modernization apportionment	Section 5338, discretionary grants—bus and bus facilities	Section 5338, discretionary grants—new starts	Total	Percent of total
Alabama	$11,185,758	$3,186,673	$1,077,887	0	$25,600,000	0	$41,050,318	0.92
Alaska	1,804,936	475,202	181,007	0	0	0	2,461,144	.05
American Samoa	0	67,731	52,205	0	0	0	119,936	0
Arizona	25,641,598	1,395,042	951,941	$753,784	5,500,000	$4,000,000	38,242,365	0.85
Arkansas	3,979,267	2,547,613	757,178	0	0	0	7,284,057	0.16
California	359,319,983	6,217,892	5,780,115	73,004,558	38,400,000	141,600,000	624,322,548	13.93
Colorado	26,861,907	1,327,272	741,382	872,588	5,500,000	25,000,000	60,303,148	1.35
Connecticut	36,082,253	1,203,960	847,581	33,127,313	6,950,000	0	78,211,107	1.74
Delaware	4,544,322	300,359	266,380	371,459	1,500,000	0	6,982,520	.16
District of Columbia	21,487,762	0	264,504	20,304,678	0	0	42,056,943	.94
Florida	110,965,452	3,997,135	3,904,781	6,261,059	20,000,000	50,800,000	195,928,427	4.37
Georgia	40,275,089	4,659,255	1,393,706	8,377,647	9,000,000	45,600,000	109,305,697	2.44
Guam	0	192,815	132,335	0	0	0	325,149	.01
Hawaii	19,104,500	522,930	335,201	302,560	5,000,000	0	25,265,191	.56
Idaho	2,361,119	1,054,997	342,719	0	0	0	3,758,834	.08
Illinois	162,182,847	4,274,606	2,528,911	108,300,140	4,500,000	3,000,000	284,786,504	6.35
Indiana	25,432,292	4,129,173	1,333,234	0	4,000,000	5,250,000	40,144,699	.90
Iowa	6,711,334	2,655,925	812,986	0	4,000,000	0	14,180,245	.32
Kansas	6,233,630	2,112,704	683,737	0	1,000,000	0	10,030,071	.22
Kentucky	12,693,258	3,487,613	1,033,565	0	0	0	17,214,437	.38
Louisiana	21,173,354	2,884,508	1,036,865	2,192,506	13,900,000	8,000,000	49,187,234	1.10
Maine	1,693,773	1,391,888	425,143	0	0	0	3,510,805	.08
Maryland	59,427,457	1,737,705	1,041,705	16,644,799	8,000,000	31,000,000	117,851,667	2.63
Masaschusetts	87,078,919	1,862,292	1,494,500	54,823,484	6,200,000	47,250,000	198,709,196	4.43
Michigan	47,254,939	5,043,404	2,165,608	152,149	7,500,000	0	62,116,100	1.39
Minnesota	22,554,929	2,902,188	1,056,203	2,156,921	10,500,000	12,000,000	51,170,241	1.14
Mississippi	3,639,708	2,832,159	735,995	0	2,000,000	3,000,000	12,207,861	.27
Missouri	26,095,820	3,380,302	1,351,855	1,484,601	16,000,000	30,500,000	78,812,577	1.76
Montana	1,786,660	854,630	315,546	0	0	0	2,956,836	.07
Nebraska	6,471,591	1,289,529	486,039	0	0	0	8,247,158	.18
Nevada	11,496,750	421,012	365,038	0	9,500,000	5,000,000	26,782,800	.60
New Hampshire	2,503,259	1,114,728	345,598	0	0	0	3,963,585	.09
New Jersey	136,678,638	1,593,825	1,791,542	69,082,137	6,000,000	87,000,000	302,146,143	6.74
New Mexcico	5,357,480	1,252,988	429,081	0	7,750,000	0	14,789,549	.33
New York	410,451,112	5,610,456	4,133,626	276,062,566	34,325,000	25,500,000	756,082,760	16.87
North Carolina	20,069,428	5,959,962	1,583,185	0	6,000,000	13,000,000	46,612,575	1.04
North Dakota	1,741,653	632,037	270,610	0	0	0	2,644,300	.06
Northern Marianas	0	62,767	52,014	0	0	0	114,781	0
Ohio	65,501,156	6,067,655	2,638,627	12,722,165	12,500,000	6,000,000	105,429,604	2.35
Oklahoma	8,527,934	2,593,860	893,771	0	0	1,600,000	13,615,566	.30
Oregon	19,592,547	2,059,548	831,880	1,292,018	3,000,000	63,400,000	90,175,992	2.01
Pennsylvania	112,985,990	6,768,533	3,160,912	92,157,105	27,350,000	5,500,000	247,922,540	5.53
Puerto Rico	36,532,549	2,022,651	789,842	775,726	0	15,000,000	55,120,768	1.23
Rhode Island	7,598,014	259,105	379,890	1,062,810	0	0	9,299,820	.21
South Carolina	9,080,065	2,982,991	864,379	0	6,000,000	1,500,000	20,427,434	.46
South Dakota	1,256,376	770,404	291,151	0	2,250,000	0	4,567,931	.10
Tennessee	16,849,421	3,850,700	1,270,291	32,983	8,000,000	1,000,000	31,003,395	.69
Texas	119,735,859	8,129,898	3,264,108	3,046,639	14,950,000	74,100,000	223,226,504	4.98
Utah	15,889,161	584,009	400,773	0	8,900,000	67,400,000	93,173,843	2.08
Vermont	631,418	688,808	243,018	0	2,500,000	5,000,000	9,063,244	.20
Virgin Islands	0	147,427	134,313	0	0	0	281,740	.01
Virginia	45,207,104	3,414,019	1,320,940	517,018	5,650,000	4,000,000	60,109,081	1.34
Washington	60,260,229	2,392,160	1,186,078	7,835,369	21,000,000	18,000,000	110,673,835	2.47
West Virginia	3,044,128	2,034,025	635,242	0	16,250,000	0	21,963,396	.49
Wisconsin	26,270,709	3,514,557	1,210,642	283,218	14,000,000	0	45,279,126	1.01
Wyoming	872,428	491,550	208,724	0	0	0	1,572,702	.04
Total Apportioned	2,292,177,864	133,407,177	62,226,089	794,000,000	400,975,000	800,000,000	4,482,786,130	100.00
Agency Oversight	11,518,482	670,388	.....	6,000,000	.....	.....	18,188,870	.....
Total Program	2,303,696,346	134,077,565	62,226,089	800,000,000	400,000,000	800,000,000	4,500,000,000	.....

Mr. SHELBY. Mr. President, the bill also provides $1.7 billion for airport improvement grants, which is $700 million more than the administration requested. In total, this bill contains $30.1 billion for investment in infrastructure that the public uses, that is, highways, transit, airports, and railroads. That represents an 8-percent increase over the administration's request.

This legislation will improve safety: It provides an 11-percent increase in funds to improve highway safety and will permit FAA to hire an additional 235 aviation safety inspectors and 500 air traffic controllers.

Major changes in the bill as a result of conference deliberations include the addition of $150 million in transit operating assistance and reductions of less than 1 percent in the multi-billion dollar FAA and Coast Guard operating accounts.

The Senate accommodated requests we received from Senators as fully as we could. In conference, of course, we had to accommodate requests from Members of both the Senate and House with no increase in funds over the Senate bill to cover these requests. That was a very difficult process. We tried to be fair and balanced in our treatment of Members' requests.

I want to reiterate a point I made when I brought the Senate bill to the floor in July. Many Senators wanted funds for highway projects of special interest to them and their States. This year, ISTEA reauthorization is providing a vehicle for special project funding, especially in the House where

there is very active consideration of such funding. I assure my colleagues that I believe that the Congress has at least as legitimate a role in designating funding for specific highway projects as it does in designating which transit projects will be funded. I intend to review the situation after enactment of ISTEA reauthorization legislation and to work with my Senate and House colleagues in the year ahead to ensure that we have an opportunity to designate funding for highway projects of special interest to our States and communities.

There are a great number of people to thank for getting this bill completed. I want to single out a few for special thanks for all their efforts.

First, the chairman, my good friend from Alaska. I know he wanted to move this bill along promptly, but he was patient and allowed me to work out the issues that were holding up conference and was always willing to lend his compelling voice to support the Senate position in our discussions with the House.

The majority leader as well played a critical role in the negotiations with the House. I want to thank him for his leadership, advice, and guidance, as well as for his personal involvement on this bill.

I want to thank my distinguished ranking member on the subcommittee, Senator LAUTENBERG, for his part in moving the process forward. We don't always take the same position on transportation issues or funding priorities, but he is always a strong advocate for meeting the transportation priorities of the Northeast and presents a perspective on this bill that comes from a great deal of hands-on experience with transportation issues. In addition, this bill has provided an opportunity for me to work closely with the distinguished ranking member of the full committee, Senator BYRD. One of the common priorities Senator BYRD and I share in the Transportation appropriations bill is the completion of the Appalachian Development Highway System. Through his leadership and support, we have been able to provide substantial support for meeting that priority.

I also want to thank the other members of the subcommittee for their efforts and the efforts of their staffs in support of the Senate's position during the conference. This subcommittee works well together, and I am blessed with the luxury of having subcommittee members who take transportation issues very seriously and are quick to let me know of their positions on issues. In particular, I want to commend the senior Senator from Missouri, my good friend, Senator KIT BOND. Senator BOND has been a major force in transportation funding issues this year as he has the uncommon responsibilities of sitting on the Budget Committee, the Environment and Public Works Committee, and on the Appropriations Subcommittee on Transportation. He was a primary advocate for higher highway funding during the budget process; he is a major force in the Senate consideration of reauthorization legislation, and is one of the most thoughtful and effective members of the Transportation Appropriations Subcommittee. Senator BOND can be a dogged advocate for issues of interest to the Show Me State. He was in a position to put passage of the Transportation appropriations bill in jeopardy if his legitimate interest in a matter before the conference was not met. In a display of the statesmanship that shows me why he is such an effective Senator, he refused to hold the bill up—instead, he sought a creative way of meeting both the interests of his State and the needs of the Congress to move this legislation along. I pledge to him here that I will work with him to ensure the satisfactory resolution of this issue.

In addition, I want to thank a few staff members who worked hard to put this bill together. The staff director of the Senate Appropriations Committee, Steve Cortese played a critical role in resolving issues between the House and the Senate so that we could have this conference report before the Senate today. His counterpart on the House side, Jim Dyer, as well, deserves note and a word of thanks for his efforts to that end. Although they work in different bodies, these two professionals work together well and are a credit to the appropriations process and the Congress. Further, the subcommittee staff, Joyce Rose, Reid Cavnar, Wally Burnett, and for a short time, George McDonald, as well as my legislative director Kathy Casey and Chief of Staff Tom Young, worked long and hard to put this bill together and I thank them. In addition, Jim English, Peter Rogoff, Peter Neffenger, Carole Geagley, and Mike Brennan have helped make this a truly bipartisan bill, and I thank them.

I am proud of what we have been able to accomplish in this bill. It will benefit all Americans as it helps improve transportation services in this country so that the economy and personal mobility are better served.

I now turn to my distinguished ranking member from New Jersey, Senator LAUTENBERG, who has worked with me in a bipartisan spirit to produce this bill.

Mr. President, I believe overall that this is a good transportation appropriations bill. It is not perfect. Nothing is perfect. But Senator LAUTENBERG, my colleague from New Jersey, former chairman, now the ranking member of the committee, worked diligently together with our staffs to put this bill together. We had protracted discussions with the House, and at the end of the day we are here with a completed conference report, one which I believe that most people in this body can support.

I want to take a minute and thank my staff director, Wally Burnett, for all the work that he has put into this night and day. He knows the subject. He has been very, very diligent and the bill reflects that diligence.

I also want to thank my colleague, Senator LAUTENBERG, for the work and the knowledge that he has of these transportation issues. Knowledge that he is beginning to share with me as time goes on. And, to his staff director, Peter Rogoff, I thank you for cooperating with us on so many of the issues. And, at the end of the day, at the end of the week, and at the end of this conference we are here.

At this point, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I, too, view this report as does my friend and colleague and chairman of the subcommittee. It reflects what I think is a good outcome after being forced to work with less resources than I would like to see devoted to transportation. But that is life in the present fiscal climate and consistent with our determination to have a balanced budget by 2002. As a matter of fact, the news is fairly good on that front. We may actually achieve that balance before then. But, meanwhile, we are taking the appropriate steps to our transportation bill to conform with the responsibility that we have undertaken as a result of the budget agreement. We spent a lot of time and energy trying to ensure that transportation would be treated as the appropriate priority, as we see it. And it has some very positive results.

The Coast Guard is going to get a 12.7 percent boost so that it can continue to execute its many essential missions.

Funding for FAA will increase by almost 10 percent. Within that amount, we have rejected the proposal by the administration to cut airport improvement grants by more than 33 percent. Instead, we have provided an increase for airport grants of more than 16 percent.

Funding for Federal-aid highways went to a historically high level of $21.5 billion. This increased funding will be especially critical as we address the many vexing challenges that currently surround the reauthorization of the Intermodal Surface Transportation Efficiency Act, or ISTEA, or ISTEA II, or whatever the name is that we are going to give the next 6-year or 5-year program.

Funding for formula assistance for the Nation's transit systems will increase by 16.3 percent. I want to point out that in my view this includes a balanced approach in addressing the needs of all of our States in all transportation modes.

When the bill was first marked up, I voiced concern that while we were providing a much needed increase in funding for highways, the needs of the transit agencies were not getting appropriate attention.

I am pleased to say that between the amendment I offered during full committee consideration of the bill and the

final deliberations of the conference committee, the increase in formula funding for transit was brought to a level comparable with the increases in formula funding provided for other infrastructure investment programs in the bill.

Moreover, I am pleased that the conference agreement includes my amendment to provide greater flexibility to all transit agencies, large and small, in the use of the Federal transit formula funds.

Mr. President, all in all, as I said, I think it is a good outcome.

The funding level for Amtrak is one that concerns me because Amtrak plays such an important part in the transportation of people throughout the Northeast corridor—and other parts of the country as well but predominantly in the Northeast corridor, and were we not to have Amtrak, which could be the outcome if we failed to fund it properly, we would need 10,000 additional flights of 737's a year between Boston and Washington and New York to accommodate the requirements for transportation. So that certainly does not look to be an outcome we can tolerate. But nevertheless the Congress has insisted on cutting Amtrak's operating subsidy at a much faster rate than they say they can absorb.

Almost 3 years ago, the leadership of Amtrak developed an operating plan to reduce its dependency on Federal operating support. Their plan called for reduced appropriations in each and every year for 6 years. Unfortunately, for the last 2 years, the Congress has insisted on cutting Amtrak's operating subsidy at a much faster rate than Amtrak said it could absorb. Their financial status, therefore, is in dire straits.

The bill initially laid down proposed some truly severe cuts, some of which could certainly put Amtrak into bankruptcy. But the subcommittee amended the funding level for Amtrak's operations account in the subcommittee and the full committee to get that level up to $344 million, which was the level requested by the administration.

Also, Chairman SHELBY agreed to hold a special hearing of the subcommittee to take a fresh look at Amtrak's operating needs. I am pleased to say that the final conference agreement includes the full $344 million for Amtrak's operations as passed by the Senate. It also includes needed boosts in Amtrak's critical capital accounts, and it will only be through this kind of capital investment that Amtrak can one day become free of Federal operating subsidies, which I, and I am sure all of us here, would like to see.

However, we are not, I warn all Members, ''out of the woods'' with Amtrak. Amtrak has to gain access to more than $2 billion which was provided in the recently enacted tax bill so it can make the kind of capital investments that will bring us a real first-class passenger railroad, and we need to find a mechanism to do that without exacting punitive measures against the hard-working employees at Amtrak.

On another issue, more parochial perhaps, Mr. President, I call attention to that portion of the conference agreement which pertains to the closure of Bader Field Airport in Atlantic City, NJ. The conferees carefully reviewed the statutory provisions pertaining to Bader Field as well as another airport that deserves to be closed. And after careful review, it was determined that statutory language was not necessary for the FAA to make the necessary findings. So I am pleased that the conference agreement continues our progress toward the closure of these airports as soon as possible.

I want to take a minute, Mr. President, to thank my friend and colleague, Senator SHELBY, for his ability to work closely with others to try to resolve disputes and see if we could do the best possible job with the resources that were available to us, and I think he has done just that. It was a pleasure working with him. As Senator SHELBY noted, I was once the chairman of the committee, and I promised that should I become chairman again I would work with Senator SHELBY just as carefully and courteously as he has worked with me.

He has been consistently fair-minded in the distribution of funds between transportation modes and between projects. He has sought to accommodate the priorities of all Members of the Senate. That has been the long-standing tradition in the Transportation Subcommittee and it continues to be the tradition under Senator SHELBY's leadership.

I close by thanking my staff also, Peter Rogoff, and thank Senator SHELBY's chief of staff, Tom Young, and Wally Burnett. It is a pleasure getting this done, and I am pleased to see that we have come fairly close to the beginning of the fiscal year in having a transportation bill which can take care of our needs for next year.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 2169, the Department of Transportation and related agencies appropriations bill for fiscal year 1998.

I congratulate the distinguished chairman of the subcommittee, Senator SHELBY, for completing his first bill as chairman of the Transportation Appropriations Subcommittee. I commend the chairman for bringing the Senate a balanced bill.

As all members know, transportation spending was a priority area within the bipartisan budget agreement. With passage of this bill, we begin to increase funding for our Nation's infrastructure as we promised during negotiations on the balanced budget agreement.

The conference agreement provides $13.1 billion budget authority [BA] and $13.5 billion in new outlays to fund the programs of the Department of Transportation, including Federal-aid highways, mass transit, aviation activities, the U.S. Coast Guard, and transportation safety agencies.

When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $13.1 billion in budget authority and $37.9 billion in outlays for fiscal year 1998.

The reported bill is $0.1 billion in budget authority below the subcommittee's revised section 302(b) allocation, and at the subcommittee's allocation for outlays.

The spending is less than $0.1 billion in budget authority below the President's fiscal year 1998 budget request for the subcommittee, and $0.4 billion in outlays above the President's request.

Mr. President, it is my pleasure to serve on the subcommittee and to be a part of the Conference Committee.

I support the conference agreement, and I urge its adoption.

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

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

H.R. 2169, TRANSPORTATION APPROPRIATIONS, 1998, SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal Year 1998, in millions of dollars]

	De-fense	Non-defense	Crime	Manda-tory	Total
Conference report:					
Budget authority	300	12,111	.....	698	13,109
Outlays	299	36,905	.....	665	37,869
Senate 302(b) allocation:					
Budget authority	300	12,211	.....	698	13,209
Outlays	299	36,905	.....	665	37,869
President's request:					
Budget authority	300	12,173	.....	698	13,171
Outlays	299	36,502	.....	665	37,466
House-passed bill:					
Budget authority	300	12,217	.....	698	13,215
Outlays	299	36,855	.....	665	37,819
Senate-passed bill:					
Budget authority	.....	12,157	.....	698	12,855
Outlays	59	36,892	.....	665	37,616
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority	.....	−100	.....	.....	−100
Outlays	.....	.....	.....	.....	.....
President's request					
Budget authority	.....	−62	.....	.....	−62
Outlays	.....	403	.....	.....	403
House-passed bill:					
Budget authority	.....	−106	.....	.....	−106
Outlays	.....	50	.....	.....	50
Senate-passed bill:					
Budget authority	300	−46	.....	.....	254
Outlays	240	13	.....	.....	253

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

Mr. ROTH. Mr. President, I rise today to oppose the fiscal year 1998 Department of Transportation conference report. Due to a provision added in conference, the Treasury Department will be forced to reduce the Amtrak tax refund by $200 million. This conference report violates the budget agreement, amends the recently enacted tax bill, and unnecessarily straps Amtrak as it is facing a possible strike in the next few weeks.

Mr. President, as chairman of the Senate Finance Committee and a strong Amtrak supporter, I find this action by the Appropriations Committee to be outrageous.

As my colleagues in the Senate know, one of my top priorities has been

to create a dedicated source of capital funding for Amtrak. Congress has voted time and time again that capital funding is critical to Amtrak's survival. For that reason, a tax provision was included in the Taxpayer Relief Act of 1997 to provide Amtrak with a tax refund of $2.3 billion for capital expenses.

The bottom line is Amtrak desperately needs capital. According to GAO, Amtrak must have the capital funding that was provided in the Taxpayer Relief Act as well as what is provided through the normal appropriation's process. Without both Amtrak faces bankruptcy.

The language the conferees included in the fiscal year 1998 Department of Transportation conference report would undermine the efforts Congress has already taken to give Amtrak the capital funding it needs to survive.

Mr. President, I fully intend to reverse this provision as soon as the next opportunity arises. It is a clear violation of the spirit and intent of the budget agreement and of the tax bill signed into law in August. If this is not reversed, I believe this provision may be the final straw that finally breaks the financial back of Amtrak.

Mr. McCAIN. Mr. President, the Senate will vote today to adopt the conference agreement on the fiscal year 1998 transportation appropriations bill. As chairman of the Commerce Committee, I intend to support the measure, because it contains the funding for vitally important transportation programs.

However, once again, I am compelled to note the various earmarks and set-aside and low priority spending that is included in this package.

This conference agreement contains legislation mandating specific actions and spending that the Administration either does not support or did not request. For instance:

The bill directs the Secretary of the Navy to transfer the USNS EDENTON (ATS–1), which is currently in inactive status, to the Coast Guard.

The legislation earmarks Federal Aviation Administration [FAA] Operations funds and mandates that the FAA provide personnel at Dutch Harbor, AK, to provide weather and runway observations.

The conference report goes on to highlight millions of dollars that exceed the Administration's request, and that are targeted for specific projects.

$8.4 million, for instance, is set aside for the relocation of Coast Guard Station New Orleans, with $3 million of that amount directed to improve the adjacent waterway. Incidentally, I understand that the adjacent waterway improvements are aimed primarily at benefitting private users of the waterway, not the Coast Guard.

The conference report earmarks all intelligent transportation operational test funds—nearly $84 million—for 41 specific projects, even though the Administration requested zero funds for intelligent transportation operational tests.

The report earmarks all but $3 million of the $400 million provided for the discretionary bus and bus-related facilities program.

It earmarks all of the $800 million provided for the discretionary fixed guide way modernization program.

Although the legislation does not mandate certain airport grants, the conference report and the Senate report, in particular, urge priority consideration for funding for several specific airport development projects. I urge the Administration to adhere to its own established safety and capacity-enhancement criteria in allocating discretionary airport grants and letters of intent.

The FAA is bound to receive a great deal of guidance in this respect. However, if it becomes evident that discretionary grants are being used to satisfy political whims rather than the national interest, I pledge to review the FAA's discretionary authority in the context of the FAA reauthorization bill next year.

As I have said many times before, my criticism of this earmarking process should not be interpreted as a criticism of each of these projects. I recognize that these projects may be beneficial, and that several would merit full funding in an objective, competitive allocation process. Nevertheless, Congress needs to give that process a chance.

Mr. President, I ask unanimous consent that the entire list of earmarked transportation projects be printed in the RECORD. As on prior occasions, I plan to write to the President with a list of projects for him to consider in exercising his line item veto authority.

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

OBJECTIONABLE PROVISIONS IN H.R. 2169, CONFERENCE AGREEMENT ON FISAL YEAR 1998 TRANSPORTATION APPROPRIATIONS

COAST GUARD

Bill language

Withholds $34.3 million in Coast Guard operating expenses unless the Director, Office of National Drug Control Policy (ONDCP) approves the Coast Guard's planned drug interdiction activities to be funded by that $34.3 million. Allows ONDCP to transfer some or all of those funds to other agencies. The Administration request included no such restriction on Coast Guard.

Directs the Secretary of the Navy to transfer the USNS EDENTON (ATS–1), which is currently in inactive status, to the Coast Guard. The Administration request did not include this provision.

Conference Report

Earmarks $10.0 million to convert the USNS EDENTON (ATS–1) to a flight deck equipped Coast Guard cutter. This provision was not included in the Administration's budget request.

Earmarks $4.0 million to renovate a hanger at the Coast Guard Kodiak, AK facility. This provision was not included in the Administration's budget request.

Provides $8.4 million in FY 1998 for the relocation of Coast Guard Station New Orleans and directs that $3.0 million of that amount be used to improve the adjacent waterway (including dredging, bulkhead repair, and bulkhead replacement). The Administration requested $4.2 million in FY 1998 to start the relocation project. However, the adjacent waterway improvements funded by the Conference Report were not included in the Administration's request for this project and are primarily aimed at benefitting private users of the waterway, not the Coast Guard.

Encourages the Coast Guard to maintain a seasonal (April 15, 1998 to October 15, 1998) air facility at the Hampton, NY Air National Guard facility at Coast Guard expense. The Administration request did not include this provision. The Coast Guard previously announced plans to close its air stations in Cape May, NJ and Brooklyn, NY and replace them with an air station in Atlantic City, NJ as a cost-savings measure.

AVIATION

Bill Language

The bill includes legislative language reauthorizing the Aviation Insurance Program. The authorizing committees in both the House of Representatives and the Senate have approved reauthorization bills that make minor modifications to the program. Floor action in the House and Senate is imminent. (Title I)

The legislation earmarks Federal Aviation Administration (FAA) Operations funds and mandates that the FAA provide personnel at Dutch Harbor (AK) to provide real-time weather and runway observation and other such functions to help ensure the safety of aviation operations. (Title III, Sec. 335)

Conference Report

The conference report earmarks $400,000 from the FAA Operations account for satellite communications in Anchorage (AK), per Senate direction.

The conference report earmarks $400,000 from the FAA Operations account for a human intervention and motivation study, per Senate direction.

The conference report directs the FAA to study air traffic in New Bern (NC), Hickory (NC) and Salisbury/Wicomico County Airport (MD), and to open contract towers at those airports in FY 1998 if the studies show that these airports (1) meet the existing benefit-cost criteria for contract air traffic control towers, or (2) are justified after consideration of cost-sharing agreements with non-federal parties.

The report adopts the House recommendation of $15,000,000 for aeronautical data link applications. The Administration requested no funds for this category.

Per the House direction, the conference report earmarked $45,440,000 for air traffic management, $27,200,000 above the Administration request.

The conference report included $24,400,000 for the weather and radar processor program, in line with the House recommendation. The Administration did not request funds for this program.

Like the House recommendation, the conference report earmarks $970,000 for innovative infrared deicing technology. There was no Administration request for these funds.

The conference report provides $152,830,000 for continued development of the GPS wide area augmentation system, as proposed by the Senate. This amount is $51,300,000 above the Administration request.

The conference report earmarks $3,140,000 for the expansion and relocation of remote communications facilities. The Senate proposed this amount, which is $1,700,000 above the Administration recommendation.

The conference report incorporates the House recommendation of $6,700,000 for the Omega termination cost. There was no budget request for this item.

The conference report includes $67,000,000 for the replacement of terminal air traffic control facilities. Both the House and Senate Appropriations Committees recommended more than the $62,000,000 budget request.

As did the House, the conference report allocates $27,600,000 for construction of the Potomac Metroplex, instead of the budget request of $2,600,000.

The conference report sets aside $20,000,000 for the Atlanta Metroplex, $4,400,000 more than the Administration requested, but $5,400,000 less than the House proposed.

The conference report earmarks $7,500,000 for airport surface detection equipment (ASDE–3). The Administration made no budget request, although the House recommended $8,600,000.

The conference report earmarks $11,600,000 for the airport movement area safety system (AMASS), which is below the House recommendation, but well above the Administration budget request of zero.

The conference agreement includes funds of $10,000,000 above the budget request, per the Senate, for the acquisition of additional automated surface observing systems.

At the direction of the House, the conference report earmarks $3,000,000 for LORAN–C upgrades, although the Administration did not make a request for this budget item.

The Administration requested no funds for precision approach path indicators. The conference agreement earmarks $3,000,000, which is less than both the House and Senate recommendations.

Per Senate direction, the conference report earmarks $3,500,000 for anemometers and related equipment in Juneau (AK). The Administration did not include a budget request for this item.

The conference agreement allocated $19,200,000 for sustaining and supporting electrical power systems, $3,000,000 above the Administration request, but less than the Senate recommendation.

In line with the House recommendation, the report earmarks $4,000,000 for a display system replacement simulator at the Mid-America Aviation Resource Consortium (MN).

The conference report sets aside $12,100,000 of the ''ARTCC building/plant improvements'' funds for relocation of the Honolulu center/radar approach control, as proposed by the Senate.

The conference report directs the FAA to conduct a study to determine if the air traffic control tower at the Tucson International Airport needs to be relocated to ensure the continued safety of flight operations at this airport.

In the Research, Engineering, and Development account, the conference report sets aside $21,258,000 for capacity and air traffic management technology, above the Administration request of $9,108,000.

The conference report provides $15,300,000 for weather research, above the Administration request of $3,982,000. The conferees further directed that $500,000 of these funds be allocated to the Center for Wind, Ice and Fog (NH), $3,000,000 to Project SOCRATES, and $11,000,000 to the National Center for Atmospheric Research.

The conference report earmarks $49,202,000 for aircraft safety technology, in excess of the Administration request of $26,625,000. The conferees further directed that of the $21,540,000 provided for ''aging aircraft,'' $3,000,000 is to go for direct support of the Aging Aircraft Nondestructive Inspection Validation Center; $1,000,000 for aging aircraft-related activities at the Center for Aviation Systems Reliability; $6,000,000 for the Airworthiness Assurance Center of Excellence; $1,500,000 to conduct research at the Center for Intelligent Aviation Technologies; and $4,400,000 to further engine titanium component inspection.

The conference report earmarks $26,550,000, above the Administration request of $10,737,000, for human factors and aviation medicine. Of that amount, $500,000 is available only for additional research into assessment, evaluation and development of training methodologies related to the English language proficiency problem.

Of the ''explosives and weapons detection'' account, $1,250,000 is earmarked for the continued development of pulsed fast neutron transmission spectroscopy technology.

SURFACE TRANSPORTATION

The conference report reminds the Executive Branch that the best evidence of Congressional intent can be found in reports. The conference report specifically states that earmarks and instructions in the House and Senate reports that accompany the Transportation Appropriations Act of 1998 remain the intent of the conferees. Unless otherwise discussed in the statement of managers, the House and Senate earmarks and instructions stand.

Earmarks all intelligent transportation operational test funds ($83,900,000) for 41 specific projects, including a convention center passenger information system to an emergency weather system. The Senate version originally had 24 earmarks. Specific dollar amounts are established for each and every project listed. The Administration requested ZERO for intelligent transportation operational tests.

Earmarks all but $3 million of the $400,978,000 provided for the discretionary bus and bus-related facilities program. The Senate version originally had 87 earmarks, the conference report now has 118. The Administration did not request any earmarked projects for the discretionary bus and bus-related facilities program.

Earmarks all of the $800 million provided for the discretionary fixed guide way modernization program. The Senate version originally had 40 projects, the conference report now lists 65 projects. The Administration requested $634,000,000, all of which was earmarked to fund the federal share of 15 authorized projects or projects with regional transit operator systems having Full Funding Grant Agreements with the Federal Transit Administration.

Conferees ''encourage'' FHWA's central federal lands highway division to conduct an engineering study of a landslide affecting parts of a highway within the boundaries of Badlands National Park.

Directs the Federal Railroad Administration to support the implementation of short term railroad operating and long term relocations between railroads and local communities, including Metairie, Louisiana.

Earmarks $17 million for life and safety improvements for the Pennsylvania station redevelopment project in New York City.

Directs NHTSA to provide $100,000 to develop a biofidelic child crash test dummy.

Earmarks $700,000 for a new state pilot program for States experiment with alternative safety restraint bar devices on school buses.

The Intelligent Transportation System Operational Testing Earmarks are:

$775,000 for an advanced transportation weather information system at the University of North Dakota; $1 million for the Arizona National Center for Traffic and Logistics Management; $1.5 million for commercial vehicle operations on I–5 in California; $1.55 million for the Cumberland Gap tunnel in Kentucky; $1 million for a toll collection system in Dade County, Florida; $875,000 for a traveler information system in Franklin County, Massachusetts; $5.5 million for a freeway traffic management system in Milwaukee; $1.5 million for Houston, Texas; $1.7 million for a rural intelligent transportation system corridor in Wisconsin; $500,000 for Inglewood, California.

$5.5 million for intelligent transportation systems in Louisiana; $325,000 for a passenger information center at a convention center in Philadelphia; $6 million for Minnesota Guidestar; $750,000 for a traffic guidance system in Nashville, Tennessee; $6 million for National capital regional congestion mitigation; $1 million for an organization called National Institute for Environmental Renewal; $1.25 million for the I–90 connector at Resselaer County, New York; $1 million for I–275 at St. Petersburg, Florida; $1 million for an advanced transportation management system in Syracuse, New York; and $1 million for the Texas Transportation Institute.

$500,000 for intelligent transportation systems at Rte. 236/I–495 in Northern Virginia; $1 million for the Western Transportation Institute in Montana; $1.150 million for the Southeast Michigan snow and ice management system; $3.5 for intelligent transportation systems in Utah; $1 million for an intermodal common communications technology project in Kansas City, Missouri; $1.875 million for intelligent transportation systems in Reno, Nevada; $8 million for traffic management new Barboursville, West Virginia; $600,000 for an advanced traffic analysis center at North Dakota State University; $1 million for an emergency weather system in Sullivan County, New York; $250,000 for the Urban Transportation Safety Systems Center in Philadelphia; and $1.1 for toll plaza scanners in New York City.

$1 million for the computer integrated transit maintenance environment project at Cleveland, Ohio; $1 million to the ATR Institute to conduct an intermodal technology demo project at Santa Teresa, New Mexico; $1 million for hazardous materials emergency response software for Operation Respond; $750,000 for radio communication emergency call boxes in Washington State; $1.250 million for a statewide roadway weather information system in Washington; $1 million for an I–95 multi-state corridor coalition; $9 million for truck safety improvements on I–25 in Colorado; $2.2 million for traffic integration and flow control in Tuscaloosa, Alabama; $6 million for intelligent transportation systems for the Pennsylvania Turnpike Commission; and $1 million for cold weather intelligent transportation system sensing in Alaska.

The Bus and bus-related facilities discretionary program earmarks:

$25.5 million for Alabama projects (10 projects); $5.5 million for Arizona

projects (2 projects); $38.4 million for California projects (23 projects); $5.5 million for Colorado; $5.750 million for Connecticut (3 projects); $1.5 million for Delaware; $20 million for Florida (10 projects); $9 million for Georgia (2 projects); $5 million for Hawaii; $4.5 million for Illinois; $4 million for Indiana (2 projects); $4 million for Iowa (2 projects); $1 million for Kansas; $13.9 million for Louisiana; $8 million for Maryland; $6 million for Massachusetts (5 projects); $7.5 million for Michigan; $10.5 million for Minnesota (2 projects); and $2 million for Mississippi.

$16 million for Missouri (3 projects); $9.5 million for Nevada (2 projects); $6 million for New Jersey; $7.750 for New Mexico (5 projects); $34.325 million for New York (12 projects); $6 million for North Carolina (2 projects); $12.5 million for Ohio; $3 million for Oregon (3 projects); $27.350 million for Pennsylvania (20 projects); $6 million for South Carolina (3 projects); $2.250 million for South Dakota; $8 million for Tennessee; $14.950 million for Texas (7 projects); $8.9 million for Utah (5 projects); $2.5 million for Vermont (2 projects); $6.050 million for Virginia (4 projects); $19.5 million for Washington (12 projects); $16.250 million for West Virginia (2 projects); and $14 million for Wisconsin (2 projects).

The Discretionary Fixed Guide way Earmarks are as follows: Projects marked with an asterisk were requested by the Administration

*$44.6 million for the Atlanta-North Springs Project; $ 1 million for the Austin Capital metro; *$46.250 million for Boston Piers MOS–2 project; $1 million for the Boston urban ring; $5 million for commuter rail in Vermont; $2 million for a commuter rail project in Canton-Akron-Cleveland, Ohio; $1.5 million for the Charleston monobeam rail project in South Carolina; $1 million for the Charlotte South corridor transitway project; $500,000 for the Cincinnati Northeast/Northern Kentucky rail line project; $5 million for a fixed rail line project in Clark County, Nevada; $800,000 for a rail line extension to Highland Hills in Ohio; $700,000 for a Cleveland rail line extension to Hopkins International Airport; $1 million for a waterfront line extension project in Cleveland; $8 million for the RAILTRAN project in Dallas-Fort Worth, Texas; $11 million for the DART North central light rail extension project; $1 million for a light rail project in DeKalb County, Georgia; *$23 million for the Denver Southwest corridor project; $20 million for an East Side access project in New York; $8 million for the commuter rail project in Florida's Tri-County area; $2 million for the Galveston rail trolley system project; $1 million for Houston's advanced regional bus plan project; $51.1 million for Houston's regional bus project; and $1.250 million for Indianapolis' Northeast corridor project;

$3 million for an intermodal corridor project in Jackson, Mississippi; *$61.5 million for Los Angeles' MOS–3 project; *$31 million for MARC commuter rail improvements in Maryland; $1 million for a regional rail project in Memphis, Tennessee; $5 million for a transit east-west corridor project in Florida; $5 million for Miami's North 27th Avenue project; $1 million for a corridor project called Mission Valley East; $500,000 for a Nassau hub rail link EIS; *$60 million for New Jersey-Hudson-Bergen project; *$27 million for New Jersey Secaucus project; $6 million for New Orleans Canal Street corridor project; $2 million for New Orleans streetcar Desire project; $12 million for North Carolina Research Triangle Park project; $4 million for Northern Indiana South Short commuter rail project; $3 million for Oceanside-Escondido light rail; $1.6 million for Oklahoma City's MAPS corridor transit project; $2 million for a transitway project in Orange County; and $31.8 million for Orlando's Lynx light rail project.

$500,000 for Pennsylvania's Strawberry Hill/Diamond Branch rail project; $4 million for Phoenix's metropolitan area transit project; $5 million for Pittsburgh's airport busway project; *$63.4 million for Portland-Westside/Hillsboro project; $2 million for a project called Roaring Fork Valley rail; *$20.3 million for Sacramento's light rail transit project; *$63.4 million for Salt Lake City's South light rail transit project; $4 million for regional commuter rail in Salt Lake City; $1 million for San Bernardino's Metrolink project; $1.5 million for San Diego's Mid-Coast corridor project; *$29.9 million for San Francisco's BART extension to the airport; *$15 million for San Juan Tren Urbano; *$21.4 million for San Jose Tasman light rail transit project; $18 million Seattle-Tacoma commuter and light rail projects; *$30 million for St. Louis-St. Clair light rail transit project; $2.5 million for a St. George ferry terminal project; $500,000 for commuter rail between Springfield & Branson, Missouri; $1 million for a regional rail project in Tampa Bay; $2 million for a rail project in Tidewater, Virginia; $1 million for a rail project in Toledo, Ohio; $12 million for transitways projects in the Twin Cities; $2 million for commuter rail projects at Virginia Railway Express; $2.5 million for the Whitehall ferry terminal project; and $3 million for the central commuter rail project in Wisconsin.

Mr. KERRY. Mr. President, I would like to express my support for the conference agreement on H.R. 2169, the Transportation Appropriations bill for fiscal year 1998. I would like to express particular gratitude to the diligent efforts of Senator LAUTENBERG of New Jersey who has a keen understanding of the need to modernize and upgrade the aging transportation infrastructure of the congested Northeast. I also want to thank Senator SHELBY of Alabama for his leadership this year on transportation matters.

This bill is very important for Massachusetts and for the Nation. For Massachusetts, it contains funding for several important projects. I am very pleased that the conference report provides $3 million for the Worcester Union Station Intermodal Center. This facility, which has been recognized as a model for both urban revitalization and transportation planning, will be situated in a newly renovated Union Station and will provide convenient regional access to commuter rail, Amtrak, inter-city and intra-city buses, taxis, airport shuttles, bikes and private passenger vehicles for Worcester County's 710,000 residents.

I am also pleased that the report provides continued funding—$1 million in fiscal year 1998—for the restoration of historic Union Station in Springfield, MA, as an active intermodal center. Once restored, Springfield Union Station will provide an essential gateway to the Pioneer Valley to alleviate congestion and better serve the local and interstate bus and Amtrak passenger traffic which is growing by 9 percent annually. This facility will also help connect the city's two largest job districts which are currently divided by disjointed traffic and development patterns. With the Federal funds provided last year and over $1 million in local funds, the city has quickly moved forward on project planning, land assembly and demolition of a deteriorated adjacent building. Indeed, the State legislature has approved $10 million to date for this important project.

I welcome the Conference Committee's support in the form of $2 million in funding for the Urban Ring transit system in the Boston region. The need for such a system arises from the strongly radial structure of Greater Boston's existing transit system. It consists of spokes emanating from the downtown core to neighborhoods of Boston and cities and towns throughout eastern Massachusetts. With an Urban Ring transit route, Massachusetts will begin to link these spokes in an arc around downtown, providing easier access to centers of economic growth outside the core and reducing congestion in the subway system by allowing commuters the opportunity to travel between home and workplace without the necessity of traveling into the downtown area and back out again.

I appreciate the Conference Committee's continued strong support for the South Boston Piers Transitway project, a vital element in the Commonwealth's State Implementation Plan required under the Clean Air Act. The Transitway, expected to carry approximately 6.4 million riders annually, will be integrated with the extensive network of transit, commuter rail, and bus services now available at Boston's South Station and will catalyze the development of the South Boston Piers area which has the highest potential for development and job creation in the City of Boston.

I'm also pleased that the conference report includes $875,000 for the Franklin County Visitors Information System. In western Massachusetts, many small, renowned cultural and historical museums and attractions are spread over distances where the lack of an effective road system hinders potential visitors. The Franklin County Chamber of Commerce, in conjunction with the University of Massachusetts at Amherst, hopes to develop a guidance system that makes use of the latest interactive kiosk technologies and mapping capabilities simultaneously to improve the road network for western Massachusetts and enhance access to the multiplicity of community resources.

I support the Conference Committee's decision to provide greater funding for Amtrak than the amount of funding in the Senate bill. However, it is my hope that the Senate and the House will devote extraordinary efforts over the next few weeks to enact Amtrak reauthorization legislation so that the capital funding set aside during budget reconciliation can be released and spent. Only then will Amtrak receive sufficient capital funding over the next several years. It is no secret that the year-to-year battles over

capital funding for Amtrak have greatly inhibited Amtrak's ability to operate an efficient, and financially stable national passenger rail service. Congress must act on this matter as soon as possible.

I also support the Conference Committee's decision to provide $4.8 billion in Federal transit assistance. Though ISTEA has not yet been reauthorized, I strongly believe that making investment in public transportation a top priority will bear rich economic, social and environmental dividends for the Nation.

The Conference Committee is to be commended for the fiscal year 1998 Coast Guard budget. This budget represents a significant increase from fiscal year 1997 funding and certainly represents Federal dollars well spent. But I must add that my enthusiasm is somewhat tempered by my deep concern regarding the current state of resource allocation and usage within the Coast Guard. The Coast Guard's responsibilities have grown with the many new fisheries enforcement requirements that came with the passage of the Sustainable Fisheries Act last year and continuing pressure in the constant battle in the war on drugs. I am concerned that, in the effort to cover all of these responsibilities, we may be making tradeoffs that may come back to haunt us later.

As you well know, I represent a coastal State that has a 200-year-plus history of reliance on the Coast Guard. For that reason, I probably have a better understanding than many Senators of the value of the Coast Guard to the citizens of our Nation that make a living in the coastal regions or on the high seas. In fact, the Massachusetts coastal zone contributes 53.3 percent, or $70.7 billion, to the state economy. Further, there are over 10,000 fishing families in New England that depend on the Coast Guard for their safety and are in fact viewed as their ''real'' guardian angels. One of many concerns that I have for these families is that with the recent catastrophic failure of the New England groundfish fishery that our fishermen are traveling further, in rougher weather, to catch fewer fish. Additionally, because of the personal financial hardship that has resulted from the collapse of the fishery, I fear that they are cutting corners to save a dollar such as not outfitting their boats and crews with the vital safety equipment that are required by law. I am concerned that we may cutting corners at their expense.

We may be at a point where we need to stop and reassess the current condition of the Coast Guard. As we continue to examine the Federal budget for those areas where cost savings can be achieved, we need to realize that there exists a point beyond which most Americans are not willing to go in order to save a dollar, and I believe we are at a point where we need to take a strategic look at the ability of the Coast Guard to continue to meet the demands of the American public into the 21st century.

In sum, taking the concerns I have voiced into account, I support this bill because it approaches transportation spending from a national perspective, and it strives to maintain and improve the transportation infrastructure that is so vital to the economic well-being of our Nation. I hope my colleagues will join me in supporting it. Thank you, Mr. President.

Mr. SHELBY. Mr. President, I have an agreement we have worked on which basically says that on some appropriate vehicle in the future I will work with Chairman STEVENS and other members to include a technical correction to this conference report to accomplish the following:

At section 337(c) we will insert, after the words: ''House and Senate Committees on Appropriations,'' ''and the Senate Committee on Commerce, Science, and Transportation.''

I am doing this at the suggestion of Senator HUTCHISON from Texas, and we have agreed to this.

Mr. President, at this time I will yield back the remainder of my time if the Senator from New Jersey will.

Mr. LAUTENBERG. I yield the remainder of my time.

Mr. SHELBY. I yield the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the conference report accompanying H.R. 2169 is agreed to.

The conference report was agreed to.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I may address the Senate for 12 minutes as if we were in morning business.

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

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 1284 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Oklahoma is recognized.

THE ABM TREATY

Mr. INHOFE. Mr. President, 10 days ago was the 25th anniversary of a policy in this country that was articulated in a treaty called the ABM Treaty. It was a treaty that many of us at that time did not think was in the best interests of this country. It was a treaty that came from the Nixon administration, a Republican administration. Of course, Henry Kissinger was the architect of that treaty in 1972.

Essentially what it did was say to any adversaries out there that we will agree to disarm and not to be prepared to defend ourselves if you agree to do the same thing. Some people refer to it as mutual assured destruction, a policy I certainly did not adhere to at the time, did not feel was good policy for this country. However, there was an argument at that time, because we had two superpowers—we had the then Soviet Union and of course the United States—and at that time we had pretty good intelligence on them, they had pretty good intelligence on us, so I suppose we would be overly critical if we said there was just no justification for that program, even though I personally disagreed with it at that time.

Since that time, starting in 1983 in the Reagan administration, we have elevated the debate that there is a great threat out there and that threat is from the many countries that now have weapons of mass destruction. Over 25 nations now have those weapons, either chemical, biological, or nuclear weapons. The critics, those who would take that money and apply it to social programs as opposed to defending our Nation, use such titles as ''star wars,'' and they talk about the billions of dollars that have been invested.

Anyway, we are at a point right now where something very interesting has happened just recently. That is, on this 25th anniversary, we have found that the Clinton administration, just about 10 days ago, agreed to create new parties to the ABM Treaty. That would be Belarus, Kazakhstan, Ukraine, and Russia. This is going to have to come before this body. I think this is an opportunity that we need to be looking for, because all it would take is 34 Senators to reject this multilateralization of the ABM Treaty.

Right now we have a number of systems that we are putting into place to defend the United States of America, both the national missile defense as well as a theater defense. Certainly, with what is going on right now in Russia and Iran, the need for such a system has been elevated in the minds of most Americans.

We have right now, as we speak, 22 Aegis ships that are floating out there in the ocean, already deployed. They have the capability of knocking down missiles when they are coming in. All we have to do is take them to the upper tier, and we will have in place a national missile defense system. Certainly that is something that could take care of our theater missile needs. So several of us feel that we should go ahead and conclude that is the system that we need. However, that does violate, probably violates, the ABM Treaty, as it is in place today. So I believe we should take this opportunity that is there, when it comes before this body for ratification, to reject this and thereby kill the ABM Treaty, which certainly is outdated.

By the way, it is interesting, the very architect of that treaty, Dr. Henry Kissinger, someone whose credentials no one will question, even though they may question some of his previous policy decisions, Dr. Kissinger, who is the architect of the 1972 ABM Treaty, now says it is nuts to make a virtue out of your vulnerability. He is opposed to continuing the ABM Treaty at this time.

So I hope we will take this opportunity to get out from under a treaty

that imposes restrictions on our ability to defend ourselves and reject the upgraded system, or the treaty, as it comes before us and take this opportunity to defend America.

We have an opportunity to get out from under the restriction imposed upon us by the ABM Treaty.

We have an opportunity to elevate our Aegis system.

We have an opportunity to defend America.

After all, Mr. President, isn't that what we are supposed to be doing?

I ask unanimous consent that a decision brief from the Center for Security Policy be printed in the RECORD.

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

A DAY THAT WILL LIVE IN INFAMY: 25TH ANNIVERSARY OF THE A.B.M. TREATY'S RATIFICATION SHOULD BE ITS LAST

(Washington, D.C.): Twenty-five years ago tomorrow, the United States ratified the Anti-Ballistic Missile (ABM) Treaty; this Friday will mark the 25th anniversary of that Treaty's entry into force. With those acts, America became legally obliged to leave itself permanently vulnerable to nuclear-armed ballistic missile attack.

It is highly debatable whether such a policy of deliberately transforming the American people into hostages against one means of delivering lethal ordnance against them (in contrast to U.S. policy with respect to land invasion, sea assault or aerial attack) made sense in 1972. It certainly does not today, in a world where the Soviet Union no longer exists and Russia no longer has a monopoly on threatening ballistic missiles or the weapons of mass destruction they can carry.

THE REAGAN LEGACY

Indeed, as long ago as March 1983, President Reagan dared to suggest that the United States might be better off defending its people against nuclear-armed ballistic missile attack rather than avenging their deaths after one occurs. And yet, while Mr. Reagan's address spawned a research program that became known as the Strategic Defense Initiative (SDI)—into which tens of billions of dollars have been poured over the past fourteen years, the ABM Treaty remains the ''supreme law of the land.'' As a consequence, the United States continues to fail what has been called ''the one-missile test''. No defenses are in place today to prevent even a single long-range ballistic missile from delivering nuclear, chemical or biological warheads anywhere in the country.

This is all the more extraordinary since Republicans and like-minded conservatives have generally recognized that such a posture has become not just dangerous, but also reckless in the ''post-Cold War'' world. In fact, one of the few commitments of the 'Contract With America' that remains unfulfilled was arguably among its most important—namely, its promise to defend the American people against ballistic missile attack. Successive legislative attempts to correct this breach-of-contract have all foundered for essentially two reasons.

WHY ARE WE STILL UNDEFENDED?

First, most Republicans have shied away from a fight over the ABM Treaty. Some deluded themselves into believing that the opportunity afforded by the Treaty to deploy 100 ground-based anti-missile interceptors in silos at a single site in Grand Forks, North Dakota would allow the U.S. to get started on defenses. Even though such a deployment would neither make strategic sense (it would not cover the entire United States from even a limited attack) nor be justifiable from a budgetary point of view (while estimates vary widely, costs of this minimal system could be well over $10 billion), some missile defense proponents rationalized their support for it by claiming that the anti-defense crowd would not object to this ''treaty-complaint'' deployment and that it would be better than nothing. To date, however, all these ''camel's-nose-under-the-tent'' schemes have come to naught.

Such a system would create a basis for addressing new-term missile threats and complement space-based assets that may be needed in the future. The only problem is that the ABM Treaty prohibits such an affordable, formidable sea-borne defensive system. It must no longer be allowed to do so.

THE BOTTOM LINE

As it happens, the opening salvos in what may be the endgame of the ABM Treaty fight were sounded this weekend at the first International Conservative Congress (dubbed by one participant ''the Conintern''). One preeminent leader after another—including House Speaker Newt Gingrich, former British Prime Minister Margaret Thatcher, once-and-future presidential candidate Steve Forbes, former UN Ambassador Jeane Kirkpatrick, Senator Jon Kyl and nationally syndicated columnist Charles Krauthammer—denounced the idea of making it still harder to defend our people against ballistic missile attack. Several, notably Senator Kyl and Mr. Forbes, have explicitly endorsed the AEGIS option to begin performing that task.

In an impassioned appeal for missile defenses as part of a robust military posture, Lady Thatcher said yesterday:

''A strong defense, supported by heavy investment in the latest technology, including ballistic missile defense, is as essential now, when we don't know who our future enemy may be, as in the Cold War era. And my friends, we must keep ahead technologically. We must not constrain the hands of our researchers. Had we done so in the past, we would never have had the military superiority that in the end, with the dropping of the atomic bomb, won the war in the Far East and saved many, many, lives, even through it destroyed others. We must always remain technologically ahead. If not, we have no way in which to be certain that our armed forces will prevail. And the research and technology of the United States is sheer genius, and it always has been.''

With such leadership, there now looms a distinct possibility that the American people can finally be acquainted with the ominous reality of their vulnerability and empowered to demand and secure corrective actions. Thanks to the Clinton ABM amendments and the new technical options for defending America, we have both the vehicle for getting out from under an accord that was obsolete even in Ronald Reagan's day and the means for making good and cost-effective use of the freedom that will flow from doing so.

Mr. INHOFE. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

THE DEFENSE BUDGET

Mr. BUMPERS. Mr. President, about 10 days ago the Senate adopted the appropriations bill on defense. I sit on the appropriations committee. I was one of five Senators who voted no. I think the bill passed 95 to 5.

I don't enjoy voting against a defense budget. I am not running again, so I am not worried about somebody accusing me of being soft on defense. That has always been the mortal fear of Members of the Senate when you are voting on weapons system, that their opponent in the next election will accuse them of being soft on defense.

Sometimes I think we should be accused of being soft in the head. We passed a bill that contained $247.5 billion for defense, and that did not include nuclear weapons and weapons development. That is all handled in the energy and water appropriations bill. And it did not include military construction, which is also in a separate bill. When you add those together, the appropriations for national defense total $268.2 billion. That is right up there with what we spent in the cold war.

If, in 1985, you had asked the Chairman of the Joint Chiefs of Staff, indeed, if you had asked all the chiefs, ''If the Soviet Union were to suddenly be dissolved and disappear, how much do you think we could cut the defense budget,'' I promise you the answer would have been anywhere from $50 billion to $100 billion. Today the Soviet Union has been dissolved. It does not exist anymore. The military forces of Russia are in shambles. And we are appropriating $268 billion—big, big figures.

What are we thinking about? There is not a major enemy in sight. How much do we spend? And who are we afraid of? Here is a little chart that I believe my colleagues will find interesting. When we appropriate $268 billion, we are spending twice as much as all of the eight potential enemies we could possibly conjure up. Here is what the United States spent, $268 billion; Russia, $82 billion; China, $32 billion; and the six rogue countries, $15 billion. So we spend twice as much as all of those countries, twice as much as Russia, China, Iran, Iraq, North Korea, Syria, Libya, Cuba combined. And when you add the NATO alliance, Japan and South Korea to what we are spending, it comes to four times as much. The United States and its allies are now spending four times as much for defense as virtually everybody else in the world.

That is the macro overlook of what I think is terribly wrong with the way we are appropriating money. But within that $268 billion, let me just tell you some of the reasons I could not stomach it. Between 1998 and 2001, under that bill, we are going to retire 11 Los Angeles class submarines that have an average of 13 years left on their lives. What are we doing? When we appropriated the money to build Los Angeles class submarines, we were assured these submarines were the best in the world and that they had a 30-year life.

Everybody beat themselves on the chest and said isn't that wonderful, we are building submarines that have a 30-year life. So now we are retiring 11 of them that still have 13 years left on their lives. Why? So we can build one new attack submarine in fiscal 1998 at a cost of $2.3 billion.

You talk about penny-wise and pound-foolish; we are going to spend $3.4 billion for four DDG–51 destroyers. That is even one more than the Pentagon requested. How are we going to pay for that? Well listen to how we are going to pay for it. First of all, I am offended because they are retiring a ship that Betty Bumpers is the chief sponsor of. We christened the CGN–41, a guided missile nuclear ship, back in 1979. That ship had a life expectancy of 38 years, and we are about to scrap it. It is as modern as tomorrow. We are going to scrap it so we can build four new DDG–51 class destroyers, to keep the shipyards busy. We are retiring one of the most beautiful ships you will ever see, and it has 18 years left on its life.

We are also retiring three Perry-class frigates that have 20 years left on their life. What in the name of all that is good and holy do we care what the life expectancy of a ship is if we are going to retire them in order to make room for some more ships? The first thing you know, we will be building them and retiring them before they go into service so we can keep the shipyards busy.

Then, Mr. President, there is the $331 million in this bill for the B–2 bomber. Let me say in all fairness, as long as William Jefferson Clinton is President, we are not going to start building B–2 bombers. I heard him speak on that subject. But what are we doing? We are saying, ''Well, Mr. President, we know you don't like the B–2, so what we're going to do is give you $331 million to start building nine more B–2 bombers, but if you don't want to do that, then spend this money on spare parts on the ones we have.''

The Pentagon and the Air Force didn't ask for an additional $331 million in spare parts, and we are not going to build the B–2. Why in the name of all that is good and holy are we putting $331 million in the budget?

I come finally to the two items that really burn me worse than any other part of the budget. First, the F–22 fighter. When you start seeing full-page pictures in the New York Times and the Washington Post and in Roll Call and The Hill newspaper of this magnificent F–22 fighter, you can bet your bottom dollar the full-court press is on. I have no more ability to stop the F–22 fighter than I can keep the Earth from revolving. Once a plane like that develops the kind of momentum the F–22 has, nobody can stop it. Nobody can stop it no matter how foolish it is.

Let me wedge the F–22 fighter for you in between two other fighter planes. Right now we are beginning to build a new version of the Navy's F–18 fighter plane called the F–18 E/F. It is the most advanced version of the F–18 to date. Cost? Mr. President, $90 million each. Number? Probably around 600.

The Navy says, and the intelligence community confirms, that the F–18 fighter will be superior to any other non-American fighter plane in the world through the year 2015. I repeat: The 500 to 600 F–18 E/F's we are going to build will be superior to any non-American fighter plane known in the world between now and the year 2015. The Navy says it will provide air dominance until the year 2020. I am for it. We are building it. It is a magnificent airplane.

So what are we going to do now in the year 1998 to 2000? We are going to start building this F–22. Do you want to know the cost of that? Sixty-two billion dollars for 339 airplanes. That comes to somewhere between $180 million and $190 million each, which makes it precisely twice as expensive as the most expensive fighter plane ever built in the United States.

If we needed it, we might justify the cost. But if we don't need it, we couldn't justify it at any cost. An Air Force official has said, ''I promise you, we will build these 339 planes for $61.7 billion.''

We just happened to be debating the authorization bill for defense at that time. I said, ''OK, we'll take you at your word. I can't stop the plane, which I would divinely like to do, but we will hold you to your word. You say you can build it for $61.7 billion. Let's put that in the bill, that you may not spend more than that.''

Do you know what? They are already hollering like a pig under a gate: ''We can't live with it.''

So when you talk about a $190 million airplane, that is what they are saying today. Anybody who has been in the Senate as long as I have knows they are not about to build that plane for that. They already cut the number of planes because they faced a $16 billion cost overrun.

To proceed with the sequence, in the year 2005, we are going to start building what we call the Joint Strike Fighter, and we are going to build about 2,800 of those. I happen to support the Joint Strike Fighter because it is going to be used by the Navy, the Air Force, and the Marine Corps. It is supposed to cost much less than $100 million each and be a state of the art fighter plane.

So why are we sandwiching this F–22 fighter at a cost of $62 billion between the F–18 and the Joint Strike Fighter? Why? Because the lobbyists have the power to make it happen, not because we need it. It is a cold-war relic.

You might ask, ''Well, who dreamed up the F–22?'' I will tell you who dreamed it up. The Russians. Back when the old Soviet Union kept us from sleeping at night, they announced in the early 1980's, back in the heyday of the Soviet Union, ''We're going to build a fifth-generation fighter that's going to be superior to anything ever built in the history of the world.''

That is all you have to do to get the Pentagon's attention. So the Air Force went to the drawing board and started designing the F–22 to meet the threat of the Soviet Union and their fifth generation fighter.

What happened? The Soviet Union went bankrupt, and the fifth generation remained on the drawing board where it is today, unless they have lost it. What are we doing? We are getting ready to produce an airplane designed to compete with a plane that is still on the drawing board in Russia and may never come off the drawing board.

The F–22 has virtually no ground-attack capability. They put a couple bombs on it just so they could say it has ground-attack capability. It is a good airplane. I am not arguing that. You can build all kinds of airplanes that are good airplanes, but I want to tell you something, while it has a good air superiority capability, in Desert Storm and Iraq, we flew four times more ground-attack flights than we did flights to achieve air dominance and air superiority. Mr. President, this cold war relic should never have been built.

Finally, the argument that I thought I was going to finally win—I don't win many arguments on defense. I don't know of anybody who ever tries to kill a weapons system or bring some sanity to defense spending that ever wins. I can only remember two or three weapons systems in my 23 years in the Senate that we have ever stopped. They take on a life of their own, and the minute Congress starts looking at them, the manufacturers start running full-page ads in every newspaper and magazine in the United States, giving the American people the impression that we will be seriously threatened if we don't build that particular weapons system.

The one I thought I was going to win was to stop plans to backfit our Pacific fleet submarines with new ballistic missiles. We have 10 Trident submarines in the Atlantic and 8 in the Pacific. The ones in the Atlantic are furnished with what we call the D–5 missile. A fine missile, very accurate. It is the most modern, accurate ballistic missile we have. Our eight Trident submarines in the Pacific are equipped with an older missile called the C–4.

The C–4 is not quite as accurate as the D–5. Do you know what the difference is, Mr. President? According to unclassified data from the Congressional Budget Office, the C–4 lacks having the accuracy of the D–5, and the accuracy shortage is about 450 feet, or the distance from where the Presiding Officer is sitting right now to where the Speaker of the House is sitting down the hall.

When you consider the smallest warhead that goes on these missiles, the 100 kiloton W–76 warhead, would wipe the District of Columbia completely off

the map, why, again, in the name of all that is good and holy are we getting ready to spend $5.6 billion to take the C–4 missiles off our Pacific fleet and replace them with the D–5 missiles? Do you know why? Because the Navy wants it, and the Navy and the industrial complex have the power to get it.

We had a serious debate in the appropriations committee on this, and as I started to say earlier, I thought I had won that debate. I thought the committee was agreeing with me. I thought the committee agreed that it would be the height of foolishness to retrofit those submarines in the Pacific when the warheads and the missiles on them will last longer than the submarines. No question about it.

So what are we going to do here when the cold war has long since ceased to exist? We are going to scare the life out of the Russians by modernizing our ballistic missile submarine fleet and spend $5.6 billion that we could save doing it. We may also keep the Russians from ratifying START II.

Oh, I could go on and on about what an utter waste of money that is. Did you know that those C–4 warheads I just described for you and the missiles on which they sit will last longer than the submarines? We are not even going to backfit four of the submarines because they are going to be retired before the C–4 missile will have lived out its usefulness.

So, Mr. President, I do, indeed, get agitated about these things, and I get frustrated.

The people sent us here to do a job as best we see fit.

When I see the needs of this country, when I see an educational system that needs to be fixed, when I see a planet threatened by environmental concerns, and when I see us fighting over who is going to get highway money to take care of the 200 million vehicles in this country, I get frustrated. Mr. President, do you know, just sort of digressing for a moment, when I was a young marine in World War II, I remember seeing in one of the papers in California that we had 30 million vehicles on the road.

You know how many we have today? Two hundred million. By the year 2050, at the rate we are going, we will have 400 million. Mother Teresa was the exemplification of a woman who lived the consummate Judeo-Christian life, God bless her soul, but she was fighting a losing battle from the very beginning. When she was a young novitiate, India had 250 million people. Today, they have almost 800 million. Mother Teresa was fighting a losing battle.

The highway commissions in our respective 50 States are fighting a losing battle, too. They are trying to build more highways, wider highways to accommodate 30 percent of all the vehicles in the world. Those 200 million vehicles in this country are 30 percent of all the vehicles in the world.

We are going to have to think differently and act differently if we are going to deal with our transportation needs in the future, or every city in America is going to be in gridlock.

In that connection, in putting that in the context of another burning issue around here called global warming, those 200 million vehicles contribute 27 percent of all the world's greenhouse gases that the United States throws into the stratosphere.

When you think of what it is going to cost to clean up all the Superfund sites in this country. To try to keep our water and air clean, and when I looked at the kind of money we spend on defense, so much of which is wasted, I had to come to the floor to make this speech.

I did not want to vote against the defense budget. I just simply say I thought it was too much money. It was a lot more than too much money. It was putting weapons systems in mothballs that have long lives left. It was buying weapons systems we do not need. It was cold war mentality at its worst when the cold war is over.

Mr. President, I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Thank you, Mr. President.

CHILD SAFETY LOCKS

Mr. KOHL. Mr. President, today eight of the largest gun manufacturers voluntarily agreed to include safety locks with every handgun they sell. I rise today to commend the President and the gun industry for their historic efforts.

This agreement addresses a very serious problem. Every year, many hundreds of children die from accidental shootings and thousands more try to take their own lives with guns. Encouraging parents to use safety locks will not save all of these young lives, to be sure, but it will save many of them. It will make a difference.

This deal, however, would not have been possible without the public outcry over these tragedies and the growing momentum for bipartisan child safety lock legislation. Our measure, which lost by a single vote in the Judiciary Committee this summer, requires the sale of a safety lock with every handgun.

Mr. President, in my opinion voluntary action is always better than Government regulation. For that reason, when we entered into negotiations with gun manufacturers, we asked them to take this dramatic step on their own initiative. Today we are very pleased that most of the industry has responded so that 80 percent of all handguns manufactured in the United States will now be sold with child safety locks. But we will continue to push until the half million more handguns, including those manufactured abroad, are also covered.

We will also continue to encourage voluntary compliance, but until we have the support of the entire industry, we will move to enact our legislation. It should be easier now because most of the industry is already on board.

Mr. President, today's announcement is an important step for safety and a victory for families and children everywhere. We should all be grateful.

I thank you and yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

TERRORISM

Mr. D'AMATO. Mr. President, I would like to speak to an issue which confronts us nationally and which we, as a nation, seem to be ducking. I am talking about terrorism. I am talking about the need for this country to stand up and be counted in its fight against international terrorism whenever and wherever it occurs.

Today, Americans are threatened by two very distinct but serious kinds of terrorism. The first is international terrorism.

Mr. President, I am proud of my efforts that helped to pass the Iran-Libya Sanctions Act, a law designed to stop two renegade nations from having the means necessary to finance international terrorism—by punishing those companies who do business with them. The French oil company, Total, is trying to test our resolve. Total has struck a lucrative oil deal with Iran. This company is thumbing its nose at the United States. I believe it is incumbent upon us to remain strong in the face of these efforts to undermine our fight against terrorism. I call upon the French Government to join the fight against international terrorism, not to thumb its nose at the United States, not to applaud the efforts of Total.

I believe that our laws must be enforced and its strict sanctions must be brought to bear on Total. Every Member of this body, Mr. President, voted for the Iran-Libya Sanctions Act.

It is only when we see planes being shot down, it is only when the victims and their families come and say, What are you doing? that we stand up and take action. Every Member of this body should be outraged that Total has thumbed its nose at this ban. They did so deliberately. Its actions are an insult not only to this body but to all of the nations of the world who should be working together in a united front against terrorism.

Fighting international terrorism requires every nation to unite together, and it requires that we remain resolute. It requires that we put corporate greed and profits on the back burner. Many of our own companies are so worried about international profits.

But let me tell you, when terrorism strikes here, when you see what takes place, then an aroused American public gets us to do something. Only when we see the bombing at the World Trade Center—that is real; impacting people's lives—and when we see the Iranians

and the Libyans give sanctuary to terrorists, only then will we maybe do something. But then some say, Not when corporate profits get in the way. Or our allies may say, Oh, no, don't do this, knowing that these are renegade governments and countries who sponsor terrorist attacks, who are responsible for over 300 U.S. citizens being killed—and the Libyans were and they now give sanctuary to two men who have been indicted.

No. Sadly, we have to do something. I am very concerned that the administration will shirk its responsibility.

Sadly, I also rise today to describe another kind of terrorism, Mr. President. It is one that is too often seen but little done. It is one that permeates our Nation's school systems, particularly inner-city schools. It is a terrorism in which violent juveniles prey upon good kids. And it has to stop.

Just as we must be united and remain resolute in our fight against international terrorism, we must be united and remain resolute in the fight at home. Once again, each and every one of us has a responsibility to stand up and fight this terrorism to make a difference. Business as usual is no longer acceptable. There is no more fundamental right in our democracy than the right of our children to have a good education. That requires that they be safe. That requires that a school be an oasis for learning.

Many people have asked me why I have taken such a public and outspoken position as it relates to education reforms. New Yorkers may have been shocked when they read yesterday's newspapers of gang violence in the public schools.

I point to those headlines. ''Probe Rips Principals for Turning Blind Eye to the Gangs.'' The story in the New York Post turns to the issue of the gangs which have taken over schools.

The Daily News: ''Fear Stalks Hallways as Hoods Take Over.'' One student says that he feels at times safer—safer—in dangerous neighborhoods at night than he does walking in the hallways.

We are not talking about violence in streets and alleys. This violence is taking place inside our schools, which should be sanctuaries to our children. That means that the real victims are our children. Just as we must stand up to Total and other companies who give aid and comfort to international regimes, we must stand up to the terrorism that is occurring in our classrooms. We must get violent and disruptive juveniles out of the classrooms so good kids can learn. We need fundamental sweeping reforms throughout our educational system.

In addition to getting violent and disruptive juveniles out of the classrooms, Mr. President, we need to give merit pay to the outstanding teachers, those who are dedicated, those who want to make a difference and those who do make a difference. We have to see that we have tenure reform in order to get those teachers who are not performing, who are bad teachers out of the classroom.

We need school choice so that parents can make educational decisions instead of Government bureaucrats.

Finally, Mr. President, we have to stand up to the teachers unions and tell them to put our children first. Unfortunately, the unions are more interested in their perks and privileges than they are in providing a good education for our children.

Above all, we must get violent and disruptive juveniles out of schools. I want to see more power given to our school principals to remove violent juveniles from the classrooms. We cannot tolerate the kind of situation that is taking place in more and more of our schools in more and more of our cities to more and more of our children.

Principals should have fast-track authority. You want to talk about fast-track authority for trade? Give our principals fast-track authority to expel gang members and other violent offenders. That is what we really need to be doing to help this country and to help the educational system.

Just like in the fight against international terrorism, more pressure has to be brought to bear on terrorism in our schools. The fight against terrorism in our schools must be a united fight. The teachers unions, who opposed every commonsense reform, surely can agree with the notion that violence in schools must be stopped. Instead of pushing for more pay and less work for teachers, the teachers unions should join me and others in a united effort to combat violence in our schools.

That is why I have been standing up to those who ask the question, ''Why do you talk about this?'' We have had debates about educational reform and getting more money directly to the District so they can spend it on students, not bureaucrats. We have had debates about giving parents choice so they can give their kids an opportunity to receive a quality education. But let me say something. In every one of those situations we have seen the teachers unions come down and oppose this. They are against merit pay. They are against getting bad teachers out. They want to ensure lifetime contracts. They are interested in perks and privileges.

By gosh, for one time, join with us and see to it that we have meaningful reforms so that we can fast track violent students out of the schools, so that good and decent kids have an opportunity to have a good education, so that children can learn in safety.

Mr. President, I do not think there is a more important fight against terrorism that we can and must and should win than that which confronts our children every day, unfortunately, in too many of the schools throughout this country.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. CHAFEE. Mr. President, yesterday the Senate began consideration of the Intermodal Surface Transportation Efficiency Act of 1997, or sometimes referred to as ISTEA II.

This legislation is the product of well over a year of hard work and careful negotiation.

We had three different proposals, Mr. President, all commendable, and the requirement before us was to integrate these different proposals into one unified plan that all of us could rally around. When I say us, I was, of course, talking about the committee at the time, the 18 members of the Environment and Public Works Committee, but hopefully the entire Senate. When I am taking about 18 members, I, of course, am referring to Democrats and Republicans.

I am pleased that the bill before the Senate truly represents a consensus effort with cosponsors from all regions of the country and from both sides of the aisle. The results of these efforts, so-called ISTEA II—ISTEA, again, referring to Intermodal Surface Transportation Efficiency Act of 1997—provides $145 billion over the next 6 years for our Federal highway, highway safety, and other surface transportation systems.

Mr. President, this is a 20-percent increase for the Federal aid highway program over the level provided in the original ISTEA, which stretched from 1991 to 1997 a, 6-year bill. This bill preserves and builds upon the laudable goals of intermodalism, flexibility, and efficiency, all of which goals were found in the original ISTEA legislation.

It does so within the parameters of the balanced budget agreement that Congress passed just 2 months ago, Mr. President. In my view, the most important aspect of this bill is that it works within the context of a balanced budget. We were given x amount of dollars, we stayed within that x amount of dollars. I feel very strongly about that, Mr. President.

On the Nation's highways you get to where you are going by staying within the lines and playing by the rules. The budget is no different. I am very proud that the program that we brought out of the Environment and Public Works Committee, so-called ISTEA II, stays within the parameters of the balanced budget, a budget, as I say, we only adopted 2 months ago.

S. 1173 addresses the concerns of the State by making the program easier to understand and by providing greater flexibility to States and localities. It reduces the number of ISTEA program categories. Under the existing ISTEA legislation there are five categories that we drop to three. It includes more than 20 improvements to reduce the red-tape involved in carrying out transportation projects. Moreover, this bill significantly reforms the ISTEA funding formulas to balance the diverse needs of the various regions of the Nation. Forty-eight of the 50 States share in the growth of the overall program and the bill guarantees 90 cents back for every dollar of State moneys contributed into the highway trust fund. This is a very, very significant advancement and change from the ISTEA legislation currently on the books.

Now, this ISTEA II recognizes the diversity and uniqueness of the country and all its transportation needs. The aging infrastructure and congested areas of the Northeast, the growing population and capacity limitations in the South and Southwest, and the rural expanses in the West, all of these require different types of transportation investments. By making the surface transportation program more responsible to all regions of the country, S. 1173 will ensure that the integrity of the original ISTEA program is upheld.

Now, Mr. President, to bridge the gap between limited Federal funds and formidable infrastructure needs, this bill makes a strategic investment in the Nation's transportation system. During the 1950's and the 1960's it made more sense for the Nation to build—that is what we were concentrating on, building an interstate system. Today we need to be more creative. We must carefully plan and allocate our limited resources.

ISTEA II includes a number of innovative ways to finance transportation projects. It establishes a Federal credit assistance program for surface transportation. This new program leverages limited Federal funds by allowing up to $10.6 billion Federal line of credit for transportation projects at a cost to the Federal budget of just over $500 million—in other words, for half a billion we are able to leverage up to $10.6 billion of a Federal line of credit for transportation projects.

To enable States to make the most of their transportation dollars, this bill expands and simplifies the State infrastructure bank program. One of the wisest transportation investments we can make is to do everything we can on behalf of the safety of drivers and passengers. ISTEA II substantially increases the Federal safety commitment. In the United States alone there are more than 40,000 fatalities and 3.5 million auto crashes every year. Those are staggering statistics—3.5 million automobile crashes every year, and 40,000 deaths on our U.S. highways per year. Between 1992 and 1995 the average national highway fatality rate increased by more than 2,000 deaths a year while the annual national injury rate increased by over 38,000. We must work vigorously to reverse this trend. This bill will help us to do so.

The funds set aside for safety programs such as hazard elimination, railroads, highway crossings under this bill total $690 million a year, 55 percent over the current level increase. According to the National Highway Safety Traffic Administration, the use of seatbelts is by far the most important step vehicle occupants can take to protect themselves in the event of a collision. Wearing a seatbelt increases a person's chance of surviving a crash by 45 percent, and of avoiding serious injury by 50 percent. Think of that—by simply wearing a seatbelt, one's chances of avoiding serious injury are increased by 50 percent, chances of surviving a crash are increased by 45 percent. To encourage the increased use of seatbelts, the bill before us establishes a new safety belt incentive program rewarding those States that increase their seatbelt usage or take other measures to increase seatbelt use.

To combat the serious problem of drunk driving, the ISTEA bill establishes a new program that encourages States to enact laws with maximum penalties for repeat drunk driving offenders.

As valuable as transportation is to our society, we have to remember, Mr. President, yes, transportation obviously is valuable to our society, but it has taken a tremendous toll on the Nation's air, land, and water. The costs of air pollution alone that can be attributed to cars and trucks has been estimated to range from $30 to $200 billion a year.

ISTEA II upholds the original ISTEA legislation, strong commitment to preserving and protecting our environment. ISTEA provides States and localities with tools to cope with the growing demands on our transportation system and the corresponding strain on our environment.

I am proud that the bill before the Senate increases funding for ISTEA's key programs to offset transportation's impact on the environment. Clearly, all these automobiles and trucks on our roads contribute to a strain on our environment.

ISTEA II provides an average of $1.18 billion per year over the next 6 years for the so-called congestion mitigation and air quality improvement programs, also known as CMAQ. This is an 18-percent increase over the current funding levels for transit improvement, shared ride services, and other activities to help fight air pollution. Over the past 6 years, the transportation enhancement program has offered a remarkable opportunity for States and localities to use their Federal transportation dollars to preserve and create more livable communities. ISTEA II therefore, provides a 24-percent increase in funding for transportation enhancements such as bicycle and pedestrian facilities, billboard removal, historic preservation, and rails-to-trails program.

In addition to CMAQ and enhancements, the ISTEA II bill establishes a new wetland restoration pilot program. Why are we doing this, spending highway money to restore wetlands? We are doing it to fund projects to offset the loss or degradation of wetlands resulting from Federal aid transportation projects. There is no question that all kinds of wetlands have been lost across our Nation over the last 25 to 30 years as a result of the construction and the resulting damage to our wetlands.

When it was enacted in 1997, ISTEA expanded the focus of the national policy, transforming what was once simply a program for building roads and bridges into a surface transportation program dedicated to the mobility of passengers and goods. Mr. President, I call your attention to the very name of this program. This is not a highway bill. This is a surface transportation efficiency bill. So we do more than just focus on highways. The purpose is to move people and goods in the most efficient manner possible. S. 1173 continues this spirit of intermodalism by extending the eligibility of the National Highway System and surface transportation programs to passenger rail such as Amtrak and magnetic levitation systems.

The statewide metropolitan planning provisions of ISTEA have yielded highway returns by bringing all interests to the table, and increasing the public's input into the decisionmaking process. ISTEA continues to strengthen the planning provisions of the original legislation. Admittedly, the transition from old policies and practices to those embodied in ISTEA has not always been easy. The bill before the Senate will carry forward ISTEA's strengths, but it will also correct ISTEA's weakness and provide a responsive transportation program to take us into the next century.

Now I would like to turn, if I might, to an issue of great concern. Over the past few days there has been some discussion of the distressing prospect of going around the balanced budget agreement to increase funds for the Federal aid highway program. Some Members of Congress are trying to ensure that the 4.3-cent gas tax, which is what the tax reconciliation redirects into the highway trust fund, actually is spent on highways. Although I support increased funding for transportation, I cannot support the proposition of spending the 4.3-cent gas tax.

Let me add that transportation nearly fares better than every other national program in the Federal budget resolution. From 1997 through the year 2002—the 5-year budget period which deals with highways—the budget resolution increases transportation spending by almost 7 percent. In contrast, other nondefense discretionary programs increase by roughly 2 percent. In other words, transportation will grow at a rate of three times that of other nondefense discretionary programs.

It is imperative that we look at transportation funding in the context of countless other important legislative priorities of Congress. During the consideration of the bill before the Senate, Senators WARNER, DOMENICI, and I plan to offer an amendment that will resolve the issue of potential budget surplus in an orderly manner through the budget process next spring. Determining what the Nation's priorities are during the budget process when all programs and policies can compete fairly is a responsible way to resolve this complex issue.

Before I conclude, I want to express my appreciation to Senators WARNER and BAUCUS and other members of the environment committee for their hard work and determination in developing this program.

As I mentioned, Mr. President, this came out of the committee by a vote of 18–0, Democrats and Republicans alike supporting it, those from the West, the Midwest, the South, the Southeast, the Northeast, all supported it. Transportation is not a partisan issue as much as it is a regional issue. Senators WARNER, BAUCUS, and I represent three distinct regions of the country with very different points of view. It has not been easy and we still have a way to go before reaching the finish line.

I look forward to working with other Members of the Senate as well as the House leadership to enact a bill this year that will take the Nation's transportation system into the 21st century.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I recognize others are seeking recognition but I would like first to thank my distinguished chairman because this bill represents the efforts brought about by his leadership, together with my distinguished colleague, our ranking member, Senator BAUCUS.

Mr. BAUCUS. Mr. President, I am pleased today to join Senators CHAFEE and WARNER in bringing the Intermodal Surface Transportation Efficiency Act of 1997 to the floor.

What will the bill do? It will help this Nation meet its growing transportation demands. It will help reduce congestion. Make highways safer. Make our economy more efficient. Ease travel for businesses, farmers, and families on vacation. Develop new transportation technologies for a new century. And protect our environment as we do it.

WHY SPEND THE MONEY?

The bill before us today, ISTEA II, is a very big commitment. It will provide over $145 billion for highway and highway safety programs over the next 6 years. That is an increase of more than 20 percent from the funding of today.

And some may ask why we do it. Why should we invest billions of dollars each year in transportation?

Mr. President, the reason is simple. A good transportation system makes life better for everyone. For many years—really, since John Quincy Adams, Henry Clay, and the internal improvement program of the 1820's, which involved postal roads and canals—we have recognized how important it is to put some money into a system that works for everyone.

Montana wheatgrowers bringing their produce to the mill; manufacturers shipping goods across the country; families driving off for a weekend in the mountains—all need a safe, efficient transportation network.

Today, we benefit enormously from the work President Eisenhower began with the Interstate Highway System in the 1950's. We have the largest transportation system in the world. And we need the money to keep it the best transportation system in the world.

We enjoy the premier system of highways—the 45,000 mile Interstate System—and almost 4 million miles of other roads. Our 265 million people drive over 2.4 trillion miles each year—about half the distance from Earth to the nearest star.

And transportation investment means jobs. We create over 42,000 jobs with each $1 billion of Federal transportation spending. And let's not forget that these are good jobs. Jobs that support families throughout the Nation.

So that is why we need to make the investment in a national transportation program. And this bill represents policy choices that will serve the Nation well.

That much driving means the roads need a lot of fixing. The Department of Transportation estimates that we will need almost $50 billion a year just to maintain current conditions on our highways. And we need almost $9 billion each year just to maintain current bridge conditions.

Finally, transportation investment comes with its own benefits. As hearings before our Environment and Public Works Committee show, transportation is one of the largest sectors of our economy—accounting for nearly 11 percent of our gross domestic product. Only housing and food account for more.

ISTEA AND ISTEA II

ISTEA II builds upon the successes of its predecessor, the ISTEA legislation of 1991. Authored by my colleague from New York, Senator MOYNIHAN, that landmark law has helped create a truly seamless, intermodal transportation system. Air and seaports link easily with roads, railways and transit, meaning that travelers lose the least possible time making connections and businesses move their goods as cheaply and efficiently as possible.

Likewise, our transportation program is flexible. States and local governments choose transportation projects that meet their diverse needs. States can build highways, transit facilities, bikepaths, pedestrian walkways, and interomodal facilities—whatever fits the needs of Montanans or New Yorkers or Californians best.

Mr. President, the bill before us, ISTEA II, continues along that path. And with the experience of 6 years behind us, I believe we have made a good product even better.

This bill will give us a transportation program that meets four basic criteria. First, it will meet our economic needs.

Second, it will use the most up-to-date technologies and helps develop new ones so highways are easier and travel is safer. Third, it will remember small communities as well as broad national needs. And fourth, it will be fair to all parts of the country.

Finally, it will be administratively simpler. Today we have 11 categories of funding. With the new bill we will have five: the Interstate/National Highway System, the Surface Transportation Program, the Congestion Mitigation and Air Quality Program, and two equity accounts. Let me explain each one of these in turn.

THE INTERSTATE/NATIONAL HIGHWAY SYSTEM

When Congress enacted the original ISTEA legislation in 1991, it was with the clear understanding that the Interstate System was complete and the interstate era was over. It was not time to recognize the importance of a larger network of roads and bridges in this country.

Since the inception of the Interstate System in the 1950's, things have changes around the country. No longer is the Interstate the only system of roads that connect businesses to markets and jobs to homes. It is now a larger system, the National Highway System or NHS.

In 1995, Congress formally approved this transition—a transition from the interstate era to the National Highway System era—when it approved the National Highway System Designation Act of 1995.

The National Highway System is a system of almost 170,000 miles or roads and bridges—including the 45,000 mile Interstate System—that carries the vast majority of our commercial and passenger traffic. NHS roads provide access to rural and urban areas. These roads connect our homes to our jobs, our farms to markets, and ultimately our export products to their overseas markets.

So it is only appropriate that under ISTEA II we devote the majority of resources to the maintenance and improvement of the National Highway System. Under the bill, we will spend almost $12 billion a year on these roads, at least $6 billion of that going directly to maintain the Interstate System roads and bridges.

And while we have eliminated the current bridge program, we have folded it into other categories. States will receive over $4.2 billion under bridge apportionment factors and will have to spend at least what they are spending today on bridges. This will ensure we continue to make improvements in the condition and performance of our bridges.

SURFACE TRANSPORTATION PROGRAM

Second, the present Surface Transportation Program or STP will continue in the new highway program at

an annual funding level of $7 billion. The STP is a flexible funding category that provides for all types of transportation projects, and is particularly valuable for small towns and communities with innovative ideas.

It allows new construction and, improvements to current highways; but also bikepaths, pedestrian walkways, transit capital projects, transportation enhancement projects, rail/highway crossing safety improvements, and hazard elimination projects.

CONGESTION MITIGATION AND AIR QUALITY

Third, we will continue to improve air quality and reduce congestion around the country through the Congestion Mitigation and Air Quality Program or CMAQ. One of the key features of the original ISTEA legislation was the link developed between the environment and transportation. The CMAQ Program is that link.

CMAQ provides funds to nonattainment areas so they may undertake projects to improve their air quality. The past 6 years have demonstrated the benefits of such investments. CMAQ projects have contributed to many areas reaching attainment and have improved traffic flows to reduce congestion.

TRANSPORTATION TECHNOLOGY

Fourth, as well as improving the physical infrastructure, the bill before us today funds new research and deployment of transportation technologies in rural and urban areas.

Technologies, such a the Intelligent Transportation System or ITS technologies, will increase the capacity of existing transportation systems without having to add new lanes. ITS also increases safety on our roads by providing information to the traveling public about roadside hazards, weather conditions, and alternate routing. These technologies will improve safety and the environment.

In the past 25 years, together with seatbelt and drunk driving laws, earlier versions of these projects have helped to reduce the rate of fatal automobile accidents by more than half, from 44.5 deaths per 100,000 registered vehicles in 1972 to 21.2 last year. The new program will build on this remarkable success to help keep our highways the safest in the world.

FAIR FUNDING FORMULAS

Finally, fairness. Policy is very important in its own right; but it is also important that every part of the country sees the benefits. And that is what we do.

Our bill recognizes the diverse transportation needs of the country. For large, sparsely populated States, the bill recognizes their dependence upon highways.

In Montana, for example, we do not have mass transit, we do not have large seaports. We rely upon our highways to get from place to place. So the bill uses formula factors that recognize the extent or size of a State's highway system. That only makes sense. After all, this is a bill that provides funding for States to maintain and improve their highway systems.

States in the densely populated Northeast region have an aging infrastructure in need of repairs. The bill recognizes these needs by using formula factors such as vehicle miles traveled or vmt. Vmt measures the use or wear on your roads. The bill also continues to provide funding for deficient bridges—a very important component of the transportation system in the Northeast region.

And for fast-growing, so-called donor States, the bill uses formula factors that take into account this growth. The vmt factor that I mentioned above is an example, since it measures how much people are driving in your State. But the bill goes even further.

The bill uses contributions to the highway account of the highway trust fund as a formula factor. And of the amount apportioned to the States, every State will receive at least 90 percent of its share of contributions to the highway trust fund.

And let's not forget that his bill is not just about highways. In the coming days, the Banking Committee will add their title to this bill to reauthorize the mass transit program. Over $24 billion has been authorized for those programs by that committee.

So as my colleagues decide whether or not to view the highway formulas as fair or not, I urge them to examine this bill in its entirety. Because many States receive large sums of funding for their mass transit programs, while others rely solely upon highway funding to meet their transportation needs.

CONCLUSION

In sum, we have a good product that will help the country. It will update and improve an already excellent highway program. And we should not wait.

Some suggest that we should do only a 6-month extension of ISTEA, hoping for more transportation funding in the future. Both Senator WARNER and I believe we need more funding. But waiting will not guarantee that we get it, and it will come with its own cost.

States and local governments must plan for the future, and to do so they need to know that we will not be changing the rules every 6 months. The lack of a long-term transportation program will mean chaos and uncertainty across the country for government, businesses, agriculture, and citizens.

So I believe we should get the job done. We have known for 6 years that ISTEA would expire in 1997. And I believe the bill we bring to the floor today will serve the Nation well. I hope it will get the Senate's support.

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

Mr. WARNER. Mr. President, I am pleased to bring before the Senate for consideration S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997, or ISTEA II.

ISTEA II is a 6-year bill that reauthorizes our Nation's highway construction, highway safety, and research programs. It provides $145 billion over 6 years and meets the requirements of the Balanced Budget agreement.

Our funding level of $145 billion is 20 percent greater than the $120 billion funding level provided in ISTEA I.

Our funding level of $145 billion exceeds the funding level of $135 billion proposed in the administration's NEXTEA bill.

Mr. President, along with my strong working partner, Senator BAUCUS, I have worked throughout the year for higher funding levels for our Nation's surface transportation programs.

Unfortunately, our amendment to the budget resolution earlier this year failed by one vote. Later, during the conference on the budget resolution, Senator BAUCUS and I, along with 83 other Senators, urged the conferees to raise the allocation to the highway program so that a portion of the 4.3-cent Federal gas tax could be spent.

Regrettably, these efforts were not successful. As such, I accepted the decision of the Senate and our commitment to the American people to balance the Federal budget by the year 2002.

With the spending limitations set in the balanced budget agreement, Chairman CHAFEE, Senator BAUCUS and I drafted a six-year reauthorization bill that complies with the budget agreement.

Mr. President, it is also critical that the Congress move forward to enact a 6-year, comprehensive transportation bill. Not a 6-month bill as some in the other House are advocating.

Our State and local transportation partners deserve nothing less. Due to the significant length of time required to plan and design any transportation project—an average of 7 years—our states, our Government, and their respective highway authorities must be able to efficiently respond to transportation demands.

Mr. President, in bringing this bill before the Senate, I urge every member to examine the bill in its entirety and to evaluate its provisions on the merits of balance and fairness.

Those are the two principles that guided my efforts in the drafting of this bill.

I am well aware that every Senator may not be entirely pleased with this bill. Most of the concern rests, not with the substantive measures, but with the level of funding. I am convinced, however, that overall we bring to the Senate a bill—that addresses the mobility demands of the American people and the growing freight movements of American goods;—that will continue to ensure America's competitiveness in a one-world market; and that, for the first time, provides a fair and equitable return to every State based on the amount of funds we spend. Every State will be guaranteed 90 percent of the funds we send to the States based on each State's contributions to the highway trust fund.

How much will each State get at a minimum under this bill? Let me describe this calculation as there are many different ways to explain the 90-percent guarantee.

Let's start first with what each State sends to Washington to the highway trust fund.

Under the formula, each's State's share of contributions to the highway trust fund each year is calculated.

Then, that percent is compared to the percent share each State receives under the formula.

If necessary, the 90-percent minimum guarantee is applied to any State whose percent share under the formula is below their 90-percent share of contributions to the highway trust fund.

For those States, the 90-percent guarantee, will ensure that each State's percentage return under the formula is adjusted upward to equal their 90-percent share of contributions to the highway trust fund.

I want to thank Senator CHAFEE and Senator BAUCUS, and all the members of the committee for their contributions, in developing a compromise bill that represents a balance among the 50 States.

This legislation is the product of months of spirited discussions.

It is a compromise that addresses the unique transportation needs in the different regions of the country—the congestion demands of the growing South and Southwest, the aging infrastructure needs of the Northeast, and the national transportation needs of the rural West.

In putting together this bipartisan and comprehensive measure, great care was taken to preserve fundamental principles of ISTEA I that worked well.

ISTEA II upholds and strengthens ISTEA's laudable goals of mobility, intermodalism, efficiency, and program flexibility.

We were committed to continuing those hallmarks of ISTEA which have proven to be successful and are strongly supported by our State and local transportation partners, including: ensuring that our transportation programs contribute to and are compatible with our national commitment to protect our environment; building upon the shared decision-making between the Federal, state, and local governments; and ensuring that the public continues to participate fully in the transportation planning process.

Mr. President, perhaps the most critical issue that the committee addressed in this legislation is the development of equitable funding formulas.

ISTEA I failed to distribute funding to our States based on current contemporary data that measures the extent, use, and condition of our transportation system. ISTEA I apportioned funds to the States based on each State's historical share of funds received in 1987.

As we prepare for the transportation challenges of the 21st century, reforms to the funding formulas are long overdue. This legislation uses indicators that measure the current needs of our transportation system. Many of the factors used to distribute funds are consistent with the alternatives identified in GAO's 1995 report entitled, ''Highway Funding, Alternatives for Distributing Federal Funds.''

These indicators are standard measurements of lane miles which represent the extent of the system in a State, vehicle miles traveled which represent the extent of congestion, and structural and capacity deficiencies of our Nation's bridges.

Using current measurements of our transportation system were called for in every major reauthorization bill introduced this session—including the administration's NEXTEA bill, STEP–21, STARS 2000, and ISTEA Works.

For those of my colleagues who do not believe their States should see a change in their share of transportation funds from what they have previously received, I simply respond that we must move forward and update our formulas to ensure that our national transportation program responds to the many needs across our Nation.

In revising these funding formulas, I believe we have made significant progress to address one of the major shortfalls of ISTEA—namely, providing every state a fair return based on their contributions to the highway trust fund.

Our bill today ensures fairness. Every State will receive a minimum guarantee of 90 percent of the funds apportioned to the States equal to 90 percent of their contributions to the Highway Trust Fund.

This guarantee is very different from the so-called 90 percent minimum allocation in ISTEA I.

ISTEA II provides a real and true guarantee of 90 percent of the funds distributed to the States. The minimum guarantee is applied to 100 percent of apportioned funds.

Second, the minimum guarantee calculation is reformed so that the 90 percent guarantee is actually achieved. We all know that ISTEA I gave many States less than 90 percent because it did not include all the funds that were distributed to States.

While I started with a goal of 95-percent return for every State, a true 90-percent return calculated on a larger share of the program is a major achievement for donor States.

I am also pleased to report that ISTEA makes great progress in consolidating and streamlining the program.

Under ISTEA I there are five major program categories. Under ISTEA II, those program categories have been consolidated into three major programs—the Interstate and National Highway System Program, the Surface Transportation Program, and the Congestion Mitigation and Air Quality Program.

Under ISTEA I there are five apportionment adjustments—most of them designed to address concerns of donor States—that have not worked. ISTEA II provides for two simple adjustments. First, for donor States and small States to provide them a minimum share of funding. The second, to provide a transition for States based on part of their ISTEA funding.

The committee bill also includes many revisions to Federal highway procedures to streamline the complex process of Federal reviews of State projects. It is my very strong hope that these provisions will enable our States to improve project delivery—the time it takes for a project to move from design to construction to completion.

Today, it takes on average 7 years to complete a project. We must provide our States with the tools to do better. I believe many provisions in this bill will free them from Federal redtape which has delayed many projects.

Mr. President, those are some of the important highlights of the committee bill.

I look forward to the Senate's consideration of this bill and will work with my colleagues to resolve as many amendments as possible.

Mr. BYRD. Mr. President, this request has been cleared with the distinguished Republican leader.

I ask unanimous consent that I, Senator GRAMM, Senator WARNER, Senator BAUCUS, not necessarily in that order, may have as much as a total, if needed, of one hour among us to discuss an amendment which we are going to offer at a later date.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Just a question, if I might. In other words, you would start now and go until 5:15?

Mr. BYRD. Yes.

Mr. CHAFEE. Thank you.

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

Mr. BYRD. Mr. President, the Taxpayer Relief Act of 1997, which was enacted as part of the balanced budget agreement, included a provision which ended the use of the 4.3 cents per gallon gas tax for deficit reduction and instead placed this tax into the Highway Trust Fund beginning on October 1, 1997. That was a very important first step in restoring integrity to the Highway Trust Fund. It ended the practice of using any Federal gasoline taxes for deficit reduction. This Senator was not alone in seeking to end the practice of using Federal gasoline taxes for deficit reduction. On July 14 of this year, I joined 82 other Senators in signing a letter addressed to the Senate majority and minority leaders, as well as the chairman and ranking Member of the Senate Finance Committee, Senators ROTH and MOYNIHAN, and that letter is fairly brief.

I ask unanimous consent that the letter be printed in the RECORD at this point.

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

U.S. SENATE,
Washington, DC, July 14, 1997.

Hon. TRENT LOTT,
Majority Leader.
Hon. TOM DASCHLE,
Minority Leader.
Senator WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance.
Senator DANIEL P. MOYNIHAN,
Ranking Minority Member, Committee on Finance.

DEAR COLLEAGUES: We are writing to express our view that additional funding for transportation programs is urgently needed. As you know, Section 704 of the Senate's version of the Revenue Reconciliation Act transferred 3.8 cents of the federal fuel tax from the general fund to the Highway Trust Fund. While that transfer is an important first step, it does not, by itself, provide the needed additional funds. Therefore, we ask that you urge the conferees to ensure that at least a significant portion of the 3.8 cents be made available for expenditure on highway and transit programs, similar to the manner in which the Senate provided funding for intercity passenger rail service.

The reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) will seek to meet the growing demands on our highway and transit systems. Yet the scale and diversity of these national needs combined with the requests for discretionary funds to address local and regional transportation issues requires funding levels greater than that currently available.

We are concerned that without additional funding, the reauthorization of ISTEA and the distribution of funds in a fair manner will prove to be impossible and will lead to divisive debate in the Senate.

Therefore, we respectfully urge you to provide the means to spend a portion of the 3.8 cents for our highway and transit programs.

Sincerely,

Max Baucus, Herb Kohl, Byron L. Dorgan, Jeff Bingaman, Dale Bumpers, Carol Moseley-Braun, John Warner, James M. Jeffords, Fritz Hollings, ——— ———, Bob Kerrey, Jack Reed, Wendell Ford, Barbara Boxer.

Kay Bailey Hutchison, ——— ———, Ted Stevens, Pat Roberts, Daniel K. Akaka, Larry E. Craig, Judd Gregg, Dick Kempthorne, Orrin Hatch, Mike DeWine, Jeff Sessions, Lauch Faircloth, Spencer Abraham, Daniel Coats.

Chuck Robb, Robert Torricelli, Carl Levin, Mary Landrieu, ——— ———, ——— ———, Kent Conrad, Robert Byrd, Tom Harkin, ——— ———, Dianne Feinstein, Frank R. Lautenberg, Patty Murray, Jay Rockefeller.

Ben Nighthorse Campbell, Conrad R. Burns, Rod Grams, Michael B. Enzi, Chuck Hagel, ——— ———, Kit Bond, Wayne Allard, Mitch McConnell, Olympia Snowe, Craig Thomas, Paul Wellstone, Bill Frist, Arlen Specter.

Barbara A. Mikulski, Harry Reid, Bob Smith, Ted Kennedy, Tim Johnson, Max Cleland, Joe Biden, Christopher J. Dodd, ——— ———, John Breaux, Ron Wyden, Bob Bennett, Paul Sarbanes, Tim Hutchinson.

Dick Lugar, Chuck Grassley, John Glenn, Susan Collins, John Ashcroft, Paul Coverdell, Richard Shelby, Jesse Helms, Rick Santorum, Patrick Leahy, Russ Feingold, Thad Cochran, Frank H. Murkowski.

Mr. BYRD. Mr. President, the important first step, as I say, which we 83 Senators sought in our letter has now been achieved; namely, the transfer of the 4.3 cents per gallon gasoline tax from deficit reduction into the Highway Trust Fund. I believe it was Senator GRAMM who offered the amendment to do that. He offered that amendment in the Finance Committee and the Finance Committee adopted that amendment. So that was accomplished in the Taxpayer Relief Act of 1997.

Unfortunately, the six-year ISTEA reauthorization bill reported by the Environment and Public Works Committee does not allow the use of one penny—not one copper penny—of this 4.3 cents gas tax for highway construction over the next six years. In effect, it allows these additional gas tax revenues to build up huge surpluses over the next six years. The time has come to put our money where our mouth is. We either mean it or we don't mean it when we write letters urging our leadership not only to place the 4.3 cents per gallon gas tax into the Highway Trust Fund, but also to take the next step and allow it to be used in the ISTEA bill before the Senate.

Did we place the 4.3 cents gas tax into the trust fund simply so that the unspent balance of the trust fund could skyrocket to historic levels, while our bridges crumble, while our constituents sit in ever-worsening traffic jams, and while congestion chokes off the economic potential of our Nation? Is that what we meant? That was not my intention in championing the transfer of this tax, and I don't believe it was the intention of my colleagues, those who supported placing the revenue into the Highway Trust Fund.

And so, today, three of my colleagues and I—Senators GRAMM, WARNER, and BAUCUS—are joining in saying to the Senate that we are preparing an amendment to the pending ISTEA bill to authorize the use of the full amount raised by the highway account share of the 4.3 cents gas tax for highway infrastructure and bridge programs over fiscal years 1990–2003. Over the life of this bill, this will mean that an additional $31 billion in contract authority will be made available for the National Highway System.

Mr. President, we must do more to address the continuing and destructive trend of Federal disinvestment in our Nation's transportation infrastructure. According to the Federal highway administration, our investment in our Nation's highways is a full $15 billion short each year, just to maintain the current inadequate conditions of our National Highway System. Put another way, we would have to increase our national highway investment by more than $15 billion a year to make the least bit of improvement in the status of our national highway network each year.

Now, as I say, joining me in offering this amendment as principal cosponsors are Senators GRAMM, BAUCUS, and WARNER. Although our amendment is still in the process of being drafted, we nevertheless have reached agreement as to the distribution of formula funds among the various States.

I will now ask unanimous consent to have printed in the RECORD a table which sets forth the total amount of highway contract authority for each State in the bill, as reported by the committee, as well as the additional amount of contract authority that each State will receive under the Byrd-Gramm-Baucus-Warner amendment over a 5-year period.

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

FY 1999–2003 TOTAL—INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT II, BYRD/GRAMM AMENDMENT, PRELIMINARY DATA

[In thousands of dollars]

State	S. 1173 FY 1999–2003 total as reported by committee	Byrd/Gramm amendment [1]	Total
Alabama	2,211,500	556,579	2,768,080
Alaska	1,373,201	345,600	1,718,802
Arizona	1,719,893	432,854	2,152,748
Arkansas	1,472,869	370,684	1,843,553
California	10,134,190	2,550,537	12,684,727
Colorado	1,412,391	355,465	1,767,856
Connecticut	1,895,552	477,038	2,372,590
Delaware	520,488	130,994	651,481
Dist. of Col.	500,536	125,973	626,508
Florida	5,099,176	1,283,335	6,382,510
Georgia	3,882,378	977,098	4,859,476
Hawaii	561,113	166,380	827,492
Idaho	908,085	228,542	1,136,627
Illinois	3,683,946	927,157	4,611,103
Indiana	2,693,608	877,914	3,371,522
Iowa	1,461,433	367,807	1,829,240
Kansas	1,450,185	364,977	1,815,162
Kentucky	1,921,071	483,486	2,404,557
Louisiana	1,967,553	495,201	2,462,754
Maine	636,102	160,097	796,199
Maryland	1,668,720	419,975	2,088,696
Massachusetts	1,968,441	495,412	2,463,853
Michigan	3,493,538	879,236	4,372,775
Minnesota	1,655,828	416,732	2,072,558
Mississippi	1,396,953	351,580	1,748,533
Missouri	2,835,864	663,387	3,299,251
Montana	1,173,866	295,433	1,469,295
Nebraska	929,790	234,004	1,163,794
Nevada	808,417	203,458	1,011,875
New Hampshire	575,859	144,929	720,788
New Jersey	2,668,883	671,691	3,340,574
New Mexico	1,162,791	292,646	1,455,437
New York	5,640,544	1,419,503	7,060,046
North Carolina	3,129,880	787,713	3,917,593
North Dakota	808,417	203,458	1,011,875
Ohio	3,812,849	959,599	4,772,448
Oklahoma	1,745,495	439,300	2,184,796
Oregon	1,426,177	358,934	1,785,111
Pennsylvania	4,199,341	1,056,906	5,256,247
Rhode Island	642,304	161,652	803,956
South Carolina	1,759,595	442,846	2,202,441
South Dakota	863,788	217,394	1,081,182
Tennessee	2,506,281	630,768	3,137,049
Texas	7,623,695	1,918,693	9,542,388
Utah	955,428	240,460	1,195,888
Vermont	520,488	130,994	651,481
Virginia	2,834,290	713,320	3,547,610
Washington	2,035,955	512,401	2,548,356
West Virginia	1,131,708	284,833	1,416,541
Wisconsin	2,011,684	506,291	2,517,975
Wyoming	841,639	211,820	1,053,459
Puerto Rico	508,260	127,917	636,178
Total	110,741,037	27,871,000	138,613,037

[1] Source of additional contract authority.

Mr. BYRD. Mr. President, I encourage all Members to review carefully these tables. They will show that each and every State in the Nation will receive a sizable boost in funding under this amendment. Each and every State will receive increases under the same percentage distribution called for in the underlying bill.

We have not put together a new formula in this amendment. For the donor States, the amendment still ensures that they will receive a minimum of 90 percent return on their percentage contribution to the Highway Trust Fund. Moreover, our amendment, like the committee reported bill, utilizes 10 percent of the total available resources for

discretionary purposes. Increased discretionary amounts of contract authority will be available for the Multi-State Trade Corridors initiative, as well as the 13–State Appalachian Highway Development System.

Mr. President, we understand that a point of order will be raised against this amendment by its opponents. But I think it is important to remind Members that the bill before us is not an appropriations bill; it is an authorization bill. A point of order lies against this amendment because it causes the Environment and Public Works Committee to exceed the levels that they can authorize to be spent. Adoption of this amendment will not change the scoring of the deficit by one thin dime.

Opponents of this amendment claim that the increased highway spending authorized by the amendment will cause drastic cuts over the next 5 years in other discretionary spending. Included on the possible list for elimination or drastic cuts—I am talking about a list that I understand has been circulated by opponents—are such things as Navy ship building, law enforcement, Section 8 housing, EPA, National Forest Service, Title I education, Head Start, NIH, and on and on.

Mr. President, that argument is an obvious red herring. First of all, because highway construction requires a number of years to complete projects, the amount of outlays that would be necessary in the discretionary portion of the budget to pay for the pending amendment is not $30 billion. We are told instead by the experts at the CBO that the figure is $21.6 billion.

Secondly, the enactment into law of the Byrd-Gramm-Baucus-Warner amendment will not cause any cut in any Federal program. Let me say that again. The enactment into law of the Byrd-Gramm-Baucus-Warner amendment will not cause any cut in any Federal program.

In other words, each year's transportation appropriations bill from fiscal years 1999–2003 will contain an obligation limit for total highway spending. That limitation will be set each year in light of the circumstances being faced by the Appropriations Committees in any particular year. Let me put it another way. If we do not adopt this amendment, we will have precluded, for the next 5 years, any consideration of additional highway spending.

Third, regarding the question of outlay caps on discretionary spending, I fully support and will strongly urge the Budget Committee chairman and the Senate to include in the budget resolution for fiscal year 1999 the necessary provisions to increase discretionary caps for the following 5 years if the economy continues to perform, so that those savings will accrue. As Senators are aware, since the adoption of the balanced budget agreement earlier this year, the projections of revenues have dramatically increased and the projections for spending have been dramatically cut. The result is a far better forecast than was thought to be the case even when we all voted for the balanced budget agreement this past spring. In fact, OMB's recent midsession review now projects revenues over the next 5 years to be $129.8 billion greater—greater—than those projected in the balanced budget agreement. On the spending side of the budget—and this is important—the forecast is also much brighter than it was a few short months ago. Compared to the balanced budget agreement, OMB now projects in its midsession review that total spending over the period 1998–2002 will be $71.6 billion less than was projected in that agreement.

Our amendment will provide that if the savings and spending for fiscal 1998–2002, which I have just identified, are still projected to exist in connection with the fiscal year 1999 budget resolution, and if that budget resolution calls for using any of those spending savings, then those spending savings must go toward fully funding the highway program.

In conclusion—and I say ''in conclusion'' because I only intended to take 15 minutes of the hour, I am not here to debate this amendment this afternoon. There will be plenty of time for that. Nobody is going to run for the doors when that time comes. There will be plenty of time to debate it when my colleagues and I have fully fleshed out the amendment. But we wanted to put Senators and the country on notice that we have an amendment, and we wanted to do that before this upcoming recess begins.

Let me point out again that our amendment would provide the authorization of an additional $31 billion of contract authority within a 5-year period, 1999–2003. It doesn't add to the deficit. It will call for a consideration, in the fiscal year 1999 budget process, of using additional spending savings to cover the outlays that will occur from the contract authority provided in this amendment.

So I urge all colleagues to favorably consider this amendment during the next week, look at the tables, and understand that your State—I am talking to all 100 Senators, to each of them individually—your State will have its highway moneys increased under this amendment. Your State will benefit from this amendment. So I hope that you will examine the benefits that will accrue to your State in additional highway spending under this amendment.

Mr. President, let me, in yielding the floor, thank my three colleagues who are the main cosponsors of the amendment.

Let me also thank the two leaders for allowing us to impinge upon the time of the Senate at this point for a whole hour if it is needed.

Let me say to all Senators who want to debate our amendments that there come a time to debate it. This is an important amendment. This is a major amendment, and its importance to the country cannot be exaggerated.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me first say that I am very proud to join with Senator BYRD and our two other colleagues in this amendment. Our purpose today is not to introduce the amendment as a formal pending amendment before the Senate but to basically put the facts out on the table so that we can have a full and informed debate, and so that over the recess people will have an opportunity to know what this amendment does, why it is important to every State in the Union, and why it is important to the future of the country.

I want to try to make two points as briefly as I can make them.

The first point is that in 1993, for the first time in the history of America, the Congress adopted a permanent gasoline tax that did not go to the highway trust fund. Instead, that permanent gasoline tax went to general revenues and was spent for general purposes. We had a strong base of support in the Senate and in the House to take the action which was consummated in the Taxpayer Relief Act. The amendment that I offered in the Finance Committee was adopted as part of that bill. We were able to put the 4.3-cents-a-gallon tax on gasoline into the highway trust fund where it belonged. That became the law of the land. But our problem was that when the bill that will be before us when we debate ISTEA was reported from the committee, it did not include any of the money that was transferred into the trust fund when we took the 4.3-cents-a-gallon tax from gasoline and put it where it belonged, in the highway trust fund, to fund highways and to fund mass transit.

That produced a situation which is portrayed in this chart. I hope every Member of the Senate will become familiar with this chart because it really shows the sleight of hand that has been underway now for quite a while and will certainly be perpetuated and expanded in the future if our amendment is not adopted.

We currently collect the money from gasoline taxes and transportation fuels taxes that are dedicated in the trust fund to highways and mass transit. But, yet, as of today, we have $23.7 billion in that account that have not been expended for the purpose that they were collected. Over the years they have, in fact, for all practical purposes, been spent for other purposes.

As a result of our decision to put the 4.3-cents-a-gallon tax on gasoline where it belongs, in the highway trust fund, under the ISTEA bill as reported from the committee, this surplus in the highway trust fund would grow from $23.7 billion today to a whopping $90 billion in the trust funds collected for the purpose of building highways and mass transit but never expended for that purpose. In the year 2003 we would have $90 billion in the trust fund, and

we would have told the American people that they were paying gasoline taxes to fund highways and transportation, and, yet, that $90 billion would have been spent for other purposes.

What the Byrd-Gramm amendment does—I am very proud that we have the two most knowledgeable people in the Senate on highway matters who have now joined us as cosponsors—but what our bill does is assure that the area you see in blue here, this 4.3-cents-a-gallon tax on gasoline, is spent for the purposes that it was collected.

This is a truth-in-government provision. This is a provision where you tell people you are going to do something in government and you do it.

Let me also make note of the fact that, even if our amendment is adopted, the balance in the highway trust fund will grow from the current $23.7 billion to a whopping $39 billion surplus by the year 2003. So under our amendment the unspent balance in the trust fund will grow every year even if we spend the 4.3-cents-a-gallon tax on gasoline where we told the American people that we would spend it.

Let me also make note that our amendment is very conservative and very responsible because we don't spend the money in the year that it is collected. We spend it the year after it is collected. So even though we will be collecting the 4.3-cents-a-gallon tax on gasoline and putting it into the trust fund for the first time in 1998, we don't spend any of that money in 1998. We only spend what was collected in 1998 in fiscal year 1999. And the same process continues throughout the period of this highway bill through the year 2003.

We are talking about highways today because we have the highway portion of the bill before us. But, as everyone knows, the mass transit title of this bill was reported from the Banking Committee, and they have delayed reporting their precise spending figures for technical reasons. When that portion of the bill is before the Senate, we intend our amendment to apply to it as well because mass transit receives 20 percent of the 4.3-cents-a-gallon tax on gasoline, and we want to be sure that this portion of the highway taxes can also be spent.

Under this provision, every State in the Union will get additional funds. The increase per State will be about 25 percent. I think it is important to note and for every Member of the Senate to understand that under this amendment the ratio of funds going to States, the proportion going to any one State, is totally unchanged.

But the result of truth in government, the result of spending money for the purpose that it was collected, is pretty remarkable. The result is, if we are going to spend $27.8 billion, if this full program is carried out through the year 2003, on highways, the purpose for which the tax was collected to begin with, that will make a very substantial difference to every State in the Union.

Arkansas, we know from the very effective arguments that have been made by our colleagues from Arkansas, has felt slighted by this bill. Under the existing bill, they would get $1.47 billion over the five years covered by our amendment. But with the adoption of our amendment, that would grow to $1.84 billion.

A similar proportional increase in each State would occur as a result of this amendment.

I want to make it clear that we are going to hear arguments throughout this debate that we are, through this amendment, taking money away from other programs. I want to address this head on. I want to address it in two ways.

First of all, those who are making that argument are in essence claiming that they have the right to spend this $90 billion on other programs, that they have that right.

It reminds me of an argument that might be made by a rustler. There is this rustler who has been rustling cattle off the Byrd and the Gramm ranch. We call the sheriff, and the sheriff comes out. The sheriff hunts him down, and he brings him to us. We decided, well, we know this guy. We are not going to put him in jail. But the sheriff says to him, ''You have to quit rustling these cattle.'' So the rustler says, ''But I am used to eating all this beef. You know. It is easy for you to say, but where am I going to get my beef?'' Well, I think the answer of Rancher Byrd, Rancher Gramm, Rancher Baucus, and Rancher Warner under this circumstance would be, ''That ain't my problem.''

The point is they never had the right to spend the $90 billion for anything other than highways to begin with. And we are going to have an extensive debate about that.

Let me address in a little bit of detail the provisions that Senator BYRD talked about where we are dedicating, at least in terms of a commitment about the future, funds to fulfill our commitment to build these highways. We have, I believe, very artful language. Senator BYRD and Senator BYRD's staff are responsible for the language. I think it is language that every Member of the Senate can be supportive of. We are not trying to judge what kind of budgets we are going to write in the future. We are not trying to make a judgment about what the economy is going to be like in the future, or what kind of expenditure savings we are going to have in the future. We are not making any judgment as to how those savings might be used.

But what we are saying—I think if every Member of the Senate will look at this language, they will be in agreement—we are saying, if there are spending savings that occur in the future and if the Budget Committee decides that any of those spending savings are going to be used to spend money through the Federal Government—two ifs—that, if there are savings in other spending programs, and if any of those savings are spent, they have to be used in total or part to fund our commitment to the highway trust fund before any of those savings can be used for any other purpose.

There is only one reason that anybody would be against that language. The only reason that anybody would be against that language would be if they intend to spend this money for some other purpose.

Our point is we are collecting this gasoline tax. It has been put into the trust funds by the decision of the House and the Senate. We made a commitment that it was going to go to build highways and for mass transit. What our amendment does is guarantee that if any funds are spent, they are going to be spent for this purpose and spent for this purpose first.

So I think this is a good amendment. I hope that we are going to get a strong vote. We have a point of order. Senator BYRD made the point, but I want to reiterate this. This point of order is not that we are busting the budget or raising the deficit. Both of those things are not the case. The point of order is really based on a technicality in the budget because we are allowing funds, if they are spent, to be spent on transportation needs and highways beginning in fiscal year 1999.

So, in the technical language of the budget, we are changing the 302(a) allocation of budget authority to the Environment and Public Works Committee. We are not raising the total level of outlays. We are not busting the budget. This is a simple technicality. There ought not to be a point of order against it. But there is. So, as a result, we are going to have to get 60 votes.

So, if you want truth in government, if you want to have a program whereby when people are going to the gas pump and they are looking at that big tax they are paying, and they are saying, ''Well, you know, at least it is being spent on highways,'' we want that to be true. If you believe that the highway trust fund ought to be used to build the highways and to build mass transit, then we believe that you are going to vote for this amendment. We are very hopeful that we are going to be successful.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I first want to give by deepest respects and thanks to the chairman of the Environment and Public Works Committee, Senator CHAFEE. He has put together a bill that has passed our committee unanimously 18 to 0. Not many committees can come up with a unanimous vote on major bills.

But since that bill passed the committee, it has become quite apparent that some Members want us to improve upon it. So we are going to try to do that with this amendment. So, I am going to give five reasons why I think the amendment offered by Senator

GRAMM, Senator BYRD, Senator WARNER, and myself is such an improvement to this bill.

First, as has been pointed out, the dollars we are discussing are trust fund dollars. I would point out that the American motorist who pays these fuel taxes expect those dollars to go into transportation, including highways.

Second, despite what some are going to state on this floor later, this amendment does not break the budget. Let me repeat that. It does not break the budget.

Third, despite what some might say later, this amendment does not take one penny—as Senator BYRD mentioned, ''not one thin dime''—from any other program.

Fourth, this amendment is needed to meet our infrastructure needs. We are not spending enough in America to maintain our transportation system and our highways. We certainly are not spending at the level of other countries.

And fifth, a point which I do not think is fully understood by Senators, the amounts provided for in the committee bill lock the Senate into those amounts for the next 6 years. So it is important that if we are going to increase spending that we do so now. Unlike some other spending programs, this program is funded from a trust fund.

So this is a much different animal, and therefore this amendment must be addressed and hopefully passed. So let me elaborate on my five points. Mr. President, I think it is clear, when people pay their fuel taxes, they expect those dollars to go to their highways and transportation so we have the best transportation system in the world. There is not little dispute about that. I filled up my gas tank this morning coming to work. I know how expensive it is. Today about 18.4 cents of a gallon goes to Federal taxes, and then there are D.C. taxes and State taxes. There are a lot of taxes that go into the cost of a gallon of gas. All we ask is that these taxes are used for transportation. That is what we want, and that is what we expect when we pay our fuel taxes at the pump.

I must remind Senators that the balance in the highway trust fund is increasing. Every year it is increasing. American motorists are not getting their money's worth.

Why is it not being spent? It is not being spent because it is being used to mask the true Federal deficit. That is why it is not being spent. A lot of appropriators and the budget folks around here like those big balances in the trust funds because it masks the true deficit. Again, I say. If this amendment does not pass, the balance in the trust fund is going to continue to grow dramatically over the period of this bill. So Americans should know that when they pay their fuel taxes today, they are not being spent. A lot of it is just accumulating. It is a charade. It is a phony game that is being played with American taxpayers. Using fuel tax revenue to mask the true budget deficit is not right and it is not fair. And I have argued this many times.

To my second point. This amendment in no way breaks the budget. Now, there are going to be some on the floor later, perhaps today or later, saying, ''Oh, this breaks the budget.'' It does not break the budget. It does not break the budget at all.

Why? Because all this amendment does is raise the contract authority or authorizations. It would increase contract authority by $31.6 billion over 5 years. This is the 3.45 cents of the 4.3 cents just transferred to the trust fund on October 1. The amendment would provide new contract authority beginning in 1999. But it does not tell the Budget Committee this year or next year that they have to raise transportation spending. It does not tell the Appropriations Committee to raise budget caps. It does not touch the budget resolution or obligation limitations for highways. Again, it is just contract authority. Therefore, it does not break the budget. It does not require any additional spending. The amendment just says that if the projected savings from OMB are realized, and if the Congress decides to spend these savings, then they should be available for transportation.

It does not require that spending increases. It just says that the Congress may spend more for transportation if there are new savings and if Congress agrees to spend them on transportation. We are just increasing contract authority. That is all. We increase contract authority by $31.6 billion over 5 years. So, again, this does not break the budget. Yes, we will have at least one point of order. But is not a point of order that we have increased spending. It is a point of order that the Environment and Public Works Committee has exceeded its contract authority allocation. That is all. But that is a minor technicality. What really counts is, does it require any additional spending? The answer is no, not one cent of additional spending is required. It does not break the budget agreement in any way. I cannot make that point enough.

Point 3. Does this amendment take anything away from any other Federal program? Some are going to claim that it does. The answer is not one red cent. Nothing is taken away from other programs—nothing. Now, someone may claim that it will. They are going to say that. Not true. Not true at all.

Again, because this amendment only provides for raising contract authority. It does not increase spending. I say again, Congress must still decide to spend any new savings, if those savings are in fact even available. It is clear that if today OMB projects a savings, that savings may be greater or lower next year. But if that is the case, Congress may choose not to increase spending at all. That is fine. Again, the amendment will only provide new spending if savings are available and if Congress decides to spend them.

Again, this amendment takes nothing from any program at all. To my fourth point, the infrastructure needs of this country. I will talk about this in greater detail when we debate the amendment. But I do want to state that the Department of Transportation says that there is about a $15 billion annual deficit in combined infrastructure spending in America. We in America spend far less on highways and infrastructure than other countries do as a percent of their gross domestic product. Japan spends four times what we do. European countries spend at least twice as much.

I fear that if this amendment does not pass, 6 years from now we are going to find that our highways in America have deteriorated more. We will continue to fall behind. Our highways and transit systems are not all in good shape today. There are a lot of bridges in our country that need repair. There are a lot of roads in our country that need repair. I just cannot emphasize too much how important it is for America to have the best highways and transportation system if we are going to remain competitive. We need to pass this amendment to make progress on our transportation needs.

And to my fifth point. Let's not lock into the contract authority numbers that are in this bill unless we have to. Let's have this vote and see what happens. I think the case is there to increase transportation spending. We need to do it now and not wait.

So I will sum up, Mr. President. I want to again thank all who have worked so hard on this amendment, particularly the authors of the amendment. They have come up with a very sound way of solving the problem of needing more money. Again, it does not break the budget in any way. And it does not take any dollars from any other programs.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I know there are others who are anxious to speak, so therefore I will not go over the points that were very clearly enunciated by the distinguished senior Senator from West Virginia, my colleague from Texas, and my partner, Senator BAUCUS, who worked with me throughout the formulation of the underlying bill together with our leadership, the committee chairman, Senator CHAFEE. Senator BAUCUS has worked with me throughout this process.

As subcommittee chairman, I started with a group called Step 21 and then eventually we joined forces with a group headed by Senator BAUCUS—Stars 2000 is my recollection—and eventually our distinguished chairman joined us. We were able to craft a bill which became the subject of a markup and then gained full support of the committee.

It is, I must say, of some personal and professional concern that for the moment I am at odds with my distinguished lifetime friend and chairman, Senator CHAFEE, on this matter, but I hope that in due course I and others can persuade him to the wisdom of this amendment. He will speak for himself, I hope, momentarily.

As Senators BYRD and GRAMM and BAUCUS have said very clearly, when I met with them last night, I was given the assurance we did not break the budget, and I think the Senators have gone through that very clearly.

We assure that every State gets a fair return, and 90 percent of the funds sent to the States under the formula is a fundamental principle of ISTEA II. And to give absolute credence to that statement I have just made, which was the basic criteria for my joining in this effort, I ask unanimous consent to print in the RECORD statistical tables prepared by the Federal Highway Administration at my request.

Mr. DOMENICI. Might I ask the Senator, what is that again?

Mr. WARNER. If I may, I will just pass it to the Senator. It is a statistical table showing that the formula of a 90 percent return that we established in the bill is followed in the amendment.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. WARNER. Absolutely. Let me just finish——

Mr. DOMENICI. Where is the amendment you are following? I haven't found it.

Mr. WARNER. Mr. President, if I can just finish my remarks, then I will be glad to yield the floor.

Mr. DOMENICI. Excuse me.

Mr. WARNER. I suggest that the Senator consult with the distinguished senior Senator from West Virginia, who has put certain documentation into the RECORD earlier today.

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

COMPARISON OF SHARES UNDER ISTEA, FY 1996 HTF CONTRIBUTIONS, S. 1173 AND BYRD/GRAMM

[Dollars in thousands]

State	ISTEA avg. percent (incl. demos)	FY 1996 HTF Pymts (percent)	90% HTF Pymts	S. 1173 5yr Avg. (1999–2003)	Percent	Byrd/Gramm 5yr Avg. (1999–2003)	Percent
Alabama	1.815	2.219	1.997	$442,300	1.997	$553,616	1.997
Alaska	1.160	0.256	0.230	274,640	1.240	343,760	1.240
Arizona	1.399	1.726	1.553	343,979	1.553	430,550	1.553
Arkansas	1.437	1.445	1.300	294,574	1.330	368,711	1.330
California	9.133	10.096	9.086	2,026,838	9.151	2,536,945	9.151
Colorado	1.098	1.277	1.149	282,478	1.275	353,571	1.275
Connecticut	1.929	1.000	0.900	379,110	1.712	474,518	1.712
Delaware	0.398	0.288	0.259	104,098	0.470	130,296	0.470
Dist. of Col.	0.504	0.126	0.114	100,107	0.452	125,302	0.452
Florida	4.201	5.116	4.605	1,019,835	4.605	1,276,502	4.605
Georgia	2.975	3.895	3.506	776,476	3.506	971,895	3.506
Hawaii	0.692	0.259	0.233	132,223	0.597	165,498	0.597
Idaho	0.683	0.549	0.494	181,617	0.820	227,325	0.820
Illinois	3.735	3.696	3.327	736,789	3.327	922,221	3.327
Indiana	2.231	2.703	2.432	538,722	2.432	674,304	2.432
Iowa	1.206	1.165	1.049	292,287	1.320	365,848	1.320
Kansas	1.148	1.156	1.040	290,037	1.310	363,032	1.310
Kentucky	1.561	1.927	1.735	384,214	1.735	480,911	1.735
Louisiana	1.443	1.763	1.587	393,511	1.777	492,551	1.777
Maine	0.643	0.523	0.470	127,220	0.574	159,240	0.574
Maryland	1.678	1.674	1.507	333,744	1.507	417,739	1.507
Massachusetts	4.537	1.846	1.661	393,688	1.778	492,771	1.778
Michigan	2.812	3.505	3.155	698,708	3.155	874,555	3.155
Minnesota	1.534	1.430	1.287	331,165	1.495	414,512	1.495
Mississippi	1.106	1.325	1.193	279,391	1.261	349,707	1.261
Missouri	2.211	2.585	2.326	527,173	2.380	659,850	2.380
Montana	0.884	0.479	0.431	234,773	1.060	293,860	1.060
Nebraska	0.778	0.810	0.729	185,958	0.840	232,759	0.8940
Nevada	0.641	0.640	0.576	161,683	0.730	202,375	0.730
New Hampshire	0.483	0.408	0.367	115,172	0.520	144,158	0.520
New Jersey	2.848	2.607	2.346	533,777	2.410	668,115	2.410
New Mexico	0.975	0.869	0.782	232,558	1.050	291,087	1.050
New York	5.475	4.358	3.922	1,128,109	5.093	1,412,009	5.093
North Carolina	2.618	3.140	2.826	625,976	2.826	783,519	2.828
North Dakota	0.636	0.360	0.324	161,683	0.730	202,375	0.730
Ohio	3.584	3.826	3.443	762,570	3.443	954,490	3.443
Oklahoma	1.420	1.686	1.517	349,099	1.576	436,959	1.576
Oregon	1.163	1.302	1.172	285,235	1.288	357,022	1.288
Pennsylvania	4.865	4.160	3.744	839,868	3.792	1,051,249	3.792
Rhode Island	0.580	0.275	0.247	128,461	0.580	160,791	0.580
South Carolina	1.279	1.765	1.589	351,919	1.589	440,488	1.589
South Dakota	0.653	0.359	0.324	172,758	0.780	216,236	0.780
Tennessee	1.998	2.515	2.263	501,256	2.263	627,410	2.263
Texas	6.423	7.649	6.884	1,524,739	6.884	1,908,478	6.884
Utah	0.711	0.855	0.770	191,086	0.683	239,178	0.863
Vermont	0.435	0.293	0.264	104,098	0.470	130,296	0.470
Virginia	2.267	2.844	2.559	566,858	2.559	709,522	2.559
Washington	1.865	1.962	1.765	407,191	1.838	509,671	1.838
West Virginia	1.147	0.806	0.725	226,342	1.022	283,308	1.022
Wisconsin	1.926	2.018	1.817	402,337	1.817	503,595	1.817
Wyoming	0.629	0.466	0.419	168,328	0.760	210,692	0.760
Puerto Rico	0.448	0.000	0.000	101,652	0.459	127,235	0.459
Total	00.000	100.000	90.000	22,148,407	100.000	27,722,607	100.00

Mr. WARNER. Mr. President, throughout this debate of many, many months on the highway bill, I have expressed the need to raise the amount of money that had to be put forward to replenish America's infrastructure. And together with Senator BAUCUS, we cosponsored an amendment which lost by one vote in this Chamber to augment the spending under this bill. I felt a certain loyalty to that coalition which had joined with me and had fought so hard to get additional funding.

Second, the formula that we devised in the underlying bill, ISTEA II, I now recognize, while it was essential in my judgment we establish that 90 percent return—thereby eliminating the donor-donee distinction that existed, I think most unfairly, for these 6 years, and we achieved that result—but I find, in consulting with many of my colleagues, that the transition is very abrupt to their States, those donee States in particular. This amendment, as proposed by the four of us, will help ease that transition.

That point I want to make very clearly, it will help ease that transition, because Senators in clear conscience on both sides of the aisle have come to the members of the transportation committee and said please, we must have some relief as we begin to transition into ISTEA II. This bill provides the added funds to give that needed relief, badly needed in many instances. I think now with this important amendment as part of the bill if so adopted—the Senate will adopt an ISTEA II bill.

I am reasonably confident it will be along the lines of the committee bill. But there have been reports from the other House, and they may be rumor but I think there is some documentation, all the way from, ''We are not

even going to conference. There won't be a bill this year.'' Or it will be just a 6-month bill. And I have heard a 90-day bill.

At another time I will explain why, in my judgment, that is not good for the United States of America. Our transportation infrastructure and the need for upgrading is critical for this Nation to remain competitive in a one-world market. A 6-year bill has always been the format, beginning with ISTEA I, by which the Governors and the respective highway authorities in the several States have done the long-term planning necessary to improve their own State transportation systems. They need 6 years to develop the contracts which must be guaranteed to have a flow of funds over that period of time. They are not simple contracts, they are very complex contracts.

I can go on, on that point. But we will be strengthened, the U.S. Senate will strengthen its bill to the point where I think the House will see the wisdom of the course we have charted in this body for a highway bill which is anxiously being awaited by the 50 States. This amendment, I think, will ensure the ability of the Senate to go in with a strengthened position and persuade the House to the wisdom of having a 6-year bill, and hopefully along the funding profile as outlined in this amendment.

The House was deeply concerned, as was the Senate, that next year, with the forecast and projections of additional revenues, that they could be forthcoming for transportation. What this amendment does is literally solidifies—no longer ''bet on the come''—that next year we will have additional funds for highways. But this amendment in a sense puts that certainty into this legislation, which will enable the several States to do their planning.

So, those are the three basic reasons and I shall add further, such that other Senators can have an opportunity to speak on this, and I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from West Virginia.

Mr. BYRD. Mr. President, in the remaining time let me also thank the distinguished Senator from Rhode Island and others on the committee who worked long and hard, in putting together the bill that was reported.

Now, I have discussed with the distinguished chairman of the committee, the need of the Appalachian corridor States for additional moneys, and that need hasn't been met by this bill. The distinguished chairman from Rhode Island, Mr. CHAFEE, came to my office and listened to my concerns. He listened courteously, and I thank him for the consideration that he gave me. But we have a bill here that does not meet those needs that have languished for 31 years. So I feel compelled to do what I can for the Appalachian States and the people therein who have been promised for 31 years that those Appalachian corridors would be funded. I feel the need to do what I can to advance their cause.

And other Senators have come to me saying, ''We need more money. We need more money.'' Six years ago, when we had the ISTEA bill before the Senate, I found, as chairman of the Appropriations Committee, I found $8 billion, a little over $8 billion which enabled the Senate to get off the dime, as it were, where it was stalled. That bill wouldn't move. So we divided the $8 billion, half I think among the donor States and half to those States which had acted to increase the resources for transportation within their own borders, such as my own State, which had raised its gasoline tax. It had done more than many of the other States had done within the respective borders of those States to try to meet those needs.

So, I was able in that instance to find that $8 billion, so Senators have again come to me and said listen, we need more money. We need more money. So I have done my best to find that money. There will be a time, as I have said, when we will debate this matter. But I did want to thank the distinguished chairman for his work and I hope he will understand the necessity that compelled me to try to get more contract authority for highway construction all over this country. I will be ready to do my best to defend the amendment when we are ready to introduce it.

Mr. President, at this time I would like to state the names of additional Senators who have indicated they want to cosponsor the amendment: Mr. AKAKA, Mr. BREAUX, Mr. FORD, Mr. INOUYE, Mr. KENNEDY, Mr. ROBERT KERREY, Mr. HARRY REID, Mr. SHELBY. That completes the list as of now.

I urge all Senators who, having heard this discussion today and who, feeling that they would like to be cosponsors—I urge them to be in touch with my office, Mr. GRAMM's office, Mr. WARNER's, or Mr. BAUCUS', and let us know that.

Mr. GRAMM. Mr. President, Senator SANTORUM, who presided over our presentations, asked to be added as a cosponsor. Mr. FAIRCLOTH would also like to be listed. We are not offering the amendment today, but in terms of putting people on notice, putting the tables out, I wanted to be sure that they were listed as well.

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

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I appreciate the lovely bouquets that have been thrown my way. I think I would swap them for more support than I am currently receiving. But, nonetheless, I appreciate it. I thank the distinguished senior Senator from West Virginia and all around here, Senator BAUCUS, Senator WARNER, others. I would ask the sponsors of the amendment that we would like to see it. We are going away, now, for a week, and I think it would be helpful if we could see this amendment. When will it be available?

Mr. BYRD. Mr. President, the distinguished chairman has asked a pertinent question. I think I have already answered it. The amendment is still being drafted, but, in view of the fact that the Senate is about to go into recess—I understand there won't be a session here tomorrow—we, who are the chief cosponsors, felt that we ought to announce to Senators that there will be an amendment. We put tables in the RECORD, and at such time as the amendment is ready to be offered, all Senators will then have it made available to them. Senators are entitled to see it when it has been finished.

Mr. CHAFEE. Mr. President, I would ask if it is possible to see it before we leave? In other words tonight, tomorrow, something like that?

Mr. BYRD. As the distinguished chairman knows, the department has had some difficulty in calculating the numbers even for the bill that is before the Senate. Now we have an amendment that only last night the four chief cosponsors finally agreed upon, and it takes some time for the department to run the tables, run the figures and get them ready. Senators know that. The Senator from Rhode Island and other Senators know that. We could have waited until we came back to announce that we have an amendment, but we felt it was the better part of wisdom, because it is being talked around here. This amendment, without its having yet been produced, is already being criticized, and things are being said about the amendment that are not true. So we felt that before we go into recess we ought to make that clear, that there are mistaken conceptions of what the amendment does. We ought to set that record straight. But the amendment will be made available in due time.

And while I am on my feet, I would like to say we ought to have an ISTEA bill this year. We ought not settle for a 6-months extension. We ought not settle for a year's bill. Next year is an election year. If we can't reach an agreement this year, how easy is it going to be to reach an agreement next year, during an election? We ought to focus our energies and our attention and our talents on promoting action on the bill this year, a full 6-year bill.

Now, that's the best I can give the Senator in answer.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, as I understood there is a table being passed around that shows the allocations to the various States. That's really the tough part of the amendment. So, what is left?

Mr. BYRD. I will give——

Mr. CHAFEE. The language of the amendment must be available if——

Mr. BYRD. I am pleased to give the Senator the table. It will also be in the CONGRESSIONAL RECORD in the morning, for all to see.

Mr. WARNER. If the Senator will yield, I will give him the table that I have quickly prepared when I first learned of the amendment, which

shows the consistency between this amendment and the distribution of funds under our underlying bill, ISTEA II.

Mr. CHAFEE. Mr. President, I know the distinguished chairman of the Budget Committee has some comments. But let me just say briefly, I want to put one thing to bed around here, to rest, and that is that this gas tax has been collected with the people who are paying it believing it is all going into a highway trust fund.

Let me just review the bidding a little bit. Many of us—I certainly was here, the Senator from Montana was on the Finance Committee at the time, I don't know whether the Senator from Texas was. But in 1990, there was a 5-cent-per-gallon tax started; 5-cent-per-gallon tax; 2.5 cents of that was to go to the general fund, 2.5 cents to the highway trust fund. This was no secret. It wasn't something that was slipped over anybody. We all voted for it up or down, knowing 2.5 cents of that 5 cents was going into the general fund of the United States. There is none of this business of coming to the pump, looking at it and thinking that tax you are paying all goes into building highways.

Then in 1993, we added a 4.3-cent tax, all to go to the general fund, and that was no secret either.

So, Mr. President, I just want to say that this idea that we are somehow deceiving the public by piling up money in the general fund from the gasoline tax is just not accurate, and everybody who was in the Senate at the time—that is everybody here—certainly those on the Finance Committee clearly knew where the money was going to go.

Let me just say something else. I know the Senator from New Mexico is going to deal with this further, but I must say, this is a world record around here. We passed a budget in August. That is when it was signed, August. September, October we are going to deviate from it.

The proponents are riding two horses here. One they are saying, ''Oh, it's not going to affect anything,'' and that is right, because under this amendment, it goes out to the States but can't be spent until one of two things happen: until the other domestic discretionary accounts are cut or the cap is, or the overall discretionary cap is raised. That is true.

So on one hand you can say what marvelous things are going to be done for the highways, every State is going to get more, how wonderful it is, and then you say, ''Oh, no, none of it is going to be spent; therefore, it is not going to affect the budget at all.''

When the time comes and the decision is made, you radically alter the budget that was just signed by the President a month and a half ago, probably it is 2 months ago now. That is a world record for this Chamber. Usually we don't deviate from a budget until we have gotten into it a little bit, but here we change it after a little less than 2 months. I don't think that is a very good record we should be proud of in this Chamber. I know the distinguished chairman of the Budget Committee will be speaking, and I look forward to hearing his remarks.

Mr. WARNER. Will the Senator yield for a point? I want to make it clear for the Record I voted against that 4.3-cent tax.

Mr. CHAFEE. Maybe you did, but the idea that this was adopted by some masquerade, somehow the impression ''when my wife goes to the gasoline station she is thinking that all that tax money is going into the highway trust fund and that if we send it anywhere else we are deceiving her,'' that is nonsense. It was nonsense right from the beginning, as I said, in delineating the history of what took place in 1990 and then in 1993.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. CHAFEE. Sure. Let me say one thing, if I might, Mr. President. I am now in my, I guess, 20th year here, and I have been on the side of the distinguished senior Senator from West Virginia. I remember lifting the Turkish arms embargo about the first year I came here. And then I have been on the other side, against him. As a general rule, I would far prefer to be on his side than against him. I find it is a much more comfortable position, perhaps a safer position in many ways. So I am very, very conscious that when I duel with the distinguished senior Senator from West Virginia, I have to be on the alert.

I will buckle on my breastplate of righteousness, I shall seize my cap of salvation, I shall grab my sword of the spirit and prepare for combat.

Mr. BYRD. Come one, come all. This rock will fly from its firm base as soon as I.

Mr. President, the distinguished Senator from Rhode Island has made some comments questioning the fact that people in this country—I think it is a fact—the people in this country go to the gas pump and buy gasoline under the impression that their tax money goes into the highway trust fund and that it comes back to meet their transportation needs.

Was the Senator here in 1956? I was here in 1956. I was here and I supported President Eisenhower's interstate system. I was here. My wife was buying gas at the pump then. In 1956, Congress created that highway trust fund. She was buying gas at the gas pump then, and the people were told that the gas tax was going into the trust fund tax, and that money was going to be used for highways.

And so for over 40 years the American people have believed that their money that they were spending at the gas tank, that portion that was the Federal tax, was going into the highway trust fund. That is no Alice in Wonderland story. That is no make-believe story. That has been a fact. I voted for it 41 years ago.

In 1990, it was diverted. That is when it was diverted, 1990. I was here. I voted for that. I went over to those long meetings that we had with Mr. Sununu and Mr. Darman and Mr. DOMENICI and I guess Mr. WARNER was there, Mr. Hatfield was there. Anyhow, Senators on both sides of the aisle were there. And we came up with a package. Yes, we diverted it. We voted to do that.

But recently the Senator from Texas offered an amendment, which said that the gasoline tax should again go into the highway trust fund.

So let's not break faith with the American people. They have been told it is for highways, and that is what this amendment says it will be used for if the savings are there. I just wanted to make that point.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I left a very important meeting because I thought I had the time at 5:15 or at least after they used an hour or so. I think I am being fair in saying they used an hour, and I was supposed to follow for a half-hour.

Mr. BAUCUS. I wonder if the Senator will yield for 1 minute on this last point.

Mr. DOMENICI. Will you set it for 1 minute?

Mr. BAUCUS. Very briefly.

Mr. DOMENICI. I will be pleased to yield.

Mr. BAUCUS. In 1990, we enacted 2.5 cents to deficit reduction. In 1993, the 4.3 was passed. In 1995, due to pressure from the public, we undid the 2.5 cents so that went to the highway trust fund. And right now, because of the public pressure, we are going to put the 4.3 cents in the trust fund.

In the past, Congress has diverted, but the public is now telling us—and we enacted in 1995 to put 2.5 cents back in the trust fund, and now we are putting 4.3 cents in because the public wants it back in the trust fund.

Mr. DOMENICI. Mr. President, since there is going to be a week or more intervening before we can debate the so-called amendment, I hope it is available for us to look at before then. I am always a little suspicious when a bill isn't ready, especially when everybody is clamoring to get on it because it seems to me they know something I don't know.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. And I bet they do. I bet they know this bill is going to promise them all a lot more money, so why don't they all get on? Right, I ask Senator GRAMM? Every Senator should get on it. You can count on it, it is going to give you more money, you can count on it, whether it is the Appalachia Regional Commission, Texas, New Mexico—all of you are going to get a lot more money.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. I will yield as much as you like.

Mr. BYRD. I have two things to say. I hear that the distinguished Senator from New Mexico has an amendment. I hear that he has one. I have seen papers to that extent, memos, or letters something like that. I didn't read them, but I have seen them around the desks. So he, too, has an amendment. I haven't seen it. We four sponsors think that even though our amendment is not ready, we should clear the air and clear the record as to what it will not do, because many things are being said in the Senate about our amendment that are absolutely incorrect. I have seen some of the papers on the desks around here saying what this amendment purportedly will do. We Senators wanted to clear the record today to say that it will not do this and it will not do that and it will not do other things stated in the propaganda that is being spread. That is all. I thank the Chair.

Mr. DOMENICI. I was delighted to yield. First, I would like to make a part of the Record and I would like Senators to know a little history about the trust fund and whether or not there really is a surplus. At least on the Republican side I would like them to read the Republican policy statement issued on October 6, just a few days ago, that analyzes the history of this. It will be good reading. If there ever was a myth, it is the myth about the great, great trust fund buildup that is there for highways that we ought to be using, everybody says; this budget process is just building that big reserve and that big slush fund. This will tell you that is kind of a paper tiger. I would call it one of the greatest myths around.

Having said that, let me clear up the second point. No Republican voted for the 4.3-cent-gasoline tax. So I say to Senator WARNER, you can get up and say you didn't. You are in good company. None of them did.

On the other hand, I can say to my friend from West Virginia, you did, because every Democrat voted for it. The important thing is, what was it for? I understand that in 1956 Senator BYRD's wife was buying gasoline at the pump. I was just a small guy then, but I was buying gasoline at the pump. I had a little Chevrolet, secondhand car that my dad gave me, and it was secondhand from his business.

Let me tell you, this 4.3 cents was adopted in a balanced budget proposal by this President, voted for by Democrats. I will tell you, some of us said that it wouldn't work, and maybe it worked better than we thought, but I say to my good friend from West Virginia, there was no diversion of highway trust fund moneys. It was voted up or down in the General Treasury to reduce the deficit. We can bring that down here and talk about it. It was not a gasoline tax for highway use. It was a gasoline tax to reduce the deficit.

I submit, since we think we have balanced the budget, Mr. President, maybe the time is to give the 4.3 cents back to the States. That might be a good idea. Its original purpose was to help balance the budget. Let's say to the American people, ''We're giving it back to you because we don't need it to balance the budget.''

I say to Senator BYRD, I know you want me to yield, but you have been down here a long time. You used the word ''propaganda'' about what I sent around. I want to make sure this attack on propaganda is equal, so I can attack propaganda about how great this amendment is and what it isn't going to do.

Frankly, we are going to have a lot longer discussion about this, but it is wonderful to just visualize and think for a minute how far we have come.

June the 5th—anybody waiting around for me to say what year—this year, June the 5th, 1997, we overwhelmingly adopted a balanced budget resolution. And everybody was praising us. And JOHN WARNER, a wonderful Senator from Virginia, you are hugging DOMENICI saying, ''You finally got it done''—June 5th.

Just a little while later, July 31st, this year—not 10 years ago—we adopted two bills, one by a vote of 85–15. Now, I imagine in this debate some can stand and say I did not vote for it. Maybe PHIL GRAMM can say that. I was not one of the 15. He did not vote for the budget resolution, anyway.

Anyway, 85 Senators voted for the bill to implement that balanced budget. And lo and behold, on the same day, 92 Senators voted on a new tax bill for the United States of America—all part of a big plan to balance the budget.

What actually has happened, Mr. President, and fellow Senators, is that along comes a highway bill, after all that is done, and by an accident of time it comes after the Budget Act and on to the floor comes Senators saying, ''Let's spend $31 billion more on highways than we expected just on June 5th, 1997.''

Now, is Senator DOMENICI saying you are breaking the budget? Well, I don't know. I am just telling you that on June the 5th you voted in a budget resolution that sets obligation authority for highways, and now before the year ends you are saying, without another budget, without another debate, without any decision about where the money is going to come from—I will talk about that in a minute—we all decide we are going to add $31 billion to the highway program.

Anybody that thinks Senator PETE DOMENICI is not for highways has Senator PETE DOMENICI wrong. In fact, about my own State, I have to say that we are not spending enough on highways. And it is going to be very detrimental to the future of our State. Most of it is because we do not want to spend any of our own money. And in our urban areas we put in about $80 million every 2 or 3 years in a bond election. We ought to put $250 million, in my opinion.

The point is, I am for spending more money on highways. And I will present an amendment that does justice to the votes of these Senators on June 5th and July 31st. For my amendment will say: Early next year when we do a new budget resolution and we thoroughly debate—what?—prospects for a surplus—I am hearing people running around saying there is going to be a big surplus. We are going to debate that.

I hope there is a great national debate because, to tell you the truth, the deficits are going to be down in the year 1998, 1999, and the next year dramatically from what we predicted. And I believe, absent some catastrophe, in the short term we will balance the budget and have a lot of money left over in the year 2002.

But before we get too excited, during that debate we will have a presentation, if not by others, by me, telling you what is going to happen in about 12 years or 14 when the baby boomers hit this. Just like one of these giant pythons when they swallow some big monster animal, they can hardly digest; it gets about that big. That is the way the budget is going to go—huge.

Frankly, I want to tell you what I think this amendment does. I believe there is a disagreement in philosophy between the distinguished Senator from West Virginia, Senator BYRD, and his cosponsor, Senator GRAMM of Texas. Senator GRAMM has said—and he put it in a circular that has gone to everybody around to muster up support—and the fourth point he makes in his circular is that we will not spend any more money as a result of spending $31 billion more on highways than we expected, we will not spend any more money.

That does not sound possible, does it? Of course, it does. Senator GRAMM says we will take it out of the rest of Government. So what we had planned to spend in Government, which incidentally for those who think we were going to spend a lot of money, get ready. The appropriated accounts on the domestic side are expected to increase five-tenths of 1 percent in each of the next 4 years, I say to my friend from West Virginia. That is the number built in the law.

Now, think with me. Senator GRAMM says, $31 billion more spent on highways than contemplated, but we are not going to spend any more. Where is it going to come from? Now, the version of the Senator from Texas is to take it out of the rest of Government, except defense, I assume. Wait a minute—you shake your head—it is not right.

It is impossible that you can spend $31 billion and not break the caps that are currently established or reduce the level of spending in the appropriated accounts other than transportation. It is arithmetically impossible. That is not philosophy; that is just plain old numbers.

Now, Senator BYRD is saying, if I hear him right, ''Now wait a minute.''

Mr. BYRD: Be careful now. Be careful.

Mr. DOMENICI. ''I want to spend this 4.2-cent gasoline tax. I want to spend it

on highways. On the other hand, I'm willing, when the time comes, to increase the domestic caps so we don't have to cut appropriations.''

Now, is this amendment a budget buster or is it not? I guess one could say we are not breaking the budget because somehow the money is going to come down from Heaven and come into this trust fund, or some will say we are just going to go to the NIH and we are not going to get rid of it like Senator DOMENICI suggested, we are just going to cut it 5 percent. And we are not going to get rid of all those items that somebody read off my letter, we are just going cut them off 5, 6 percent. Well, everybody ought to know what we are going to cut to spend $31 billion. And the problem with this process: They will not know until we have already put on the new map $31.6 billion in highway funds.

That is the truth of it. Why do I think we should do it another way? And I urge you all to do it another way. I urge that we not spend the money, the 4.3 cents, the $31.6 billion, that we not obligate it now but, rather, we say the following in an amendment—and if Senator BYRD wants to know what my amendment is, I am explaining it right now—that we adopt an amendment that says, when the budget process is finished, and the debate has concluded on what we should do with our money next year, including surpluses, and the following years, when we have decided, if Congress decides to spend more money on highways then, put it right in the budget resolution, an automatic supplemental appropriation. An amendment to the Highway Act will occur so that you have accomplished it and everybody has had their chance to debate where the $31 billion comes from.

And I surmise that some of you might say, including my wonderful debating friend, Senator GRAMM, you might say, ''DOMENICI, you know, they're going to put it in highways anyway.'' Well, that works both ways. If you know they are going to vote to put it in highways, why don't you wait and do it when everybody can vote on the difference between spending it here and not spending it in education or spending a surplus to build highways?

That is a fair proposal on our part. I will draw the language for you. I will let you help me. Then I will tell you, if you prevail in this debate that you want some surplus going in here, that you want to cut other programs to put more here, I will be on the floor supporting you to the best of my ability right on through.

Frankly, I do not think—you know, I used to be, in all honesty—I will not tell you when it stopped happening, I say to Senator BYRD—but I used to really fret when I thought I had to come down here and argue with you. Because I figured I did not know enough. And by the time you got through with the process down here, you taught me a lesson. You taught me it early. The rules are made for you. If you do not use them, it is your fault. And if I use them, it is because I have a right to.

I did not feel up to it back yonder. But I welcome this debate. And if you all win, you know, I am not going to lose any sleep. But I think I will make the point that this is not the way to run the Government of the United States 4 months after you pass a balanced budget and you put caps on what you can spend for each of the next 5 years, literally dollar numbers written in the law for all the domestic accounts, including highways. They are all in that cap. You cannot raise the cap without 60 votes saying, ''Raise the cap.''

And along comes the appropriations process, which is the other vehicle you can use, and you cannot—you cannot—mysteriously find $31 billion to spend. You put new commitments in with the same amount of money to spend for everything—not one penny less or one penny more. It does not change. There is no inflation built into those caps. They are not tied to the economy of the United States. They are flat literal numbers.

And why are they numbers? Because we found the only thing that worked to control spending on the appropriated side was to say if you exceed the caps, the Executive must put in an automatic sequester so it is the only thing that works. And it works because twice the White House—not this one—sent us a little signal. We were $40 million-some over the cap once, and Dick Darman said, just so you will all know that it works, he sequestered every account in Government to the tune of a total of $43 million, which I think was one-tenth of one-hundredth of one-thousandth of a percent, but to prove it works.

It was sort of a bit of the leftover of Gramm-Rudman-Hollings. Probably the one notion of real consequence was the notion of a sequester, which most people never heard the word before. In fact, I had not until you introduced the bill—or until we helped you rewrite the bill or whatever. I worked on it for a long time, I say to the Senator.

I am going to quit for now because if I am going to bore the Senate with my entire speech tonight they will not listen to me the next time. And I want to make sure that they all hear this and that they all hear my version of this. And then they can vote as they please because that is what we were elected for.

I want to close by saying to all that big lobby group, believe you me, when you say ''lobby groups,'' don't think that the highway people are not lobbying. Man, oh, man, you would think that the only ones lobbying are the manufacturers of America. They are all out there now that you have spoken tonight. When these Senators go home on this recess, they will claw at them. They will already know how much more is going to be spent on their highway projects. It will not be the citizens. It will be the highway builders. Nothing wrong with that. There is not one Senator that said they should not, but, boy, they are going to tell you every penny is needed. And they aren't going to know one diddly about the process going on up here or what they are competing with. It is just: Build the roads.

Someday we are going to build more roads. Maybe I will be voting for building more roads. But I tell you for now, you have not come close to convincing me that this is the way to do it. I urge that you go back and find a way to draft a contingent bill, draft a bill contingent upon the Congress of the United States in the budget process increasing the obligational authority that you think we ought to have.

I am willing to help you draft that and say if Congress votes that in as it sets its new priorities—and, yes, I would even say decides whether it wants to spend more money—then I will be right there with you when the time comes seeing that you get it. But I just believe that, you know—I cannot yet tonight tell you, but I will be able to in a week, how this changes the system that was working.

I do not mean by that, spending the trust fund reserves. There can be a big argument about the unified budget and taking it off budget. I just mean, to come in at this date just because a highway bill is due and add $31 billion this way without having to face up to any competing needs, and leaving that competition to another day, or as one would say, ''Don't worry about the competition. We'll just increase the caps and spend more,'' I think that ought to be done not in the context of a highway bill that gives everybody some goodies that they are all prone to vote for, I think it should be done in a framework of the U.S. Senate at its best, determining what the overall expenditures of Government ought to be, and maybe I will even say tonight how much of the surplus we want to spend and how much you want to leave, how much you want to put in the Social Security trust fund, and all kinds of nice things.

I yield the floor.

Mr. BYRD. Mr. President, I will be very brief because we have other business that is going to come before the Senate.

Before the Senator from New Mexico leaves, the Senator talks in terms of waiting, waiting until we can consider other competing needs. We are saying, ''Let's keep faith with the American people.'' If there are savings, let's spend the money in the trust fund for that which the American people think it is to be spent for, not other competing needs. That is just what we are saying it is being spent now for—for other competing needs. We are saying, stop it, keep faith with the American people. Spend it for highways if it is going to be spent.

Other competing needs—like what? Cutting taxes? Is that what it is? The

distinguished Senator mentioned how the budget is going to bulge when the baby boomers get on the scene. I voted against a tax cut, Senator. I said let's put it against the deficit, let's take what you would spend on a tax cut and apply it on the budget. Let's balance the budget with it. I said I'm against a tax cut that the Republicans proposed and I'm against the cuts that the President proposed.

Now, we are simply saying, let's spend it for highways if it is going to be spent and if the savings are there. Of course, the chairman of the Budget Committee and the members of the Budget Committee are going to make that decision. But the people need to know something now. Why do we do it now? Because, we have a highway bill before the Senate, that is why. Now is the time. Don't wait until the opportunity has passed and say, ''Well, we should have done it when the highway bill was before the Senate.'' Let's do it now.

The distinguished Senator says he will welcome the debate.

I, too, welcome the debate, and we won't be running for the mountains crying for the rocks to fall on us. When the debate comes, we will be ready.

As I say, we just wanted to put to rest some misunderstandings that were being spread. I don't blame anybody for that. They were jumping to unmerited conclusions. We wanted to set that straight. When the time comes, the amendment will be offered, and I welcome any and all cosponsors, as do the other sponsors. I don't intend to convince my friend from New Mexico. I honor and respect him. He is one of the brightest minds I have ever seen come in this Senate, but let's keep faith with the American people.

Ananias dropped dead, and so did Sapphira, his wife. They lied, they lied to God. I'm not saying anybody has lied, but I am saying we are not keeping faith with the American people. The American people were told by us in 1956, Senator—I was here; I was over in that other body—they were told that the money was going into that trust fund and would be coming back home to meet the transportation needs of the people.

So, let's keep faith with the American people. And we will renew this debate on another day, I say with great respect to all my friends.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me say it is awfully tempting to get into a debate here, and I will try to avoid that as well. We will have an opportunity to do that the week after the recess when our amendment will be before us, the bill will be before us.

In the words of Ronald Reagan, let me ask Senator DOMENICI to take a little walk with me down memory lane. When his budget was on the floor, I offered an amendment to take a position in the Senate that said that the 4.3-cents-a-gallon tax on gasoline should be put in the trust fund and should be spent for highways and for mass transit. By a vote of 83–16 Members of the U.S. Senate said yes. When the tax bill was before the Finance Committee I offered an amendment to put the 4.3-cents-a-gallon tax on gasoline into the trust fund. By a vote of 15–5 the Finance Committee said yes, and that amendment was never challenged on the floor of the U.S. Senate. So, whatever the Senator from New Mexico would like the world to be, 83 Members of the Senate said put the gasoline tax in the trust fund and spend it for the purpose that gasoline taxes have always been spent every time there has been a permanent gasoline tax in history before this gasoline tax, spend it for that purpose on highways and mass transit.

Now, in terms of this debate about the budget, what Senator DOMENICI is saying is, ''Don't amend the highway bill; let me amend the budget. Don't do it today, decide it next year.''

We have the highway bill before us. The last highway bill that we wrote lasted without a change in the amount of money being spent for 6 long years. The reason we debate a highway bill is to write a highway bill. The point here is as simple as it can be. Do you believe that the gasoline tax which is in the highway trust fund should be spent for highways? If you do, then you are going to end up supporting the amendment that Senator BYRD and I are offering. If you don't believe that, you are going to end up opposing it.

Finally, in terms of the whole debate about the budget, this amendment does not bust the budget. What this amendment does do is it raises the contract authority for highways so that we have an opportunity to compete for funds in appropriations to build highways. Our amendment is very clear on this point. I don't want to go much further because it is not fair to Senator DOMENICI, given that we don't have the amendment before us, but it simply says two things, and I think it is clear there are Members of the Senate who do not support these two things—but I do.

It says, No. 1, that if you have savings by lower spending —it doesn't say anything about higher revenues from economic growing, any of that stuff. It just says if we spend less than we have in the budget and if you decide to spend that money somewhere else—two ifs; it doesn't say you will have the savings and it doesn't say you will spend it anywhere else—but it says if you do have the savings and you decide to spend it, you have to fund the highway trust fund first. You have to fund it first.

Now, other people say, well, what is so important about it relative to all these other things we spend money on? What is important about it is we already have a surplus of $23.7 billion where we told the American people their money was going to build highways and we spent it on something else, as we are doing this very day. That surplus is going to grow to $90 billion. Senator BYRD believes, I believe, Senator WARNER, and Senator BAUCUS believe that it is fundamentally dishonest for us to tell people the trust fund is for building roads and to be building up a surplus of $90 billion where that money is being spent on other things.

So we are not making a decision here. We are not trying to write Senator DOMENICI's budget next year. We are trying to write the highway bill now. Senator DOMENICI says, ''Well, let's debate next year's budget.'' We are not debating next year's budget. There is no guarantee that all of us will be on the same side of that debate. What we are doing is debating highways. We are saying, we have said by overwhelming votes, including on Senator DOMENICI's budget this year, that we want gasoline taxes to go to the trust fund. We want those taxes to be spent on highways. All we are saying is that we want to have a highway bill that reflects the position that we have taken not once but twice. Once in the budget this year, once in the tax cut this year.

This is not a new idea. This is something that we have approved over and over and over again. We think the time has come to make it clear in the highway bill—not in some future budget we may write, but in the highway bill—that when we tell people their gasoline tax is going to highways, we want it to go into highways.

In terms of our language on the budget, we are just simply saying if you have outlay savings and if you spend them—two big ifs; if you have outlay savings and you spend them—you have to fund the highway trust fund first.

I think the overwhelming majority of the American people are for it. I know there are other spending interests that would rather have the money. That is not the debate today. The debate today is about highways, and we are for them and we want to build them.

I yield the floor.

Mr. STEVENS. Mr. President, at a later date I will enjoy entering into the discussion that has just been commenced. I assure the Senate it is not finished. I have great fondness for all participants, but I have two worries. One worry is the worry that the head of the Federal Reserve just announced we are coming into a period of inflation, and the second worry is whether the impact of the amendment as supported by the Senator from Texas would require a reduction in discretionary spending for other accounts in the years covered by the amendment of the Senator from West Virginia. That still has to be examined, in my opinion.

(The remarks of Mr. STEVENS and Mr. BYRD pertaining to the introduction of S. 1292 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, first, I see the Democratic leader here. I will be very pleased to yield to my friend. We have a series of items and we have not yet introduced our bill, but we would be pleased to listen to the leader who has this time reserved.

Mr. DASCHLE. I thank the Senator from Alaska. I have a short tribute I would like to make.

Mr. STEVENS. I shall wait.

Mr. DASCHLE. I appreciate very much the indulgence of the senior Senator from Alaska. I appreciate very much the opportunity to have heard my distinguished colleague from West Virginia, our former leader, who is, in spirit, still our leader.

The PRESIDING OFFICER. The Democratic leader is recognized.

LENNY OURSLER

Mr. DASCHLE. Mr. President, Lenny Oursler is somebody who has been with us here in the Senate for a long time. Tomorrow he will be leaving the Senate to work in the Congressional Affairs Office of the Internal Revenue Service.

Lenny began work in the Senate stationery store in September 1981. He began work in the Democratic cloakroom in April of 1987. He has worked over 16 years of Government service, 10 in the cloakroom, and he has been running the cloakroom, now, for the last 5 years. His tasks have been varied, including keeping Senators and staff apprised of floor action, acting as soothsayer in predicting upcoming schedules with amazing accuracy, making sure that all Democrats reach the floor in time to cast their votes, extending his exuberant hotlines with his trademark ''thank you.''

I don't know of anybody who has worked in that capacity who is more respected, and that respect is well earned. He is always available. He frequently works long, long hours and autographs his work with excellence. There will be a large void in the cloakroom that will be clearly difficult to fill. He is well liked by Senators and staff alike. He always has a cheerful disposition, always has something nice to say, a very positive person with an incredible outlook on life. Occasionally he even has a funny story to share that I can repeat.

Indeed, the only fault I can think of is that he is a diehard Cubs fan and he may never be broken of that terrible habit. I have been told by some of his friends that on the golf course he has a painfully ugly slice and his most valuable club is a ball retriever.

I know that Lenny will miss his family here. I know, too, he is looking forward to the new challenges at IRS. He is looking forward to more predictable and regular hours so he can spend more time with his young sons, Nathan and Benjamin, and wife Sara. I know I speak for all my colleagues on both sides of the aisle in wishing him luck and telling Lenny we will truly miss him.

I yield the floor and again thank the senior Senator from Alaska.

DISAPPROVING THE CANCELLATIONS TRANSMITTED BY THE PRESIDENT ON OCTOBER 6, 1997

Mr. STEVENS. Mr. President, we have a bill at the desk.

The PRESIDING OFFICER. The bill will be introduced and referred to the appropriate committee.

Mr. STEVENS. I wish to have it read.

The PRESIDING OFFICER. The clerk will read the bill by title.

The bill clerk read as follows:

S. 1292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves of cancellations 97–4, 97–5, 97–6, 97–7, 97–8, 97–9, 97–10, 97–11, 97–12, 97–13, 97–14, 97–15, 97–16, 97–17, 97–18, 97–19, 97–20, 97–21, 97–22, 97–23, 97–24, 97–25, 97–26, 97–27, 97–28, 97–29, 97–30, 97–32, 97–33, 97–34, 97–35, 97–36, 97–37, 97–38, 97–39, and 97–40, as transmitted by the President in a special message on October 6, 1997, regarding Public Law 105–45.

Mr. STEVENS. That is cosponsored by the Senator from West Virginia and a series of other Senators, Mr. President. I do wish to have it referred.

I had it read because I think the Senate and those who are watching this proceeding should know how sanitized this process is. Those projects listed by the simple numbers in the President's message were denied the use of $287 million for the men and women of the armed services. As was pointed out by Senator FAIRCLOTH of North Carolina, that is approximately the amount of money we are spending per month in Bosnia. Yet, each one of these projects was very much sought after by the Department of Defense, was reviewed by eight committees of the Congress, was reviewed on the floor of the House and here on the floor of the Senate and in conference, and once again brought back to each House.

I say again, the Senator from West Virginia makes a compelling case for his position, if this is to be the policy of this administration, if there is to be an indiscriminate use of the line-item veto without regard to waste, without regard to the necessity of the money that Congress says must be spent.

So, I look forward to this bill being referred to our committee. When we return from the coming recess we shall proceed expeditiously. Senator BYRD and I have agreed these matters will be kept in full committee so we will not have to go through the subcommittee process. And we will return this bill to the Senate as quickly as possible.

UNANIMOUS-CONSENT AGREEMENT—S. 830

Mr. STEVENS. I now would like to perform a series of missions for the leadership. Therefore, I ask unanimous consent when the Senate receives a message from the House accompanying S. 830, the Senate would disagree with amendment or amendments of the House, and the Senate would insist upon its amendment, agree to the request for a conference with the House, and finally the Chair would be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 595, S. 916, S. 973

Mr. STEVENS. Mr. President, I ask unanimous consent the Governmental Affairs Committee be discharged from further consideration of the following bills and the Senate proceed to their immediate consideration on en bloc: S. 595, S. 916, S. 973. These bills are various post office naming bills.

I ask unanimous consent that the bills then be considered read for a third time and passed as amended, if amended; further, I ask consent that the motions to reconsider be laid upon the table and any statements related to any of these bills appear at this point in the RECORD with the preceding occurring en bloc to the bills.

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

JOHN GRIESEMER POST OFFICE BUILDING

A bill (S. 595) to designate the United States Post Office building located at Bennett Street and Kansas Expressway in Springfield, Missouri, as the ''John Griesemer Post Office Building'' was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 595

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

SECTION 1. DESIGNATION OF JOHN GRIESEMER POST OFFICE BUILDING.

The United States Post Office building located at Bennett Street and Kansas Expressway in Springfield, Missouri, shall be known and designated as the ''John Griesemer Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''John Griesemer Post Office Building''.

BLAINE H. EATON POST OFFICE BUILDING

The bill (S. 916) to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the ''Blaine H. Eaton Post Office Building'', was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 916

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

SECTION 1. DESIGNATION OF BLAINE H. EATON POST OFFICE BUILDING.

The United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, shall be known and designated as the ''Blaine H. Eaton Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''Blaine H. Eaton Post Office Building''.

DAVID B. CHAMPAGNE POST OFFICE BUILDING

The bill (S. 973) to designate the United States Post Office building located at 551 Kingstown Road in Wakefield, Rhode Island, as the ''David B. Champagne Post Office Building'', was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 973

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

SECTION 1. DESIGNATION OF DAVID B. CHAMPAGNE POST OFFICE BUILDING.

The United States Post Office building located at 551 Kingstown Road in Wakefield, Rhode Island, shall be known and designated as the ''David B. Champagne Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''David B. Champagne Post Office Building''.

LARRY DOBY POST OFFICE

Mr. STEVENS. Mr. President, I ask unanimous consent the Governmental Affairs Committee be discharged from further consideration of S. 985 and the Senate proceed to its immediate consideration

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

The bill clerk read as follows:

A bill (S. 985) to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the ''Larry Doby Post Office.''

The Senate proceeded to consider the bill.

AMENDMENT NO. 1322

Mr. STEVENS. I now ask unanimous consent the amendment No. 1322, at desk, submitted by Senator THOMPSON to S. 985, be considered as read and agreed to.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. THOMPSON, proposes an amendment numbered 1322.

Mr. STEVENS. 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:

On page 2, strike lines 14 through 16.

The amendment (No. 1322) was agreed to.

Mr. STEVENS. I ask unanimous consent that the bill be considered read for a third time and passed as amended, further, I ask consent that the motion to reconsider be laid upon the table and any statements appear at this point in the RECORD.

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

The bill (S. 985), as amended, was considered read the third time, and passed, as follows:

S. 985

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Larry Eugene Doby was born in Camden, South Carolina, on December 12, 1923, and moved to Paterson, New Jersey, in 1938.

(2) After playing the 1946 season in the Negro League for the Newark Eagles, Larry Doby's contract was purchased by the Cleveland Indians of the American League on July 3, 1947.

(3) On July 5, 1947, Larry Doby became the first African-American to play in the American League.

(4) Larry Doby played in the American League for 13 years, appearing in 1,533 games and batting .283, with 253 home runs and 969 runs batted in.

(5) Larry Doby was voted to 7 all-star teams, led the American League in home runs twice, and played in 2 World Series. He was the first African-American to play in the World Series and to hit a home run in a World Series game, both in 1948.

(6) After his stellar playing career ended, Larry Doby continued to make a significant contribution to his community. He has been a pioneer in the cause of civil rights and has received honorary doctorate degrees from Long Island University, Princeton University, and Fairfield University.

SEC. 2. DESIGNATION OF LARRY DOBY POST OFFICE.

(a) IN GENERAL.—The post office located at 194 Ward Street in Paterson, New Jersey, shall be known and designated as the ''Larry Doby Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in subsection (a) shall be deemed to be a reference to the ''Larry Doby Post Office''.

MEASURES DISCHARGED AND PLACED ON THE CALENDAR—H.R. 1057 AND H.R. 1058

Mr. STEVENS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of the following bills and, further, that they be placed on the calendar: H.R. 1057 and H.R. 1058.

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

CORAL REEF ECOSYSTEMS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 186, House Concurrent Resolution 8.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 8) recognizing the significance of maintaining the health and stability of coral reef ecosystems.

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

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Energy and Natural Resources with an amendment.

(The parts of the concurrent resolution intended to be stricken are shown in boldface brackets and the parts of the concurrent resolution intended to be inserted are shown in italic.)

H. CON. RES. 8

[Whereas coral reefs are among the world's most biologically diverse and productive marine habitats, and are often described as the tropical rain forests of the oceans;

[Whereas healthy coral reefs provide the basis for subsistence, commercial fisheries, and coastal and marine tourism and are of vital economic importance to coastal States and territories of the United States including Florida, Hawaii, Georgia, Texas, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

[Whereas healthy coral reefs function as natural, regenerating coastal barriers, protecting shorelines and coastal areas from high waves, storm surges, and accompanying losses of human life and property;

[Whereas the scientific community has long established that coral reefs are subject to a wide range of natural and anthropogenic threats;

[Whereas the United States has taken measures to protect national coral reef resources through the designation and management of several marine protected areas, containing reefs of the Flower Garden Banks in the Gulf of Mexico, the Florida Keys in south Florida, and offshore Hawaii, Puerto Rico, the Virgin Islands, and American Samoa;

[Whereas the United States, acting through its agencies, has established itself as a global leader in coral reef stewardship by launching the International Coral Reef Initiative and by maintaining professional networks for the purposes of sharing knowledge and information on coral reefs, furnishing near real-time data collected at coral reef sites, providing a repository for historical data relating to coral reefs, and making substantial contributions to the general fund of coral reef knowledge; and

[Whereas 1997 has been declared the ''International Year of the Reef'' by the coral reef research community and over 40 national and international scientific, conservation, and academic organizations: Now, therefore, be it**]**

Whereas coral reefs are among the world's most biologically diverse and productive marine habitats, and are often described as the tropical rain forest of the oceans;

Whereas healthy coral reefs provide the basis for subsistence, commercial fisheries, and coastal and marine tourism and are of vital economic importance to coastal States and territories of the United States including Florida, Hawaii, Georgia, Texas, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

Whereas healthy coral reefs function as natural, regenerating coastal barriers, protecting shorelines and coastal areas from high waves,

storm surges, and accompanying losses of human life and property;

Whereas the scientific community has long established that coral reefs are subject to a wide range of natural and anthropogenic threats;

Whereas a wide variety of destructive fishing practices, including the use of cyanide, other poisons, surfactants, and explosives, are contributing to the global decline of coral reef ecosystems;

Whereas the United States has taken measures to protect national coral reef resources through the designation and management of several marine protected areas, containing reefs of the Flower Garden Banks in the Gulf of Mexico, the Florida Keys in south Florida, and offshore Hawaii, Puerto Rico, the Virgin Islands, and American Samoa;

Whereas the United States, acting through its agencies, has established itself as a global leader in coral reef stewardship by launching the International Coral Reef Initiative and by maintaining professional networks for the purposes of sharing knowledge and information on coral reefs, furnishing near real-time data collected at coral reef sites, providing a repository for historical data relating to coral reefs, and making substantial contributions to the general fund of coral reef knowledge; and

Whereas 1997 has been declared the ''International Year of the Reef'' by the coral reef research community and over 40 national and international scientific, conservation, and academic organizations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

[That the Congress recognizes the significance of maintaining the health and stability of coral reef ecosystems, by—

[(1) promoting comprehensive stewardship for coral reef ecosystems;

[(2) encouraging research, monitoring, and assessment of and education on coral reef ecosystems; and

[(3) improving the coordination of coral reef efforts and activities of Federal agencies, academic institutions, nongovernmental organizations, and industry.]

That the Congress recognizes the significance of maintaining the health and stability of coral reef ecosystems, by—

(1) promoting comprehensive stewardship for coral reef ecosystems;

(2) discouraging unsustainable fisheries or other practices that are harmful to coral reefs and human health;

(3) encouraging research, monitoring, and assessment of and education on coral reef ecosystems;

(4) improving the coordination of coral reef efforts and activities of Federal agencies, academic institutions, nongovernmental organizations, and industry; and

(5) promoting preservation and sustainable use of coral reef resources worldwide.

Mr. INOUYE. Mr. President, I am pleased to rise today in support of House Concurrent Resolution 8. The United States is beginning to take steps to maintain and protect our coral reef ecosystems. This resolution encourages us to continue to improve our stewardship of these treasures in the sea. Coral reefs are among the most biologically diverse and productive marine habitats. They occur throughout the world's tropical and subtropical regions and in the waters of two U.S. states, including my home state of Hawaii.

Mr. President, coral reefs are vital to coastal economies, serving as the basis for coastal and marine tourism in several U.S. states and territories. Reefs also make substantial economic contributions by supporting subsistence and commercial reef fisheries. Coral reefs and the ecosystems they support are under increasing pressure, primarily from human activity. Of approximately 600,000 square kilometers of coral reefs worldwide, estimates are that 10 percent have been degraded beyond recovery and an additional 30 percent are likely to decline significantly within the next 20 years.

We must strengthen our commitment to be stewards of coral reefs, to discourage harmful fisheries and other practices, to monitor and assess the health of these unique systems; and improve research of and education about coral reef ecosystems. Further, we must ensure that we balance preservation with sustainable use of our coral reef resources. We must identify factors contributing to the global decline of coral reef ecosystems and discourage overfishing and other practices that are harmful to coral reefs and human health.

It is significant that this resolution is passed during the International Year of the Reef to focus attention on research and public awareness of coral reef issues. The resolution is an important step to promote preservation and sustainable use of coral reef resources worldwide. I appreciate the help of other Senators who have worked to see that our coral reefs are provided the attention that they deserve.

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee amendment to the concurrent resolution be agreed to; that the concurrent resolution, as amended, be agreed to; that the amendment to the preamble be agreed to; and that the preamble, as amended, be agreed to. I further ask unanimous consent that the motions to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The committee amendment was agreed to.

The concurrent resolution (H. Con. Res. 8), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

MEASURE DISCHARGED AND REFERRED—S. 813

Mr. STEVENS. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. 813 and that the bill be referred to the Judiciary Committee.

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

THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following bills, en bloc: S. 587, S. 588, S. 589, and S. 591. I ask unanimous consent that any committee amendments be agreed to; that the bills be read a third time and passed; that the motions to reconsider be laid upon the table; and that any statements relating to the bills appear at the appropriate place in the RECORD, with the above occurring en bloc.

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

HINSDALE COUNTY LANDS EXCHANGE ACT

The Senate proceeded to consider the bill (S. 587) to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, Colorado, 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. LARSON AND FRIENDS CREEK EXCHANGE.

(a) IN GENERAL.—In exchange for conveyance to the United States of an equal value of offered land acceptable to the Secretary of the Interior that lies within, or in proximity to, the Handies Peak Wilderness Study Area, the Red Cloud Peak Wilderness Study Area, or the Alpine Loop Backcountry Bi-way, in Hinsdale County, Colorado, the Secretary of the Interior shall convey to Lake City Ranches, Ltd., a Texas limited partnership (referred to in this section as ''LCR''), approximately 560 acres of selected land located in that county and generally depicted on a map entitled ''Larson and Friends Creek Exchange'', dated June 1996.

(b) CONTINGENCY.—The exchange under subsection (a) shall be contingent on the granting by LCR to the Secretary of a permanent conservation easement, on the approximately 440-acre Larson Creek portion of the selected land (as depicted on the map), that limits future use of the land to agricultural, wildlife, recreational, or open space purposes.

(c) APPRAISAL AND EQUALIZATION.—

(1) IN GENERAL.—The exchange under subsection (a) shall be subject to—

(A) the appraisal requirements and equalization payment limitations set forth in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) reviews and approvals relating to threatened species and endangered species, cultural and historic resources, and hazardous materials under other Federal laws.

(2) COSTS OF APPRAISAL AND REVIEW.—The costs of appraisals and reviews shall be paid by LCR.

(3) CREDITING.—The Secretary may credit payments under paragraph (2) against the value of the selected land, if appropriate, under section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

The committee amendment was agreed to.

The bill (S. 587), as amended, was read the third time and passed.

EAGLES NEST WILDERNESS EXPANSION ACT

The Senate proceeded to consider the bill (S. 588) to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest, Colorado, to include land known as the Slate

Creek Addition, which has 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. SLATE CREEK ADDITION TO EAGLES NEST WILDERNESS, ARAPAHO AND WHITE RIVER NATIONAL FORESTS, COLORADO.

(a) SLATE CREEK ADDITION.—If, before December 31, 2000, the United States acquires the parcel of land described in subsection (b)—

(1) on acquisition of the parcel, the parcel shall be included in and managed as part of the Eagles Nest Wilderness designated by Public Law 94–352 (16 U.S.C. 1132 note; 90 Stat. 870); and

(2) the boundary of Eagles Nest Wilderness is adjusted to reflect the inclusion of the parcel.

(b) DESCRIPTION OF ADDITION.—The parcel referred to in subsection (a) is the parcel generally depicted on a map entitled ''Slate Creek Addition-Eagles Nest Wilderness'', dated February 1997, comprising approximately 160 acres in Summit County, Colorado, adjacent to the Eagles Nest Wilderness.

The committee amendment was agreed to.

The bill (S. 588), as amended, was read the third time and passed.

COLORADO BOUNDARY ADJUSTMENT AND LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 589) to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys, 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. BOUNDARY ADJUSTMENT AND LAND CONVEYANCE, RAGGEDS WILDERNESS, WHITE RIVER NATIONAL FOREST, COLORADO.

(a) FINDINGS.—Congress finds that—

(1) certain landowners in Gunnison County, Colorado who own real property adjacent to the portion of the Raggeds Wilderness in the White River National Forest, Colorado, have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that the landowners reasonably believed were accurate;

(2) in 1993, a Forest Service resurvey of the Raggeds Wilderness established accurate boundaries between the wilderness area and adjacent private lands; and

(3) the resurvey indicates that a small portion of the Raggeds Wilderness is occupied by adjacent landowners on the basis of the earlier erroneous land surveys.

(b) PURPOSE.—It is the purpose of this section to remove from the boundaries of the Raggeds Wilderness certain real property so as to permit the Secretary of Agriculture to use the authority of Public Law 97–465 (commonly known as the ''Small Tracts Act'') (16 U.S.C. 521c et seq.) to convey the property to the landowners who occupied the property on the basis of erroneous land surveys.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Raggeds Wilderness, Gunnison and White River national Forests, Colorado, as designated by section 102(a)(16) of Public Law 96–560 (94 Stat. 3267; 16 U.S.C. 1132 note), is hereby modified to exclude from the area encompassed by the wilderness a parcel of real property approximately 0.86–acres in size situated in the SW¼ of the NE¼ of Section 28, Township 11 South, Range 88 West of the 6th Principal Meridian, as depicted on the map entitled ''Encroachment-Raggeds Wilderness'', dated November 17, 1993.

(d) MAP.—The map described in subsection (c) shall be on file and available for inspection in the appropriate offices of the Forest Service, Department of Agriculture.

(e) CONVEYANCE OF LAND REMOVED FROM WILDERNESS AREA.—The Secretary of Agriculture shall use the authority provided by Public Law 97–465 (commonly known as the ''Small Tracts Act'') (16 U.S.C. 521c et seq.) to convey all right, title, and interest of the United States in and to the real property excluded from the boundaries of the Raggeds Wilderness under subsection (c) to the owners of real property in Gunnison County, Colorado, whose real property adjoins the excluded real property and who have occupied the excluded real property in good faith reliance on an erroneous survey.

The committee amendment was agreed to.

The bill (S. 589), as amended, was read the third time and passed.

DILLON RANGER DISTRICT TRANSFER ACT

The Senate proceeded to consider the bill (S. 591) to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado, 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. INCLUSION OF DILLON RANGER DISTRICT IN WHITE RIVER NATIONAL FOREST, COLORADO.

(a) BOUNDARY ADJUSTMENTS.—

(1) WHITE RIVER NATIONAL FOREST.—The boundary of the White River National Forest in the State of Colorado is hereby adjusted to include all National Forest System lands located in Summit County, Colorado, comprising the Dillon Ranger District of the Arapaho National Forest.

(2) ARAPAHO NATIONAL FOREST.—The boundary of the Arapaho National Forest is adjusted to exclude the land transferred to the White River National Forest by paragraph (1).

(b) REFERENCE.—Any reference to the Dillon Ranger District, Arapaho National Forest, in any existing statute, regulation, manual, handbook, or other document shall be deemed to be a reference to the Dillon Ranger District, White River National Forest.

(c) EXISTING RIGHTS.—Nothing in this section affects valid existing rights of persons holding any authorization, permit, option, or other form of contract existing on the date of the enactment of this Act.

(d) FOREST RECEIPTS.—Notwithstanding the distribution requirements of payments under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act entitled ''An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine'', approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500), the distribution of receipts from the Arapaho National Forest and the White River National Forest to affected county governments shall be based on the national forest boundaries that existed on the day before the date of enactment of this Act.

The committee amendment was agreed to.

The bill (S. 591), as amended, was read the third time and passed.

AUTHORIZING PRODUCTION OF RECORDS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 135, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 135) to authorize the production of records by the Committee on Rules and Administration.

The Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the Committee on Rules and Administration has received requests from various law enforcement entities for copies of committee records related to the committee's inquiry into the 1996 Louisiana U.S. Senate election. The committee anticipates future similar requests.

In accord with standard Senate practice, this resolution would authorize the Rules Committee to provide committee records in response to these requests.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 135) was agreed to.

The preamble was agreed to.

The resolution, and its preamble, is as follows:

S. RES. 135

Whereas, federal, state, and local law enforcement officials have requested that the Committee on Rules and Administration provide them with copies of records held by the committee related to the 1996 United States Senate election in Louisiana;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Committee on Rules and Administration, either through formal action or by joint action of the Chairman and Ranking Member, is authorized to provide to federal, state, and local law enforcement officials copies of records held by the committee related to the 1996 United States Senate election in Louisiana.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

REGISTRATION OF MASS MAILINGS

The filing date for 1997 third quarter mass mailings is October 27, 1997. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 8, 1997, the Federal debt stood at $5,412,240,204,620.07. (Five trillion, four hundred twelve billion, two hundred forty million, two hundred four thousand, six hundred twenty dollars and seven cents)

One year ago, October 8, 1996, the Federal debt stood at $5,221,529,000,000. (Five trillion, two hundred twenty-one billion, five hundred twenty-nine million)

Five years ago, October 8, 1992, the Federal debt stood at $4,052,485,000,000. (Four trillion, fifty-two billion, four hundred eighty-five million)

Ten years ago, October 8, 1987, the Federal debt stood at $2,372,340,000,000. (Two trillion, three hundred seventy-two billion, three hundred forty million)

Fifteen years ago, October 8, 1982, the Federal debt stood at $1,132,671,000,000 (One trillion, one hundred thirty-two billion, six hundred seventy-one million) which reflects a debt increase of more than $4 trillion—$4,279,569,204,620.07 (Four trillion, two hundred seventy-nine billion, five hundred sixty-nine million, two hundred four thousand, six hundred twenty dollars and seven cents) during the past 15 years.

AMTRAK CRISIS

Mrs. HUTCHISON. Mr. President, Amtrak is at a crisis point. Actually, it faces two crises: a strike and the financial crisis brought about by failure to reform the railroad. Reform is a prerequisite to accessing the much-needed capital Congress provided for the railroad in the Balanced Budget bill. Congress decided when that bill was passed that it did not make sense to provide that money unless the railroad was able to act more like a business. I strongly support intercity passenger rail but believe that reform is essential before putting this major financial commitment in place.

First, and most immediately, Amtrak is facing a possible national shut down because of an impasse between the Brotherhood of Maintenance of Way Employees (BMWE) and Amtrak over wages and work rules. At question is Amtrak's ability to pay for any increase in wages during the difficult financial times the railroad is currently going through.

Using the Railway Labor Act, the President has named a Presidential Emergency Board to recommend a solution to the dispute. It concluded its investigation and made its recommendations. The parties are now in a 30 day ''cooling off'' period to consider the recommendations. If no agreement is reached by the end of this period, which falls on October 22nd, we could have a strike or a management ''lockout of employees''. Either action would have the effect of shutting down all commuter operations, as well as other services, across the country. A strike would not be confined to the Northeast Corridor, but would affect all of the passengers in the entire Amtrak system.

Amtrak's largest operations are in the Northeast Corridor, where a large number of commuter authorities between Washington, New York and Boston depend on that infrastructure to operate their railroads.

They include: the MBTA or Massachusetts Bay Transportation Authority, CONNDOT, Long Island Railroad, NJ Transit, the SEPTA or Southeastern Pennsylvania Transportation Authority, and the two local services, the MARC or Maryland Commuter service and the VRE or Virginia Railway Express. Each one of these commuter authorities use the Northeast Corridor. If Amtrak cannot operate the Corridor, these services come to a halt. In addition, freight carriers such as Conrail who use the Corridor would be seriously affected, because Amtrak operates much of the track on the Northeast corridor.

Mr. President, let me put this in perspective. When a 60-day cooling off period recently expired in California, the San Francisco Bay Area's commuter railroad was shut down by a strike which stranded 270,000 commuters.

Dispatchers at Norfolk Southern, which carries commuters between Manassas, Virginia, and Washington, DC recently called a ''wildcat'' strike for three hours and the VRE had to cancel one-half of its afternoon trains.

But if Amtrak is shut down, it won't be one commuter authority paralyzed as we saw in San Francisco or Virginia, it will be many. It won't be thousands of commuters, it will be millions.

If this happens, the strike in San Francisco will pale by comparison.

Mr. President, my colleagues need to be aware of this situation, because the Senate needs to address it head-on before we leave in November.

Congress has to act because the future of America's railroad depends on it. Amtrak is simply in a no-win situation. Amtrak cannot afford the terms of the PEB and it cannot afford a strike.

The PEB recommended a package of wage increases recently implemented by the profitable freight railroads. The freight deal for the BMWE would cost Amtrak $25 million in FY98. If it were extended to all of Amtrak's employees, it would cost Amtrak $250 million. I seriously doubt that Congress would appropriate funds for these wages. As it is, the railroad is currently borrowing just to meet existing daily expenses.

Mr. President, my colleagues have to be realistic. I look forward to working with both the Majority Leader and Senate Labor Committee Chairman to find the right solution to this dilemma.

Mr. President, in that spirit, I plan to move forward on Amtrak's reform legislation. I have had extensive discussions with the Majority Leader on this matter and he feels the same way.

Mr. LOTT. The Senator from Texas is correct. Amtrak is an important part of the national transportation system, not just for the Northeast Corridor, but for the entire interstate passenger rail system. This summer, in the Taxpayer Relief Act, Congress provided Amtrak with a secure source of funding for capital assets—some $2.3 billion for infrastructure. I worked hard for those funds, against considerable opposition, as did the Chairman of the Senate Finance Committee and the Chairman of the Subcommittee on Surface Transportation.

Rail transportation will continue to play a critical role in the American intermodal passenger system through the 21st century. However, rail transportation of passengers cannot be done without federal and state funding. It simply cannot be done. Just as commercial air transportation of passengers would have never gotten off the ground without federal and state assistance, rail transportation of passengers will not progress unless Congress provides infrastructure assistance.

Congress is willing to support Amtrak, on the condition that Amtrak be reformed. That is why we insisted that not one dime of that $2.3 billion be spent until a reform package is approved by Congress.

If Amtrak is to survive, it is critical that we complete our work on the authorizing legislation. However, the Senate still has some colleagues who are holding up the authorization bill over labor provisions. These provisions are essentially identical to language that labor supported just last year. Now some of our colleagues find them unacceptable. Organized labor has joined the Administration in creating a moving target. If this continues, Amtrak may never get the capital we provided.

Mr. President, there will be no capital, I repeat, no $2.3 billion in capital funds provided until an authorization is enacted.

I support a national rail system, but I will not support continued inefficient use of taxpayers money.

If Amtrak is ever going to operate like a business, it must have flexibility. It needs freedom from federal laws

that tie its hands at the collective bargaining table. Amtrak's labor rules must be the same as the private sector's, just like in other transportation modes. Labor's unwillingness to negotiate makes it appear that severance packages are more important than rail passenger service.

Mayor John Robert Smith, of Meridian, Mississippi, has noted that rail labor's message seems to be that they are more willing to allow Amtrak to go under and sacrifice all 23,000 Amtrak employees to unemployment than to allow collective bargaining in the reform bill. Like me, he is appalled that the rail union leadership, supposedly representing its workers, would abandon them for its own purposes. Equally amazing is the fact that the Amtrak reform language is language that the union leadership itself once drafted, supported, and came in my office to ask me to support. And I did.

Mrs. HUTCHISON. The Majority Leader has summed up this situation exactly. If we really care about our national rail passenger system, the communities that it serves, the employees that work there and the role it plays in our transportation infrastructure, then we need to take up and pass the Amtrak authorization bill that has been reported from the Commerce Committee. If the Senate wants to give Amtrak the tools it needs to run a national system and collectively bargain with the employees, the Senate needs to act now.

The clock is ticking and time is running out. Congress needs to act or there most likely will be a national rail strike, crippling transportation of people and goods across the country. Congress also needs to act on the Amtrak reforms to ensure it receives adequate capital funding and becomes solvent. If Congress doesn't act, there will be no national rail passenger system.

Mr. LOTT. Senator HUTCHISON and I are committed to bring the Amtrak reform bill to the floor, but not against a swell of opposition. It's a very clear cut choice. My colleagues need to decide if they want a national rail system or not.

HISPANIC HERITAGE MONTH

Mr. DASCHLE. Mr. President, it is with great pleasure that I join with my colleagues in celebrating Hispanic Heritage Month. Hispanic Heritage Month pays a special tribute to a group of Americans that have made important and lasting contributions to this country's political, cultural and intellectual life.

Hispanic Americans are people of diverse background. Their forebears came from Mexico, Cuba, Puerto Rico, Central and South America, and Spain—at different times and for different reasons. Nonetheless, they share a common culture and a deeply held belief in the American Dream. They came here to share in the freedom and prosperity that we have achieved as a nation and have added greatly to that richness.

It is true that Hispanic-Americans faced discrimination in this country. In recent years, however, we have made great strides to eliminate legal and societal barriers to their full integration into American life. Since the passage of laws barring employment discrimination, Hispanics have made great advancements economically and, with the passage of the Voting Rights Act, have increased their participation in the political process. There are currently 17 members of the Congressional Hispanic Caucus.

Just recently, a great Hispanic Congressional leader, Congressman HENRY B. GONZALEZ, announced his retirement to the great sadness of his colleagues. HENRY GONZALEZ has served as the dean of the Hispanic Caucus and is the former chairman, and now ranking member, of the Committee on Banking and Financial Services.

I proudly worked with him when I served in the House of Representatives and witnessed for myself his hard work and commitment to doing what is right. Dean GONZALEZ has given 36 years of dedicated service to his constituents in Texas, the Hispanic community and the American people. He came to Washington in 1961, after serving in the San Antonio City Council and the Texas State Legislature, and was the first Hispanic Congressman ever elected from the State of Texas. And back in December, 1976, Dean GONZALEZ, with 4 other members of Congress, founded the Congressional Hispanic Caucus.

Dean GONZALEZ has served as a leader and trail blazer for Hispanic-Americans and an inspiration to all Americans. He demonstrated to all of us that, as a nation, we are capable of coming together, of overcoming discrimination, and of celebrating the cultural bounty brought by people of all backgrounds. When he leaves the House later this year, I know that he will be sorely missed by his colleagues in the House of Representatives and by those of us in the Senate who had the good fortune to work with him.

Dean GONZALEZ is just one of many great Hispanic-Americans. I am proud to add my tribute to these Americans and thank them for enriching our social, intellectual and artistic life.

THE STRATEGIC RATIONALE FOR NATO ENLARGEMENT

Mr. BIDEN. Mr. Prsident, this week the Committee on Foreign Relations began a comprehensive series of six hearings on NATO enlargement. I commend Chairman HELMS for holding these hearings at this busy time. He and I have met at great length to construct the agenda as preparation for the committee's acting expeditiously next year to consider the enlargement amendment to the Washington Treaty.

At the committee's first hearing on October 7, Secretary of State Madeleine Albright outlined the adminsitration's strategic rationale for enlargement. Mr. President, I ask permission for the text of Secretary Albright's statement be printed in the RECORD. Following my remarks.

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

(See exhibit 1.)

Mr. BIDEN. The second hearing today will feature testimony of distinguished experts who are for and against enlargement. Later in the month the committee will hear examinations of cost and burden-sharing, of the qualifications for membership of the three candidate countries—Poland, the Czech Republic, and Hungary, and of the new relationship between NATO and Russia. The final hearing will be reserved for public testimony from individuals and groups with special interest in the NATO enlargement issue.

Through these hearings, the Committee on Foreign Relations hopes to inform not only the entire Senate on this critically important issue, but also the American public.

Mr. President, as my colleagues know, I have spoken many times in some detail on this floor about the issue of NATO enlargement. As the Committee on Foreign Relations launches its series of hearings, I would like briefly to recapitulate why I believe NATO enlargement is in the best interest of the United States.

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, 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 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 ethnic and cultural roots to Europe, and millions retain personal ties to it.

Other than North America, no other part of the world can match Europe's combination of political, economic, military, and cultural power. By any geopolitical standard, it would be a catastrophe for U.S. interests if instability would alter the current situation in Europe.

Of course no one believes that the Russian Army is poised to pour through the Fulda Gap in Germany—NATO's horror scenario for 45 years. Rather, the threats to stability in Europe have changed, but they are, if anything, even more real than those of the cold war: ethnic and religious hatred as horrifyingly shown in the hundreds of thousands killed, raped, made homeless, or otherwise brutalized in Bosnia, and the well-organized forces of

international crime, whose tentacles extend from Moscow and Palermo to New York and Los Angeles.

Unfortunately, the history of the 20th century has demonstrated that out of enlightened self-interest the United States must play a leading role in organizing the security of Europe. In two world wars and lately in Bosnia without American leadership the countries of Europe have been unable to resolve their differences peacefully.

Translated into 1997 terms it means that we must lead the Europeans to create a new security architecture to guarantee stability to the areas most vulnerable to disruption, namely Central and Eastern Europe, where newly independent states are striving to create and soldify 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.

In fact, it is already happening. In anticipation of NATO membership, several Central and East European countries have recently settled long-standing disputes.

If NATO were not to enlarge, however, the countries between Germany and Russia would inevitably seek other means to protect themselves. The question for today is not, as is often assumed, enlarge NATO or remain the same. The status quo is simply not an option.

Finally, there is the moral argument for enlargement. For 40 years the United States loudly proclaimed its solidarity with the captive nations 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.

NATO enlargement, of course, like any venture, is not cost-free. Earlier this year the Pentagon issued a study that estimated the cost to the United States to be around $200 million per year for 10 years. Other estimates by the Congressional Budget Office and by the Rand Corp. have varied considerably, according to risk assumptions. At the July NATO Summit in Madrid, the North Atlantic Council directed the Alliance to come up with a definitive cost estimate for the NATO ministerial meeting in December.

Whatever the final, authoritative cost estimate turns out to be, we must be certain that our current allies, and our future allies, pay their fair share of the enlargement costs.

Similarly, before we in the Senate vote on whether or not to admit Poland, the Czech Republic, and Hungary to NATO, we must settle what we plan to do in Bosnia after the expiration of the mandate for SFOR in June 1998. That in itself is an immensely complicated topic, for which there is inadequate time to discuss today. After my latest trip to Bosnia at the end of August, I am more convinced than ever that we are making progress and that we must not abandon the international effort to reach a lasting, peaceful, and just solution for that troubled land. But whatever post-SFOR plan we hammer out, it must be done on the basis of sharing the risks and costs with our European allies and with non-NATO contributors to SFOR.

NATO enlargement need not adversely affect our relations with Russia. In fact, we must redouble our peaceful engagement with Russia in the hope that its nascent democracy and free market system will mature sufficiently so that some day it may fully join the Western world. The NATO-Russia Founding Act of May 1997 is a significant step in the right direction.

Enlargement plans have been accompanied by a redefinition of NATO's mission and force posture. The alliance's primary mission remains the same: treating an attack on one member as an attack on all, and responding through the use of armed force if necessary.

NATO's new strategic concept emphasizes rapid and flexible deployment. The three new members, plus other countries like Slovenia and Romania in the near future, will enhance NATO's ability to project power, if necessary, into crisis areas like the Middle East.

In addition, in the current post-cold war situation, missions like peacekeeping, sometimes in cooperation with non-NATO powers, have become possible. The SFOR joint effort in Bosnia with Russia and several other non-NATO countries, which I mentioned earlier, is an excellent example.

NATO enlargement corresponds to America's security requirements in the 21st century. As long as the costs of enlargement are equitably shared among current and future NATO members, and as long as we have agreed upon a fair and coherent plan for Bosina after SFOR, I believe that my Senate colleagues will vote to ratify NATO enlargement when it comes before us next spring.

EXHIBIT 1

STATEMENT BY SECRETARY OF STATE MADELEINE K. ALBRIGHT BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, OCTOBER 7, 1997

Chairman Helms, Senator Biden, members of the committee: It is with a sense of appreciation and anticipation that I come before you to urge support for the admission of the Czech Republic, Hungary and Poland to NATO.

Each of us today is playing our part in the long unfolding story of America's modern partnership with Europe. That story began not in Madrid, when the President and his fellow NATO leaders invited these three new democracies to join our Alliance, nor eight years ago when the Berlin Wall fell, but half a century ago when your predecessors and mine dedicated our nation to the goal of a secure, united Europe.

It was then that we broke with the American aversion to European entanglements, an aversion which served us well in our early days, but poorly when we became a global power. It was then that we sealed a peacetime alliance open not only to the nations which had shared our victory in World War II, but to our former adversaries. It was then that this committee unanimously recommended that the Senate approve the original NATO treaty.

The history books will long record that day as among the Senate's finest. On that day, the leaders of this body rose above partisanship and they rose to the challenge of a pivotal moment in the history of the world.

Mr. Chairman, I believe you are continuing that tradition today. I thank you for your decision to hold these hearings early, for the bipartisan manner in which you and Senator Biden are conducting them, and for the serious and substantive way in which you have framed our discussion.

I am honored to be part of what you have rightly called the beginning of the process of advice and consent. And I am hopeful that with your support, and after the full national debate to which these hearings will contribute, the Senate will embrace the addition of new members to NATO. It would be fitting if this renewal of our commitment to security in Europe could come early next year, as Congress celebrates the 50th anniversary of its approval of the Marshall Plan.

As I said, and as you can see, I am very conscious of history today. I hope that you and your colleagues will look back as I have on the deliberations of 1949, for they address so many of the questions I know you have now: How much will a new alliance cost and what are its benefits? Will it bind us to go to war? Will it entangle us in far away quarrels?

We should take a moment to remember what was said then about the alliance we are striving to renew and expand today.

Senator Vandenberg, Chairman Helms' extraordinary predecessor, predicted that NATO would become ''the greatest war deterrent in history.'' He was right. American forces have never had to fire a shot to defend a NATO ally.

This Committee, in its report to the Senate on the NATO treaty, predicted that it would ''free the minds of men in many nations from a haunting sense of insecurity, and enable them to work and plan with that confidence in the future which is essential to economic recovery and progress.'' Your predecessors were right. NATO gave our allies time to rebuild their economies. It helped reconcile their ancient animosities. And it made possible an unprecedented era of unity in Western Europe.

President Truman said that the NATO pact ''will be a positive, not a negative, influence

for peace, and its influence will be felt not only in the area it specifically covers but throughout the world.'' And he was right, too. NATO gave hope to democratic forces in West Germany that their country would be welcome and secure in our community if they kept making the right choices. Ultimately, it helped bring the former fascist countries into a prosperous and democratic Europe. And it helped free the entire planet from the icy grip of the Cold War.

Thanks in no small part to NATO, we live in a different world. Our Soviet adversary has vanished. Freedom's flag has been unfurled from the Baltics to Bulgaria. The threat of nuclear war has sharply diminished. As I speak to you today, our immediate survival is not at risk.

Indeed, you may ask if the principle of collective defense at NATO's heart is relevant to the challenges of a wider and freer Europe. You may ask why, in this time of relative peace, are we so focused on security?

The answer is, we want the peace to last. We want freedom to endure. And we believe there are still potential threats to our security emanating from European soil.

You have asked me, Mr. Chairman, what these threats are. I want to answer as plainly as I can.

First, there are the dangers of Europe's past. It is easy to forget this, but for centuries virtually every European nation treated virtually every other as a military threat. That pattern was broken only when NATO was born and only in the half of Europe NATO covered. With NATO, Europe's armies prepared to fight beside their neighbors, not against them; each member's security came to depend on cooperation with others, not competition.

That is one reason why NATO remains essential, even though the Cold War is over. It is also one reason why we need a larger NATO, so that the other half of Europe is finally embedded in the same cooperative structure of military planning and preparation.

A second set of dangers lies in Europe's present. Because of conflict in the Balkans and the former Soviet Union, Europe has already buried more victims of war since the Berlin Wall fell than in all the years of the Cold War. It is sobering to recall that this violence has its roots in the same problems of shattered states and hatred among ethnic groups that tyrants exploited to start this century's great wars.

Finally, Mr. Chairman, and most important, we must consider the dangers of Europe's future. By this I mean direct threats against the soil of NATO members that a collective defense pact is designed to meet. Some are visible on Europe's horizon, such as the threat posed by rogue states with dangerous weapons that might have Europe within their range and in their sights. Others may not seem apparent today, in part because the existence of NATO has helped to deter them. But they are not unthinkable.

Within this category lie questions about the future of Russia. We have an interest in seeing Russian democracy endure. We are doing all we can with our Russian partners to see that it does. And we have many reasons to be optimistic. At the same time, one should not dismiss the possibility that Russia could return to the patterns of its past. By engaging Russia and enlarging NATO, we give Russia every incentive to deepen its commitment to democracy and peaceful relations with neighbors, while closing the avenue to more destructive alternatives.

We do not know what other dangers may arise 10, 20, or even 50 years from now. We do know enough from history and human experience to believe that a grave threat, if allowed to arise, would arise. We know that whatever the future may hold, it will be in our interest to have a vigorous and larger alliance with those European democracies that share our values and our determination to defend them.

We recognize NATO expansion involves a solemn expansion of American responsibilities in Europe. It does not bind us to respond to every violent incident by going to war. But it does oblige us to consider an armed attack against one ally an attack against all and to respond with such action as we deem necessary, including the use of force, to restore the security of the North Atlantic area.

As Americans, we take our commitments seriously and we do not extend them lightly. Mr. Chairman, you and I do not agree on everything, but we certainly agree that any major extension of American commitments must serve America's strategic interests.

Let me explain why welcoming the Czech Republic, Hungary and Poland into NATO meets that test.

First, a larger NATO will make us safer by expanding the area in Europe where wars simply do not happen. This is the productive paradox at NATO's heart: By imposing a price on aggression, it deters aggression. By making clear that we will fight, if necessary, to defend our allies, it makes it less likely our troops will ever be called upon to do so.

Now, you may say that no part of Europe faces any immediate threat of armed attack today. That is true. And I would say that the purpose of NATO enlargement is to keep it that way. Senator Vandenberg said it in 1949: ''[NATO] is not built to stop a war after it starts, although its potentialities in this regard are infinite. It is built to stop wars before they start.''

It is also fair to ask if it is in our vital interest to prevent conflict in central Europe. There are those who imply it is not. I'm sure you have even heard a few people trot out what I call the ''consonant cluster clause,'' the myth that in times of crisis Americans will make no sacrifice to defend a distant city with an unpronounceable name, that we will protect the freedom of Strasbourg but not Szczecin, Barcelona, but not Brno.

Let us not deceive ourselves. The United States is a European power. We have an interest not only in the lands west of the Oder river, but in the fate of the 200 million people who live in the nations between the Baltic and Black Seas. We waged the Cold War in part because these nations were held captive. We fought World War II in part because these nations had been invaded.

Now that these nations are free, we want them to succeed and we want them to be safe, whether they are large or small. For if there were a major threat to the security of their region, if we were to wake up one morning to the sight of cities being shelled and borders being overrun, I am certain that we would choose to act, enlargement or no enlargement. Expanding NATO now is simply the surest way to prevent that kind of threat from arising, and thus the need to make that kind of choice.

Mr. Chairman, the second reason why enlargement passes the test of national interest is that it will make NATO stronger and more cohesive. The Poles, Hungarians and Czechs are passionately committed to NATO and its principles of shared responsibility. Experience has taught them to believe in a strong American leadership role in Europe. Their forces have risked their lives alongside ours from the Gulf War to Bosnia. Just last month, Czech soldiers joined our British allies in securing a police station from heavily armed Bosnian Serb extremists.

Mr. Chairman, I know you have expressed concern that enlargement could dilute NATO by adding too many members and by involving the alliance in too many missions. Let me assure you that we invited only the strongest candidates to join the Alliance. And nothing about enlargement will change NATO's core mission, which is and will remain the collective defense of NATO soil.

At the same time, it is important to remember that NATO has always served a political function as well. It binds our allies to us just as it binds us to our allies. So when you consider the candidacy of the Czech Republic, Hungary and Poland, Mr. Chairman, I ask you to consider this:

When peace is threatened somewhere in the world and we decide it is in our interest to act, here are three nations we have been able to count on to be with us. In the fight against terror and nuclear proliferation, here are three nations we have been able to count on. In our effort to reform the UN, here are three nations we have been able to count on. When we speak out for human rights around the world, here are three nations we will always be able to count on.

Here are three nations that know what it means to lose their freedom and who will do what it takes to defend it. Here are three democracies that are ready to do their dependable part in the common enterprise of our alliance of democracies.

Mr. Chairman, the third reason why a larger NATO serves our interests is that the very promise of it gives the nations of central and eastern Europe an incentive to solve their own problems. To align themselves with NATO, aspiring countries have strengthened their democratic institutions. They have made sure that soldiers serve civilians, not the other way around. They have signed 10 major accords that taken together resolve virtually every old ethnic and border dispute in the region, exactly the kind of disputes that might have led to future Bosnias. In fact, the three states we have invited to join NATO have resolved every outstanding dispute of this type.

I have been a student of central European history and I have lived some of it myself. When I see Romanians and Hungarians building a genuine friendship after centuries of enmity, when I see Poles, Ukrainians and Lithuanians forming joint military units after years of suspicion, when I see Czechs and Germans overcoming decades of mistrust, when I see central Europeans confident enough to improve their political and economic ties with Russia, I know something remarkable is happening.

NATO is doing for Europe's east precisely what it did—precisely what this Committee predicted it would do—for Europe's west after World War II. It is helping to vanquish old hatreds, to promote integration and to create a secure environment for economic prosperity. This is another reminder that the contingencies we do not want our troops to face, such as ethnic conflict, border skirmishes, and social unrest are far more easily avoided with NATO enlargement than without it.

In short, a larger NATO will prevent conflict, strengthen NATO, and protect the gains of stability and freedom in central and eastern Europe. That is the strategic rationale. But I would be disingenuous if I did not tell you that I see a moral imperative as well. For this is a policy that should appeal to our hearts as well as to our heads, to our sense of what is right as well as to our sense of what is smart.

NATO defines a community of interest among the free nations of North America and Europe that both preceded and outlasted the Cold War. America has long stood for the proposition that this Atlantic community should not be artificially divided and that its nations should be free to shape their destiny. We have long argued that the nations of

central and eastern Europe belong to the same democratic family as our allies in western Europe.

We often call them ''former communist countries,'' and that is true in the same sense that America is a ''former British colony.'' Yes, the Czechs, Poles, and Hungarians were on the other side of the Iron Curtain during the Cold War. But we were surely on the same side in the ways that truly count.

As Americans, we should be heartened today that so many of Europe's new democracies wish to join the institutions Americans did so much to build. They are our friends and we should be proud to welcome them home.

We should also think about what would happen if we were to turn them away. That would mean freezing NATO at its Cold War membership and preserving the old Iron Curtain as its eastern frontier. It would mean locking out a whole group of otherwise qualified democracies simply because they were once, against their will, members of the Warsaw Pact.

Why would America choose to be allied with Europe's old democracies forever, but its new democracies never? There is no acceptable, objective answer to that question. Instead, it would probably be said that we blocked the aspirations of our would-be allies because Russia objected. And that, in turn, could cause confidence to crumble in central Europe, leading to a search for security by other means, including costly arms buildups and competition among neighbors.

We have chosen a better way. We have chosen to look at the landscape of the new Europe and to ask a simple question: Which of these nations that are so clearly important to our security are ready and able to contribute to our security? The answer to that question is before you today, awaiting your affirmation.

I said at the outset, Mr. Chairman, that there are weighty voices on both sides of this debate. There are legitimate concerns with which we have grappled along the way, and that I expect you to consider fully as well. Let me address a few.

First, we all want to make sure that the costs of expansion are distributed fairly. Last February, at the behest of Congress and before the Alliance had decided which nations to invite to membership, the Administration made a preliminary estimate of America's share. Now that we have settled on three candidates, we are working with our allies to produce a common estimate by the December meeting of the North Atlantic Council. At this point, the numbers we agree upon as 16 allies are needed prior to any further calculations made in Washington.

I know you are holding separate hearings in which my Pentagon colleagues will go into this question in detail. But I will say this: I am convinced that the cost of expansion is real but affordable. I am certain our prospective allies are willing and able to pay their share, because in the long run it will be cheaper for them to upgrade their forces within the alliance than outside it. As Secretary of State, I will insist that our old allies share this burden fairly. That is what NATO is all about.

I know there are serious people who estimate that a larger NATO will cost far more than we have anticipated. The key fact about our estimate is that it is premised on the current, favorable security environment in Europe. Obviously, if a grave threat were to arise, the cost of enlargement would rise. But then so would the cost of our entire defense budget.

In any case, there are budgetary constraints in all 16 NATO democracies that will prevent costs from ballooning. That is why the main focus of our discussion, Mr. Chairman, and in our consultations with our allies, needs to be on defining the level of military capability we want our old and new allies to have in this favorable environment, and then making sure that they commit to that level. We must spend no more than we must, but no less than we need to keep NATO strong.

Another common concern about NATO enlargement is that it might damage our cooperation with a democratic Russia. Russian opposition to NATO enlargement is real. But we should see it for what it is: a product of old misperceptions about NATO and old ways of thinking about its former satellites in central Europe. Instead of changing our policies to accommodate Russia's outdated fears, we need to encourage Russia's more modern aspirations.

This means that we should remain Russia's most steadfast champion whenever it seeks to define its greatness by joining international institutions, opening its markets and participating constructively in world affairs. It means we should welcome Russia's decision to build a close partnership with NATO, as we did in the NATO-Russia Founding Act.

But when some Russian leaders suggest that a larger NATO is a threat, we owe it candor to say that is false—and to base our policies on what we know to be true. When they imply that central Europe is special, that its nations still are not free to choose their security arrangements, we owe it to candor to say that times have changed, and that no nation can assert its greatness at the expense of its neighbors. We do no favor to Russian democrats and modernizers to suggest otherwise.

I believe our approach is sound and producing results. Over the past year, against the backdrop of NATO enlargement, reformers have made remarkable gains in the Russian government. We have agreed to pursue deeper arms reductions. Our troops have built a solid working relationship on the ground in Bosnia. Russia was our full partner at the Summit of the Eight in Denver and it has joined the Paris Club of major international lenders.

What is more, last week in New York we signed documents that should pave the way for the Russian Duma to ratify the START II treaty. While this prospect is still by no means certain, it would become far less so if we gave the Duma any reason to think it could hold up NATO enlargement by holding up START II.

As you know Mr. Chairman, last week, NATO and Russia held the first ministerial meeting of their Permanent Joint Council. This council gives us an invaluable mechanism for building trust between NATO and Russia through dialogue and transparency.

I know that some are concerned NATO's new relationship with Russia will actually go too far. You have asked me for an affirmation, Mr. Chairman, that the North Atlantic Council remains NATO's supreme decision making body. Let me say it clearly: It does and it will. The NATO-Russia Founding Act gives Russia no opportunity to dilute, delay or block NATO decisions. NATO's allies will always meet to agree on every item on their agenda before meeting with Russia. And the relationship between NATO and Russia will grow in importance only to the extent Russia uses it constructively.

The Founding Act also does not limit NATO's ultimate authority to deploy troops or nuclear weapons in order to meet its commitments to new and old members. All it does is to restate unilaterally existing NATO policy: that in the current and foreseeable security environment, we have no plan, no need, and no intention to station nuclear weapons in the new member countries, nor do we contemplate permanently stationing substantial combat forces. The only binding limits on conventional forces in Europe will be set as we adapt the CFE treaty, with central European countries and all the other signatories at the table, and we will proceed on the principle of reciprocity.

Another important concern is that enlargement may create a new dividing line in Europe between a larger NATO and the countries that will not join in the first round. We have taken a range of steps to ensure this does not happen.

President Clinton has pledged that the first new members will not be the last. NATO leaders will consider the next steps in the process of enlargement before the end of the decade. We have strengthened NATO's Partnership for Peace program. We have created a new Euro-Atlantic Partnership Council, through which NATO and its democratic partners throughout Europe will shape the missions we undertake together. We have made it clear that the distinction between the nations NATO invited to join in Madrid and those it did not is based purely on objective factors—unlike the arbitrary line that would divide Europe if NATO stood still.

Among the countries that still aspire to membership, there is enthusiastic support for the process NATO has begun. Had you seen the crowds that cheered the President in Romania in July, had you been with me when I spoke to the leaders of Lithuania and Slovenia, you would have sensed how eager these nations are to redouble their efforts.

They understand a simple fact: With enlargement, no new democracy is permanently excluded; without enlargement, every new democracy would be permanently excluded. The most important thing the Senate can do to reassure them now is to get the ball rolling by ratifying the admission of the first three candidates.

Mr. Chairman, a final concern I wish to address has to do with Bosnia.

Some have suggested that our debate on NATO enlargement simply cannot be separated from our actions and decisions in that troubled country. I agree with them. Both enlargement and our mission in Bosnia are aimed at building a stable undivided Europe. Both involve NATO and its new partners to the east.

It was our experience in Bosnia that proved the fundamental premise of our enlargement strategy: there are still threats to peace and security in Europe that only NATO can meet. It was in Bosnia that our prospective allies proved they are ready to take responsibility for the security of others. It was in Bosnia that we proved NATO and Russian troops can work together.

We cannot know today if our mission in Bosnia will achieve all its goals, for that ultimately depends on the choices the Bosnian people will make. But we can say that whatever may happen, NATO's part in achieving the military goals of our mission has been a resounding success. Whatever may happen, our interest in a larger, stronger NATO will endure long after the last foreign soldier has left Bosnia.

We can also say that NATO will remain the most powerful instrument we have for building effective military coalitions such as SFOR. At the same time, Bosnia does not by itself define the future of a larger NATO. NATO's fundamental purpose is collective defense against aggression. Its most important aim, if I can paraphrase Arthur Vandenberg, is to prevent wars before they start so it does not have to keep the peace after they stop.

These are some of the principal concerns I wanted to address today; I know you have many more questions and I look forward to answering them all.

This discussion is just beginning. I am glad that it will also involve other committees of the Senate, the NATO Observers' Group and the House of Representatives. Most important, I am glad it will involve the people of the United States. For the commitment a larger NATO entails will only be meaningful if the American people understand and accept it.

When these three new democracies join NATO in 1999, as I trust they will, it will be a victory for us all, Mr. Chairman. And on that day, we will be standing on the shoulders of many.

We will be thankful to all those who prosecuted the Cold War, to all those on both sides of the Iron Curtain who believed that the goal of containment was to bring about the day when the enlargement of our democratic community would be possible.

We will be grateful to all those who championed the idea of a larger NATO—not just President Clinton, or President Havel, or President Walesa, but members of Congress from both parties who voted for resolutions urging the admission of these three nations. We will owe a debt to the Republican members who made NATO enlargement part of their Contract with America.

Today, all of our allies and future allies are watching you for one simple reason. The American Constitution is unique in the power it grants to the legislative branch over foreign policy, especially over treaties. In this matter, Mr. Chairman, members of the Committee, you and the American people you represent are truly in the driver's seat.

That is as it should be. In fact, I enjoy going to Europe and telling our allies: ''This is what we want to do, but ultimately, it will be up to our Senate and our people to decide.'' I say that with pride because it tells them something about America's faith in the democratic process.

But I have to tell you that I say it with confidence as well. I believe we will stand together, Mr. Chairman, when the time comes for the Senate to decide, because I know that the policy we ask you to embrace is a policy that the Administration and Congress shaped together, and because I am certain that it advances the fundamental interests of the United States.

Thank you very much.

CONGRATULATIONS TO KENTUCKY FORD AND TOYOTA WORKERS

Mr. FORD. Mr. President, I want to take just a moment today to talk about some hard working Kentuckians. Earlier this month marked the close of the 1997 year for car models. With that closing came the news that the Toyota Camry was the best-selling car in the United States and that Ford's F-Series trucks are the number one selling trucks in the nation for the 16th year in a row. Also at the top were the Ford Explorer as the number one sports utility vehicle and the Ranger as the number one compact pickup.

I'm proud to say that the number one car, truck and sports utility vehicle all have ''made in Kentucky'' stamped inside. The Camry is built in Georgetown and two of the Ford trucks—the F–250 and the F–350—along with both the Ranger and the Explorer, are all made in Louisville. About 80 percent of the Camrys sold in the nation come from Kentucky, while the Kentucky-made Ford trucks account for about 26 percent of the F-Series sales.

Behind those impressive sales figures are thousands of hard-working Kentuckians committed to doing the best job possible.

Their hard work not only put Toyota and Ford at the top of the charts, but their local communities and the state come out winners as well. A strong company with productive workers is a boost to the local economy and a successful plant is a powerful recruitment tool for the state.

Mr. President, number one sales mean a number one production team. I know I speak for my fellow Kentuckians when I say we're awfully proud of all the hard work that put the Toyota and Ford vehicles at the top.

Keep up the good work and know that you've made all Kentuckians proud.

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 execution 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

At 1:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

At 2:34 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. 901. An act to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

At 6:19 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. 2607. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 901. An act to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; to the Committee on Energy and Natural Resources.

The Committee on Veterans' Affairs was discharged from further consideration of the following measure which was referred to the Committee on the Judiciary:

S. 813. A bill to amend chapter 91 of title 18, United States Code to provide criminal penalties for theft and willful vandalism at national cemeteries.

MEASURES PLACED ON THE CALENDAR

The following measures were discharged from the Committee on Governmental Affairs and ordered placed on the calendar:

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the operations of the Circle City Station Post Office as the ''Andrew Jacobs, Jr. Post Office Building.''

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Margaret Drive in Terre Haute, Indiana, as the ''John T. Myers Post Office Building.''

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2607. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998'' (Rept. No. 105–104).

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 1278. An original bill to extend preferential treatment to certain products imported from Caribbean Basin countries (Rept. No. 105–105).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 660. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes (Rept. No. 105–106).

By Mr. THOMPSON, from the Committee on Government Affairs, with amendments and an amendment to the title:

S. 207. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies (Rept. No. 105–107).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 10. A bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes (Rept. No. 105–108).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 1847. A bill to improve the criminal law relating to fraud against consumers.

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.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1024. A bill to make chapter 12 of title 11 of the United States Code permanent, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1149. A bill to amend title 11, United States Code, to provide for increased education funding, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1189. A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Charles J. Siragusa, of New York, to be United States District Judge for the Western District of New York.

Richard Conway Casey, of New York, to be United States District Judge for the Southern District of New York.

Ronald Lee Gilman, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

Raymond C. Fisher, of California, to be Associate Attorney General.

James S. Gwin, of Ohio, to be United States District Judge for the Northern District of Ohio.

Algenon L. Marbley, of Ohio, to be United States District Judge for the Southern District of Ohio.

Dale A. Kimball, of Utah, to be United States District Judge for the District of Utah.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. ROTH:

S. 1278. An original bill to extend preferential treatment to certain products imported from Caribbean Basin countries; from the Committee on Finance; placed on the calendar.

By Mr. CAMPBELL (for himself and Mr. MURKOWSKI):

S. 1279. A bill to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to emphasize the need for job creation on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL:

S. 1280. A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; to the Committee on Indian Affairs.

By Mr. MURKOWSKI (for himself and Mr. CAMPBELL):

S. 1281. A bill to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to facilitate the creation of employment opportunities for American Indians and Alaska Natives, and for other purposes; to the Committee on Indian Affairs.

By Mr. AKAKA (for himself, Ms. MOSELEY-BRAUN, and Mrs. MURRAY):

S. 1282. A bill to provide for the establishment of the National Museum for the Peopling of America within the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

By Mr. BUMPERS (for himself, Ms. MOSELEY-BRAUN, and Mr. HUTCHINSON):

S. 1283. A bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the ''Little Rock Nine'' on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROBERTS:

S. 1284. A bill to prohibit construction of any monument, memorial, or other structure at the site of the Iwo Jima Memorial in Arlington, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FAIRCLOTH (for himself, Mrs. HUTCHISON, Mr. MACK, Mr. LOTT, Mr. ABRAHAM, Mr. SHELBY, Mr. ALLARD, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mr. BENNETT, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, and Ms. SNOWE):

S. 1285. A bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals; to the Committee on Finance.

By Mr. JEFFORDS:

S. 1286. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Corps Scholarship Program; to the Committee on Finance.

S. 1287. A bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants; to the Committee on Environment and Public Works.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1288. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain in-line skates; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. CAMPBELL):

S. 1289. A bill to temporarily decrease the duty on certain industrial nylon fabrics; to the Committee on Finance.

By Mr. HATCH:

S. 1290. A bill for the relief of Saeed Rezai; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. FEINGOLD, Mr. THOMAS, Mr. BROWNBACK, Mr. ROBERTS, and Mr. BURNS):

S. 1291. A bill to permit the interstate distribution of State-inspected meat under certain circumstances; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. STEVENS (for himself, Mr. BYRD, Mr. BURNS, Mrs. MURRAY, Mr. AKAKA, Mr. ALLARD, Mr. BOND, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. CAMPBELL, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FORD, Mr. FRIST, Mr. GRAHAM, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. KEMPTHORNE, Mr. LEAHY, Mr. LOTT, Mr. MACK, Mr. MCCONNELL, Mr. MOYNIHAN, Mr. REID, Mr. ROBERTS, Mr. SANTORUM, Mr. SARBANES, Mr. SPECTER, Mr. THOMPSON, and Mr. WARNER):

S. 1292. A resolution disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45; to the Committee on Appropriations, pursuant to the order of section 1025 of Public Law 93–344 for seven days of session.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1293. A bill to improve the performance outcomes of the child support enforcement program in order to increase the financial stability and well-being of children and families; to the Committee on Finance.

By Mr. JEFFORDS:

S. 1294. A bill to amend the Higher Education Act of 1965 to allow the consolidation of student loans under the Federal Family Loan Program and the Direct Loan Program; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself, Mr. KOHL, Mr. CHAFEE, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. BIDEN, Mr. KERRY, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. HARKIN, Mr. DURBIN, Mr. TORRICELLI, Mr. REED, Mr. INOUYE, Mr. AKAKA, Mr. LEVIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. WELLSTONE, and Mr. ROBB):

S. Res. 133. A resolution expressing the sense of the Senate that every handgun sold in the United States should include a child safety device; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. LUGAR):

S. Res. 134. A resolution expressing the sense of the Senate that the United States

should give high priority to working with partners in the Americas to address shared foreign policy and security problems in the Western Hemisphere; to the Committee on Foreign Relations.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 135. A resolution to authorize the production of records by the Committee on Rules and Administration; considered and agreed to.

By Mr. BIDEN (for himself, Mr. MACK, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mrs. BOXER, Mr. BRYAN, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. D'AMATO, Mr. DASCHLE, Mr. DEWINE, Mr. DORGAN, Mr. DURBIN, Mr. FAIRCLOTH, Mr. FRIST, Mr. FORD, Mr. GLENN, Mr. GORTON, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SMITH of Oregon, Mr. SPECTER, Mr. THOMAS, Mr. THURMOND, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 136. A resolution designating October 17, 1997, as ''National Mammography Day.''; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself and Mr. MURKOWSKI):

S. 1279. A bill to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to emphasize the need for job creation on Indian reservations, and for other purposes; to the Committee on Indian Affairs.

THE INDIAN EMPLOYMENT TRAINING AND RELATED SERVICES DEMONSTRATION ACT AMENDMENTS OF 1997

Mr. CAMPBELL. Mr. President, today I am pleased to introduce legislation which amends the Indian Employment, Training, and Related Services Demonstration Act of 1992 (P.L. 102–477). The current Act has proven successful and represents one of the few programs that works for Indian country. I want to thank Senator MURKOWSKI for his work on his own ''477'' bill that takes aim at the specific problems experienced by Alaska natives in administering the 477 program. I am pleased to co-sponsor his and that he is co-sponsoring my legislation.

It is my hope that together we can develop amendments that will clarify and strengthen the program for American Indians and Alaska natives and lead to better training programs and higher job placements. The main reason for the success of the 477 program is that it relies on the tribes themselves to make the key decisions involving the design and implementation of employment training and related matters. This program puts tribes, not federal bureaucrats, in the driver's seat.

The Act empowers tribal governments to consolidate formula funds they receive for employment training and education services into one program—which in turn enables tribes to streamline services provided, while cutting administrative time and costs. The Act does contain certain limitations and in practice tribes have faced a few roadblocks.

This bill removes these limitations, expands programs affected by the Act, and broadens permissible job creation activities. The unemployment problem in Indian country is well-documented. Tribes currently suffer from a national unemployment rate of approximately 52%, with some like the Oglala Sioux Tribe suffer from a rate of 95%. In comparison, the national unemployment rate is 6%. The lack of employment opportunities in Indian country has exacerbated an already-poor health situation, and has lead to grinding social problems such as crime, domestic abuse, and alcohol and drug abuse. While gaming has aided a few tribal economies over the past decade, the great majority of tribes continue to struggle with joblessness and poverty. Gaming is not the long term solution to the goal of tribal self-determination and economic self-sufficiency. Diverse job creation is.

The Indian Employment, Training, and Related Services Demonstration Act provides tribes with a valuable tool in combating reservation unemployment. Indian tribes, like many American communities, are struggling to comply with the work requirements of the new welfare reform law. By focusing on job creation as a necessary component to any employment training program, tribes can add a new weapon in their battle against joblessness and poverty.

One of the more consistent obstacles to greater success with the Act is the Bureau of Indian Affairs management of the program. To remedy this problem, the bill transfers lead agency responsibilities from the Bureau of Indian Affairs (BIA) to the Office of Self-Governance (OSG), both agencies contained within the Department of the Interior. On May 13, 1997, the Committee on Indian Affairs conducted an oversight hearing to discuss the progress made by tribes under the Act. Tribe after tribe testified and revealed that this program is working, and working well. Tribes participating in the program testified that the program has reduced the federal paperwork burden associated with applying for related programs by as much as 96%, reduced administration time and costs of delivering job training services to tribal customers while enhancing the quality of services rendered.

Most importantly, witnesses indicated great increases in job placements for tribal members. One of the reasons for the success of this program is that it is voluntary. It is not another imposition, by the federal government, of what we think will work for them. I would like to highlight the fact that this Demonstration Act has cost the federal government nothing—- the attraction of the program is in streamlining paperwork and other administrative burdens and operating primarily at the local level. The philosophy of the program is similar to that of the Self-Governance model under which tribes, under contract with the United States, manage services and programs formerly provided by the federal government.

The witnesses at the May hearing discussed problems that they have had with the lead agency, the BIA. Of the four tribal participants testifying, all expressed dissatisfaction with the BIA. One testified that ''the Bureau of Indian Affairs has been the biggest obstacle to the implementation of P.L. 102–477.'' 20 tribal applicants representing more than 175 tribes currently participate in this demonstration, yet the BIA states that it has only two full-time employees committed to working on this program, and that number is in dispute. Additionally, all tribal witnesses reported significant delays in receiving programs funds consolidated under their approved plans.

Reasons for the delays ranged from deliberate withholding to poor accounting procedures on the part of the BIA. The May hearing, as well as subsequent meetings held with the Tribal Working Group for the Demonstration Act, have made clear that there is a consensus among participating tribes that the OSG should undertake this program. The bill proposes to transfer authority to the OSG because that office has a proven track record in working with tribes to consolidate programs and services and to achieve more effective delivery to tribal members.

If this Congress is serious about encouraging self-determination and self-sufficiency, we must provide tribes with the tools they need to further these goals. Reservation economic development and job creation go hand-in-hand and we cannot ignore this basic fact.

The current Act has gone far in permitting tribes to do more with less, as the quality of training and education services has risen with increased job placements. These amendments take the next logical step, which is to encourage job creation and make the promise of the program a reality for those that want to work and want to be productive and want to improve their lives and the lives of their families.

With that, Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 1279

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 ''Indian Employment, Training and Related Services Demonstration Act Amendments of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of services provided by those tribes and organizations;

(B) enabled more Indian people to secure employment;

(C) assisted welfare recipients; and

(D) otherwise demonstrated the value of integrating education, employment, and training services.

(2) The initiative under the Indian Employment, Training and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all programs that emphasize the value of work may be included within a demonstration program of an Indian tribe or Alaska Native organization.

(3) The initiative under the Indian Employment, Training and Related Services Demonstration Act of 1992 shares goals and innovative approaches of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(4) The programs referred to in paragraph (2) should be implemented by the unit within the Department of the Interior responsible for carrying out the Indian Employment, Training and Related Services Demonstration Act of 1992.

(5) The initiative under the Indian Employment, Training and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials of—

(A) the Department of the Interior; and

(B) other Federal agencies involved with policymaking authority with respect to programs that emphasize the value of work for American Indians and Alaska Natives.

SEC. 3. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

''(1) FEDERAL AGENCY.—The term 'Federal agency' has the same meaning given the term 'agency' in section 551(1) of title 5, United States Code.''.

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking ''employment opportunities, or skill development'' and all that follows through the end of the section, and inserting ''securing employment, retaining employment, or creating employment opportunities. The programs referred to in the preceding sentence may include the program commonly referred to as the general assistance program established under the Act of November 2, 1921 (commonly known as the 'Snyder Act') (42 Stat. 208, chapter 115; 25 U.S.C. 13) and the program known as the Johnson-O'Malley Program established under the Johnson-O'Malley Act (25 U.S.C. 452 through 457).''.

(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking ''Federal department'' both places it appears and inserting ''Federal agency'';

(2) by striking ''Federal departmental'' and inserting ''Federal agency'';

(3) by striking ''department'' each place it appears and inserting ''agency''; and

(4) in the third sentence, by inserting ''statutory requirement,'' after ''to waive any''.

(d) PLAN APPROVAL.—The second sentence of section 8 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended by inserting before the period at the end the following: '', including reconsidering the disapproval of any waiver requested by the Indian tribe''.

(e) JOB CREATION ACTIVITIES.—Section 9 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3408) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The plan submitted'';

(2) by striking ''if such expenditures'' and all that follows through the end of subsection (a) (as redesignated by paragraph (1) of this subsection); and

(3) by adding at the end the following:

''(b) LIMITATION.—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula.''.

(f) PRIVATE SECTOR TRAINING PLACEMENTS.—Section 11(a) of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3410(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Bureau of Indian Affairs'' and inserting ''Office of Self-Governance of the Department of the Interior'';

(2) in paragraph (4)—

(A) by inserting ''delivered under an arrangement subject to the approval of the Indian tribe participating in the project,'' after ''appropriate to the project,''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the convening by an appropriate official of the lead agency (whose appointment is subject to the confirmation of the Senate) and a representative of the Indian tribes that carry out demonstration projects under this Act, in consultation with each such Indian tribe, of a meeting not less than 2 times during each fiscal year for the purpose of providing an opportunity for all Indian tribes that carry out demonstration projects under this Act to discuss issues relating to the implementation of this Act with officials of each department specified in subsection (a).''.

(g) PERSONNEL.—In carrying out the amendment made by subsection (f)(1), the Secretary of the Interior shall transfer from the Bureau of Indian Affairs to the Office of Self-Governance of the Department of the Interior such personnel and resources as the Secretary determines to be appropriate.

By Mr. CAMPBELL:

S. 1280. A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; to the Committee on Indian Affairs.

THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT AMENDMENTS OF 1997

Mr. CAMPBELL. Mr. President, in 1996 the Congress enacted historic legislation involving the financing, construction, and maintenance of housing for Indian people. With the enactment of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), Indian housing is no longer solely in the province of the Department of Housing and Urban Development (HUD).

With NAHASDA tribes have the opportunity to develop and implement housing plans that meet their needs and values, and can do so in a way that is more efficient. I am hopeful that the success achieved by tribes participating in the Indian Self-Determination and Education Act and the Self-Governance Act programs can be duplicated in the housing arena with the implementation of NAHASDA.

The Act requires that funds for Indian housing be provided to Indian tribes in block grants with monitoring and oversight appropriately provided by HUD. By empowering the tribes themselves and decreasing tribal reliance on the federal bureaucracy, this Act is consistent with principles of tribal self-determination and self-sufficiency that have been the hallmark of federal Indian policy for nearly thirty years.

By the terms of the Act, NAHASDA becomes effective October 1, 1997. This will mean sweeping changes in the way housing is built and financed in Indian country. It is my hope that we can build on the NAHASDA model and encourage related initiatives such as banking, business development, and infrastructure construction.

Even though NAHASDA has yet to be implemented, both HUD and the tribes agree that there are sections in the Act that need clarification. The bill I am introducing, the ''Native American Housing Assistance and Self-Determination Act Amendments of 1997'', provides the required clarification and changes that will help tribes and HUD in achieving a smoother transition from the old housing regime to the new framework of NAHASDA.

The proposed amendments contained in this bill are partly the result of a hearing held by the Committee on Indian Affairs in March, 1997, which focused on the management of Indian housing under the old HUD-dominated regime.

Tribal leaders, Indian housing experts, and federal officials testified about funding problems and other matters, including the proper level of oversight and monitoring. The focus of the hearing was constructive and with an eye toward encouraging a better managed and more efficient Indian housing system.

After auditing Indian housing programs from around the nation, and after reviewing HUD's monitoring and enforcement provisions, HUD's Inspector General testified as to perceived problems in the old housing regime and the NAHASDA framework. The IG's testimony included her opinion that clarifications were needed in the

NAHASDA including minor changes to the Act's enforcement provisions.

My goal as Chairman of the Committee on Indian Affairs is to ensure that housing funds are used properly and within the bounds permitted by law. I also want to ensure that, consistent with federal obligations to Indian tribes, tribal members are properly housed and living in decent conditions.

I am confident that with the implementation of NAHASDA, tribes will be able to better design and implement their own housing plans and in the process will be able to provide better housing to their members. In making the transition from dominating the housing realm to monitoring the activities of the tribes, HUD needs guidance from the Committee as to its proper role and responsibilities under the Act.

The Act, and the amendments I am proposing today, will go a long way in making sure that the management problems that were associated with the old, HUD-dominated housing system will not be part of NAHASDA.

I ask unanimous consent that a copy of the bill be printed in the RECORD, and urge my colleagues to join me in enacting these reasonable amendments.

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

S. 1280

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Housing Assistance and Self-Determination Act Amendments of 1997''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC 2. RESTRICTION ON WAIVER AUTHORITY.

Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking ''if the Secretary'' and all that follows before the period at the end and inserting the following: ''for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to extreme circumstances beyond the control of the Indian tribe''.

SEC. 3. ORGANIZATIONAL CAPACITY; ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.

(a) ORGANIZATIONAL CAPACITY.—Section 102(c)(4) of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4112(c)(4)) is amended—

(1) by redesignating subparagraphs (A) through (K) as subparagraphs (B) through (L), respectively; and

(2) by inserting before subparagraph (B), as redesignated by paragraph (1) of this subsection, the following:

''(A) a description of the entity that is responsible for carrying out the activities under the plan, including a description of—

''(i) the relevant personnel of the entity; and

''(ii) the organizational capacity of the entity, including—

''(I) the management structure of the entity; and

''(II) the financial control mechanisms of the entity;''.

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended by adding at the end the following:

''(6) CERTAIN FAMILIES.—With respect to assistance provided by a recipient to Indian families that are not low-income families under section 201(b)(2), evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.''.

SEC. 4. ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

SEC. 5. EXPANDED AUTHORITY TO REVIEW INDIAN HOUSING PLANS.

Section 103(a)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113(a)(1)) is amended—

(1) in the first sentence, by striking ''limited''; and

(2) by striking the second sentence.

SEC. 6. OVERSIGHT.

(a) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

''SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

''If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).''.

(b) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 1465) is amended to read as follows:

''SEC. 405. REVIEW AND AUDIT BY SECRETARY.

''(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—

''(1) IN GENERAL.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

''(2) PAYMENT OF COSTS.—

''(A) IN GENERAL.—The Secretary may arrange for, and pay the cost of, any audit required under paragraph (1).

''(B) WITHHOLDING OF AMOUNTS.—If the Secretary pays for the cost of an audit under subparagraph (A), the Secretary may withhold, from the assistance otherwise payable under this Act, an amount sufficient to pay for the reasonable costs of conducting an audit that meets the applicable requirements of chapter 75 of title 31, United States Code, including, if appropriate, the reasonable costs of accounting services necessary to ensure that the books and records of the entity referred to in paragraph (1) are in such condition as is necessary to carry out the audit.

''(b) ADDITIONAL REVIEWS AND AUDITS.—

''(1) IN GENERAL.—In addition to any audit under subsection (a)(1), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit of a recipient in order to—

''(A) determine whether the recipient—

''(i) has carried out—

''(I) eligible activities in a timely manner; and

''(II) eligible activities and certification in accordance with this Act and other applicable law;

''(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

''(iii) is in compliance with the Indian housing plan of the recipient; and

''(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

''(2) ONSITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include onsite visits by the appropriate official of the Department of Housing and Human Development.

''(c) REVIEW OF REPORTS.—

''(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

''(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

''(A) may revise the report; and

''(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

''(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.''.

SEC. 7. ALLOCATION FORMULA.

Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking ''The formula,'' and inserting the following:

''(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula''; and

(2) by adding at the end the following:

''(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 1998 and each fiscal year thereafter, with respect to any Indian tribe having an Indian housing authority that owns or operates fewer than 250 public housing units, the formula under subparagraph (A) shall provide that the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the

United States Housing Act of 1937 (42 U.S.C. 1437*l*) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.''.

SEC. 8. HEARING REQUIREMENT.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting each such subparagraph 2 ems to the right;

(2) by striking ''Except as provided'' and inserting the following:

''(1) IN GENERAL.—Except as provided'';

(3) by striking ''If the Secretary takes an action under paragraph (1), (2), or (3)'' and inserting the following:

''(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)''; and

(4) by adding at the end the following:

''(3) EXCEPTION FOR CERTAIN ACTIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

''(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

''(i) provide notice to the recipient at the time that the Secretary takes that action; and

''(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

''(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.''.

SEC. 9. PERFORMANCE AGREEMENT TIME LIMIT.

Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary'';

(2) by striking ''(1) is not'' and inserting the following:

''(A) is not'';

(3) by striking ''(2) is a result'' and inserting the following:

''(B) is a result:

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this section—

(A) by adjusting the margin 2 ems to the right; and

(B) by inserting before the period at the end the following: '', if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement''; and

(5) by adding at the end the following:

''(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

''(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

''(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

''(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

''(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).''.

SEC. 10. BLOCK GRANTS AND GUARANTEES NOT FEDERAL SUBSIDIES FOR LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 42(i)(2) of the Internal Revenue Code of 1986 (relating to determination of whether building is federally subsidized) is amended to read as follows:

''(E) BUILDINGS RECEIVING HOME ASSISTANCE OR NATIVE AMERICAN HOUSING ASSISTANCE.—

''(i) IN GENERAL.—

''(I) INAPPLICABILITY.—Assistance provided under the HOME Investment Partnerships Act or the Native American Housing Assistance and Self-Determination Act of 1996 as in effect on the day before the date of enactment of the Native American Housing Assistance and Self-Determination Act Amendments of 1997 with respect to any building shall not be taken into account under subparagraph (D) if 40 percent or more of the residential units in the building are occupied by individuals whose income is 50 percent or less of the area median gross income.

''(II) APPLICABILITY OF OTHER LAW.—Subsection (d)(5)(C) does not apply to any building to which subclause (I) applies.

''(ii) SPECIAL RULE FOR CERTAIN HIGH-COST HOUSING AREAS.—In the case of a building located in a city described in section 142(d)(6), clause (i) shall be applied by substituting '25 percent' for '40 percent'.''.

(b) APPLICABILITY.—The amendment made by this section shall apply to determinations made under section 42(i)(2) of the Internal Revenue Code after the date of enactment of this Act.

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(1) by striking the item relating to section 206; and

(2) by striking the item relating to section 209 and inserting the following:

''209. Noncompliance with affordable housing requirement.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended to read as follows:

''SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for each of fiscal years 1998 through 2001—

''(1) to provide assistance under this title for emergencies and disasters, as determined by the Secretary, $10,000,000; and

''(2) such sums as may be necessary to otherwise provide grants under this title.''.

(c) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(d) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: ''Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter be considered to be a dwelling unit under section 302(b)(1).''.

By Mr. MURKOWSKI (for himself and Mr. CAMPBELL):

S. 1281. A bill to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to facilitate the creation of employment opportunities for American Indians and Alaska Natives, and for other purposes; to the Committee on Indian Affairs.

THE INDIAN EMPLOYMENT AND TRAINING IMPROVEMENTS ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise to introduce the Indian Employment and Training Improvements Act of 1997, making technical amendments to the Indian Job Training and Consolidation Act of 1992. I was an original cosponsor of this law because I saw a need to reduce unnecessary, repetitive administrative costs in job development programs geared toward American Indians and Alaska Natives.

I am glad to say that after only a few years, it is clear that this program is working. Alaska tribal groups tell me that they have reported great savings in administering employment and training programs through consolidation of application and reporting requirements. The Cook inlet Tribal Corporation in Alaska alone reports a near tripling of jobs in the Anchorage area since the passage of this act, from 500 to nearly 1,500 jobs. The Aleutian Pribiloffs Island Association, the Bristol Bay Native Association, Tlingit-Haida Indian Tibes in southeast Alaska, and Kawerak corporation in Norton Sound all report satisfaction with this program. I thank these Alaska Native groups for working with my staff to complete these amendments.

I would also like to thank Senator CAMPBELL for his work on this issue and for introducing his fine bill. I look forward to combining the best aspects of our bills at a mark-up to be held later this year. I appreciate his sensitivity to Alaska-specific concerns on this and other Indian Affairs issues.

Mr. President, my bill would make several technical corrections that would encourage more tribes to take advantage of this demonstration. Let me highlight a few of these changes. First, it would establish the Office of Self Governance as the lead agency, replacing the Bureau of Indian Affairs. This change is needed because the BIA has shown resistance to allowing two of its programs to be included in the program: the Johnson O'Malley education program and general assistance dollars. The Office of Self governance, in contrast, has shown itself to be an effective administration in working with tribes to meet their needs.

Second, it would allow the regional non-profit corporations in Alaska to act on behalf of the tribes, without having specific authorizing resolutions on the exact subject at hand, though the tribes could always object and opt out of the regional's actions. Third, it

would enable tribes to establish one consolidated advisory committee to encompass all the advisory councils currently required by the programs that are included in the demonstration.

All these changes will allow the participating tribes to get more out of the Indian Job Training and consolidation Act by enabling them to better tailor their programs for their individual needs and by reducing regulatory barriers to efficient consolidation of Indian job training programs.

Mr. President, the drop-out rate from college of Alaska Native kids in the Anchorage area is usually between 80–90 percent. We need to provide these young Alaskans with both educational and job skills so they can fully participate in Alaska's economy. The technical amendments I am introducing today will lead to further economic growth and more efficient use of Indian job training dollars. I urge my colleagues to support these amendments.

By Mr. AKAKA (for himself, Ms. MOSELEY-BRAUN, and Mrs. MURRAY):

S. 1282. A bill to provide for the establishment of the National Museum for the Peopling of America within the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

THE PEOPLING OF AMERICA MUSEUM ACT

Mr. AKAKA. Mr. President, last year marked the 150th anniversary of the Smithsonian Institution, an establishment dedicated to the ''increase and diffusion of knowledge among men.'' Since its founding, the Smithsonian has promoted excellence in research and public education in all fields of human and scientific interest. To continue this great tradition of excellence, and to ensure its relevance to its patrons and beneficiaries, the American people, today I am introducing legislation, cosponsored by Senator CAROL MOSELEY-BRAUN and Senator PATTY MURRAY, to establish a new Smithsonian entity, the National Museum for the Peopling of America.

The Peopling of America Museum would be dedicated to presenting one of the most significant experiences in American history, the complex movement of people, ideas, and cultures across boundaries—both internal or external—that resulted in the peopling of the Nation and the development of our unique, pluralist society. This movement transformed us from strangers from different shores into neighbors unified in our inimitable diversity—Americans all.

Under our bill, the Museum would have a number of different functions. These include serving as: A location for exhibits and programs depicting the history of America's diverse peoples and their interactions with each other. The exhibits would collectively form a unified narrative of the historical processes by which the United States was developed; A center for research and scholarship to ensure that future generations of scholars will have access to resources necessary for telling the story of American pluralism; A repository for the collection of relevant artifacts, artworks, and documents to be preserved, studied, and interpreted; A venue for integrated public education programs, including lectures, films, and seminars, based on the Center's collections and research; and A location for a standardized index of resources within the Smithsonian dealing with the heritages of all Americans. The Smithsonian's holdings contain millions of artifacts which have not been identified or classified for this purpose.

A clearinghouse for information on ethnic documents, artifacts, and artworks that may be available through non-Smithsonian sources, such as other federal agencies, museums, academic institutions, individuals, or foreign entities.

A folklife center highlighting the cultural expressions of the peoples of the United States. The existing Smithsonian Center for Folklife Programs and Cultural Studies, which already performs this function, could be integrated with the museum.

A center to promote mutual understanding and tolerance. The Museum would facilitate programs designed to encourage greater understanding of, and respect for, each of America's diverse ethnic and cultural heritages. The Museum would also disseminate techniques of conflict resolution currently being developed by social scientists.

An oral history center developed through interviews with volunteers and visitors. The museum would also serve as an oral history repository and a clearinghouse for oral histories held by other institutions.

A visitor center providing individually tailored orientation guides to Smithsonian visitors. Visitors could use the museum as an initial orientation phase for ethnically or culturally related artifacts, artworks, or information that can be found in each of the Smithsonian's many facilities.

A location for training museum professionals in museum practices relating to the life, history, art, and culture of the peoples of the United States. The museum would sponsor training programs for professionals or students involved in teaching, researching, and interpreting the heritage of America's peoples.

A location for testing and evaluating new museum-related technologies that could facilitate the operation of the museum. The facility could serve as a test bed for cutting-edge technologies that could later be used by other private or public museums.

Our legislation also stipulates that the museum would be located in new or existing Smithsonian facilities on or near the National Mall. Additionally, the measure establishes an Advisory Committee on American Cultural Heritage to provide guidance on the operation and direction of the proposed museum.

Mr. President, aside from the first Americans, whose precedence must be acknowledged, we Americans were travelers from other lands. From the first Europeans who came as explorers and conquerors to the African slaves who endured the middle passage and labored in the fields of our early plantations, from the people of Nuevo Mexico to the French of the Louisiana Territory who became Americans through annexation, from the Irish who fled poverty and famine at home to the Chinese who came in search of Gold Mountain—all were once visitors to this great country.

America is defined by the grand, entangled progress of its individual peoples to and across the American landscape—through exploration, the slave trade, immigration, or internal migration—that gave rise to the rich interactions that make the American experience unique. We embody the cultures and traditions that our forebears brought from other shores, as well as the new traditions and cultures that we adopted on arrival.

Whether we settled in the agrarian West, the industrialized North, the small towns of the Midwest, or the genteel cities of the South, our forebears inevitably formed relationships with peoples of other backgrounds and cultures. Our rich heritage as Americans is comprehensible only through the histories of our various constituent cultures, carried with us from other lands and transformed by encounters with other cultures. As one eminent cultural scholar has noted:

> How can one learn about slavery, holocausts, immigration, ecological adaptation or ways of seeing the world without some type of comparative perspective, without some type of relationship between cultures and peoples. How can we understand the history of any one cultural group—for example, the Irish—without reference to other groups—for example, the British. How can we understand African American culture without placing it in some relationship to its diverse African cultural roots, the creolized cultures of the Caribbean, the Native American bases of Maroon and Black Seminole cultures, the religious, economic and linguistic cultures of the colonial Spanish in Columbia, the French in Haiti, the Dutch in Suriname, and the English in the United States?

Unfortunately, Mr. President, the Smithsonian, perhaps our most prestigious educational institution, has never attempted to explore this comparative perspective of how our Nation came to be peopled. For whatever reason, the institution has failed to examine the college of relationships that shaped the values, attitudes, and behaviors of our various constituencies. Aside from occasional, temporary exhibits on a specific immigration or migration topic, such as the Museum of American History's recent exhibit on the northern migration of African-Americans, none of the Smithsonian's many museums and facilities has tasked itself to examine any aspect of

this phenomenon, the peopling of America experience, much less offered a global review of the subject.

This shortcoming derives, in part, from the fact that the Smithsonian, for all its reputation as a world-class research and educational organization, remains an institution rooted in 19th century intellectual taxonomy. For example, during the early years of the Smithsonian, the cultures of Northern and Western European Americans were originally represented at the Museum of Science and Industry, which eventually became the Museum of American History. However, African Americans, Asian Americans, Native Americans, and others were treated ethnographically as part of the Museum of Natural History. This artificial bifurcation of our cultural patrimonies is still in place today. Consequently, the collections of various ethnic and cultural groups have been fragmented among various Smithsonian entities, making it difficult to view these groups in relation to each other or as part of a larger whole.

The establishment of the Peopling of America Museum would address this glaring deficiency. The museum would instantly create a national venue where all Americans, regardless of ethnic origin, could visit in order to discover and celebrate their diverse historical roots. More important, the museum would facilitate an exploration of our commonalities, the historical and cultural experiences that created the unique American identity and sensibility.

Mr. President, in May 1995, the Commission on the Future of the Smithsonian Institution, a blue ribbon panel charged with pondering the future of the 150-year-old institution, issued its final report. In its preface, the Commission noted:

The Smithsonian Institution is the principal repository of the nation's collective memory and the nation's largest public cultural space. It is dedicated to preserving, understanding, and displaying the land we inhabit and the diversity and depth of American civilization in all its timbres and color. It holds in common for all Americans that set of beliefs—in the form of artifacts—about our past that, taken together, comprise our collective history and symbolize the ideals to which we aspire as a polity. The Smithsonian—with its 140 million objects, 16 museums and galleries, the national Zoo, and 29 million annual visits—has been, for a century and a half, a place of wonder, a magical place where Americans are reminded of how much we have in common.

The story of America is the story of a plural nation. As epitomized by our nation's motto, America is a composite of peoples. Our vast country was inhabited by various cultures long before the Pilgrims arrived. Slaves and immigrants built a new nation from ''sea to shining sea,'' across mountains, plains, deserts and great rivers, all rich in diverse climates, animals, and plants. One of the Smithsonian's essential tasks is to make the history of our country come alive for each new generation of American children.

We cannot even imagine an ''American'' culture that is not multiple in its roots and in its branches. In a world fissured by differences of ethnicity and religion, we must all learn to live without the age-old dream of purity—whether of bloodlines or cultural inheritance—and learn to find comfort, solace, and even fulfillment in the rough magic of the cultural mix. And it is the challenge to preserve and embody that marvelous mix—the multi-various mosaic that is our history, culture, land, and the people who have made it—that the Smithsonian Institution, on the eve of the twenty-first century, must rededicate itself.

Mr. President, what more compelling argument in favor of the Peopling of America Museum can be found than in these words? What initiative other than the Peopling of America Museum would more directly address the Smithsonian's role in presenting the diversity and depth of American civilization in all its timbres and color, or making the history of our country come alive for each new generation of American children, or preserving the multivarious mosaic that is our history, culture, land, and the people who have made it?

In conclusion, Mr. President, I believe that this initiative will foster a much-needed understanding of our diversity, of the rich cultural and historical differences that constitute our uniqueness as individuals. Conversely, and more important, I believe that the Peopling of America Museum will promote an appreciation of the common values, relationships, and experiences that bind our citizens together. A museum dedicated to the celebration of our unity in diversity will sustain and invigorate our sense of national purpose; surely this is a mission worthy of the Smithsonian to undertake.

Thank you, Mr. President. I hope that this legislation will initiate a national dialog about the central role that the Smithsonian should play in preserving, researching, and exhibiting America's cultural and historical patrimony. I look forward to beginning this conversation with my colleagues, the academic community, and the interested public.

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. 1282

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 ''Peopling of America Museum Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The history of the United States is in large measure the history of how the United States was populated.

(2) The evolution of the American population is broadly termed the ''peopling of America'' and is characterized by the movement of groups of people across external and internal boundaries of the United States as well as by the interactions of the groups with each other.

(3) Each of the groups has made unique, important contributions to American history, culture, art, and life.

(4) The spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the population.

(5) The Smithsonian Institution operates 16 museums and galleries, a zoological park, and 5 major research facilities. None of these public entities is a national institution dedicated to presenting the history of the peopling of the United States, as described in paragraph (2).

(6) The respective missions of the National Museum of American History of the Smithsonian Institution and the Ellis Island Immigration Museum of the National Park Service limit the ability of those museums to present fully and adequately the history of the diverse population and rich cultures of the United States.

(7) The absence of a national facility dedicated solely to presenting the history of the peopling of the United States restricts the ability of the citizens of the United States to fully understand the rich and varied heritage of the United States derived from the unique histories of many peoples from many lands.

(8) The establishment of a Peopling of America Museum to conduct educational and interpretive programs on the multiethnic and multiracial character of the history of the United States will assist in inspiring and better informing the citizens of the United States concerning the rich and diverse cultural heritage of the citizens.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Committee.

(2) COMMITTEE.—The term ''Committee'' means the Advisory Committee on American Cultural Heritage established under section 7(a).

(3) DIRECTOR.—The term ''Director'' means the Director of the Museum.

(4) MUSEUM.—The term ''Museum'' means the National Museum for the Peopling of America established under section 4(a).

SEC. 4. ESTABLISHMENT OF THE NATIONAL MUSEUM FOR THE PEOPLING OF AMERICA.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a facility that shall be known as the ''National Museum for the Peopling of America''.

(b) PURPOSES OF THE MUSEUM.—The purposes of the Museum are—

(1) to promote knowledge of the life, art, culture, and history of the many groups of people who comprise the citizens of the United States;

(2) to illustrate how such groups cooperated, competed, or otherwise interacted with each other; and

(3) to explain how the diverse, individual experiences of each group collectively helped forge a unified national experience.

(c) COMPONENTS OF THE MUSEUM.—The Museum shall include—

(1) a location for permanent and temporary exhibits depicting the historical process by which the United States was populated;

(2) a center for research and scholarship relating to the life, art, culture, and history of the groups of people of the United States;

(3) a repository for the collection, study, and preservation of artifacts, artworks, and documents relating to the diverse population of the United States;

(4) a venue for public education programs designed to explicate the multicultural past and present of the United States;

(5) a location for the development of a standardized index of documents, artifacts, and artworks in collections that are held by the Smithsonian Institution, classified in a manner consistent with the purposes of the Museum;

(6) a clearinghouse for information on documents, artifacts, and artworks relating to the groups of people of the United States that may be available to researchers, scholars, or the general public through non-Smithsonian collections, such as documents, artifacts, and artworks relating to the groups that are held by—

(A) other Federal agencies;

(B) other museums;

(C) universities;

(D) individuals; and

(E) foreign institutions;

(7) a folklife center committed to highlighting the cultural expressions of various groups of people within the United States;

(8) a center to promote mutual understanding and tolerance among the groups of people of the United States through exhibits, films, brochures, and other appropriate means;

(9) an oral history library developed through interviews with volunteers, including visitors;

(10) a location for a visitor center that shall provide individually tailored orientation guides for visitors to all Smithsonian Institution facilities;

(11) a location for the training of museum professionals and others in the arts, humanities, and sciences with respect to museum practices relating to the life, art, history, and culture of the various groups of people of the United States; and

(12) a location for developing, testing, demonstrating, evaluating, and implementing new museum-related technologies that assist in fulfilling the purposes of the Museum, enhance the operation of the Museum, and improve the accessibility of the Museum.

SEC. 5. LOCATION AND CONSTRUCTION.

(a) LOCATION.—The Museum shall be located—

(1) in a facility of the Smithsonian Institution that is, or is not, in existence on the date of enactment of this Act; and

(2) on or near the National Mall located in the District of Columbia.

(b) CONSTRUCTION.—The Board of Regents of the Smithsonian Institution may plan, design, reconstruct, or construct appropriate facilities to house the Museum.

SEC. 6. DIRECTOR AND STAFF.

(a) IN GENERAL.—

(1) APPOINTMENTS.—The Secretary of the Smithsonian Institution shall appoint and fix the compensation and duties of—

(A) a Director, Assistant Director, Secretary, and Chief Curator of the Museum; and

(B) any other officers and employees that are necessary for the operation of the Museum.

(2) QUALIFICATIONS.—Each individual appointed under paragraph (1) shall be an individual who is qualified through experience and training to perform the duties of the office to which that individual is appointed.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Secretary of the Smithsonian Institution may—

(1) appoint the Director and 5 employees under subsection (a), without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) fix the pay of the Director and the 5 employees, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification of positions and General Schedule pay rates.

SEC. 7. ADVISORY COMMITTEE ON AMERICAN CULTURAL HERITAGE.

(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—There is established an advisory committee to be known as the ''Advisory Committee on American Cultural Heritage''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Committee shall be composed of 15 members, who shall—

(i) be appointed by the Secretary of the Smithsonian Institution;

(ii) have expertise in immigration history, ethnic studies, museum science, or any other academic or professional field that involves matters relating to the cultural heritage of the citizens of the United States; and

(iii) reflect the diversity of the citizens of the United States.

(B) INITIAL APPOINTMENTS.—The initial appointments of the members of the Committee shall be made not later than 6 months after the date of enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold its first meeting.

(5) MEETINGS.—The Committee shall meet at the call of the Chairperson, but shall meet not less frequently than 2 times each fiscal year.

(6) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Committee shall select a Chairperson and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMITTEE.—The Committee shall advise the Secretary of the Smithsonian Institution and the Director concerning policies and programs affecting the Museum.

(c) COMMITTEE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

(B) FEDERAL MEMBERS.—Members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(B) COMPENSATION.—The Chairperson may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

By Mr. BUMPERS (for himself, Ms. MOSELEY-BRAUN, and Mr. HUTCHINSON):

S. 1283. A bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the ''Little Rock Nine'' on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDALS LEGISLATION

Mr. BUMPERS. Mr. President, I rise today to introduce a bill on behalf of Senator CAROL MOSELEY-BRAUN and myself authorizing the award of the Congressional Gold Medal to the extraordinary group of Americans known as the Little Rock Nine. We speak often of heroes in this body. Sometimes we worry that there are no heroes in our country today, no one for our children to look up to, no one to inspire us to be our best selves. But a couple of weeks ago, we had a vivid reminder that there are still heroes among us. The Little Rock Nine returned to Little Rock Central High School to stride through the doors again. This time those doors were held open by the Governor of Arkansas and the President of the United States.

Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas. Their names are not so familiar to the American public, but they ought to be.

On a fall day in 1957, these nine Americans were teenagers, children really, and they marched up the steps of Little Rock Central High School, young black teenagers through a huge crowd—actually a mob—of angry white people who despised them just for being there and presuming to attend a public school in their own home town. They marched up the steps with a cool courage that remains awesome today, no matter how many times we see the grainy newsreels.

In 1957, Little Rock was not a very big city, but for a few days, it became the center of the world. Arkansas was not the most staunchly segregationist State in the South, but politics, history and fear conspired to make it the

crucible for the authority of *Brown* v. *Board of Education*. And through that storm of controversy marched these nine young people, frightened but dignified, barely comprehending what was happening but sensing that they were helping to move aside a profound obstacle.

Now, even the people who jeered at them will admit that they were impressed and moved by the courage of those nine kids. The images of those days in Little Rock, and the extraordinary lives these nine sons and daughters of Arkansas have led are proud symbols of the progress we have made in America and a solemn reminder of the progress we have yet to make.

Any ordinary teenager is sensitive to the tiniest insult, the most innocent slight. It is hard to imagine what these nine felt as they were cursed and spat upon, peppered with every slur and threat the crowd could muster. They were opposed by the Governor, by most every local leader, by their peers and by a fully armed unit of the National Guard. They were able to enter the school when President Eisenhower ordered in units of the airborne division to escort them and enforce the order of the Supreme Court. But it was not the power of the soldiers or the authority of the law that won the day. It was the grace and courage of those nine young people.

Their grace and courage prevailed that day and has inspired us for 40 years. They deserve our thanks and admiration. They deserve a medal. We should present those nine heroes of Little Rock with the Congressional Gold Medal as a permanent remembrance of their unforgettable moment of courage. I hope all of my colleagues will cosponsor this bill and see that it quickly becomes law.

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

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

S. 1283

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

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress hereby finds the following:

(1) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the ''Little Rock Nine'', voluntarily subjected themselves to the bitter stinging pains of racial bigotry.

(2) The Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country.

(3) The Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation.

(4) The Little Rock Nine sacrificed their innocence to protect the American principle that we are all ''one nation, under God, indivisible''.

(5) The Little Rock Nine have indelibly left their mark on the history of this Nation.

(6) the Little Rock Nine have continued to work towards equality for all Americans.

SEC. 2. CONGRESSIONAL GOLD MEDALS.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Malba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to the ''Little Rock Nine'', gold medals of appropriate design, in recognition of the selfless heroism such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(b) DESIGN AND STRIKING.—For purposed of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient.

(c) AUTHORIZATION OF APPROPRIATION.—Effective October 1, 1997, there are authorized to be appropriated such sums as may be necessary, to carry out this section.

SEC. 3. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 2 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

By Mr. ROBERTS:

S. 1284. A bill to prohibit construction of any monument, memorial, or other structure at the site of the Iwo Jima Memorial in Arlington, VA, and for other purposes; to the Committee on Energy and Natural Resources.

CONSTRUCTION PROHIBITION LEGISLATION

Mr. ROBERTS. Mr. President, today I am introducing legislation that really should not have to be introduced to address a controversy that should not be taking place. The legislation is intended to prevent further construction of any memorial on the parcel of Federal land surrounding the U.S. Marine Corps memorial commonly known as the Iwo Jima memorial located in Arlington, VA.

Mr. President, the reason I am introducing this legislation is that, unfortunately, this site has been selected for a 50-foot high Air Force memorial approximately 500 feet from the Iwo Jima statue.

Mr. President, I realize full well that this legislation and this issue will and has caused considerable emotional debate and difference of opinion within our Marine and Air Force communities. I stress that in my opinion it does not have to be that way.

First, the points that I will raise should not be construed as any denigration or challenge to the worthiness of a memorial to the proud men and women of the U.S. Air Force who have served our Nation so very well. In fact, one of my points is that our U.S. Air Force deserves its own special place that will not compete with any other memorial.

In discussing this legislation, I am going to leave the legal issues to those with better expertise in the nuance of law. The point I would like to stress is very basic. It supersedes reports and hearings and commission recommendations and whether or not the proponents of construction of another memorial have successfully—and apparently they have—traversed the procedural obstacle course and the tripwires necessary to gain approval for construction.

Simply put, the Iwo Jima memorial represents and memorializes an absolutely unique and special time in our Nation's history. Just as Bunker Hill and Saratoga and Yorktown and Gettysburg, Belleau Wood and Bataan, Normandy, Chosin Reservoir, and other battles have been etched in our national psyche as touchstones and reminders of courage, valor and bravery in defense of freedom, and have special meaning for this Nation and the valiant members of our Armed Forces that fought bravely in each of those campaigns, Iwo Jima became a rallying point for this country and the U.S. Marine Corps during the dark days of the war in the Pacific.

Mr. President, on a personal note, for me, the Iwo Jima memorial has special meaning. My dad, then a Marine major, Wes Roberts, took part in the battle of Iwo Jima. His accounts of the bravery and sacrifice are part of our family's history and inspiration. Fifteen years later, then Marine Lt. Pat ROBERTS, stationed in Okinawa with the 3d Marine Division, revisited Iwo Jima, along with the first official Marine party to pay a personal tribute and visit to that island. My assignment was to cover the visit and dedication for the Stars and Stripes newspaper.

I shall never forget the experience. Iwo Jima veterans, enlisted and officers, stood on Mt. Suribachi in the quiet of the gentle wind overlooking a now lush green island in the blue of the Pacific, and there was not a sound. Then, in hushed tones, mixed with emotion and tears, the Iwo Jima veterans relived, recounted that battle and said many a prayer for their fallen comrades.

Lt. General Thomas A. Wornham placed a 5th Marine Division insignia on the flagpole atop famous Suribachi. Former members of his old unit, the 27th Marines, stood with visiting dignitaries. They listened quietly. The general said, ''We landed over there by those two rocks. The terraces were much higher then. I crawled on my hands and knees right by that small hill.''

In a low whisper, Col. John W. Antonelli, former 2d battalion Commander in the 27th, said, ''I cannot look at this scene, this island, without thinking of my Marines who died in

order to capture it. From the top of Suribachi, I can see where they fell. One of my best friends was killed in that ravine. Every time the Marines would take cover there, they invited the incoming artillery.''

Then Col. Donn J. Robertson, former 3d battalion commander in the famous regiment, told listeners how the island had changed. ''This new lush vegetation would have given our boys much needed cover then. As I stand here looking down from Suribachi, I realize how the enemy had us covered in interlocking fire. We landed on a beautiful day just like this, sun shining, blue sky, blue ocean. I am thankful to be alive.''

Standing on Suribachi, it was difficult for any of us to imagine how anyone could have survived the landing and day-after-day assault. The day after the island was declared secure more marines suffered casualties than they had in the last 10.

But survive they did, and Old Glory was raised over Iwo Jima on the 23d of February, 1945, and captured on film to become a pictorial moment in history unequaled in portraying uncommon valor. Almost 10 years later, that special event in our Nation's history was recreated and consecrated forever in the dedication of the Iwo Jima memorial here in our Nation's Capital and now attracts over 1 million visitors every year.

Let me stress, Mr. President, that Iwo Jima is not purely a Marine Corps memorial. It does, of course, represent an extremely important event in the proud history of our corps, but it is, in a larger sense, a memorial for the American people. Many consider the Iwo Jima site as hallowed ground and certainly not a site where there should be a competing memorial.

I also wish to acknowledge that the Air Force Association has been forthright and aboveboard in the process to find a suitable site for their proposed memorial. I applaud and support their efforts to properly recognize the superb contribution the men and women of the U.S. Air Force have made to this country. The point is that I do not believe it serves any purpose for either memorial to compete with or stand in the shadow of the other.

I also realize the proponents of the Air Force memorial will say it will not interfere with Iwo Jima, and it will be located behind a line of trees so that it cannot be seen from the Iwo site.

Now, the sense I get from those statements is that the Air Force memorial will figuratively be in the shadow of Iwo Jima. If so, that, quite frankly, is not fair to the Air Force and to those the memorial is intended to honor. A location should be found where the memorial can stand clearly, proudly, and in its own place without competition from any other structure.

In addition, the National Planning Commission report recognizes that the site for the proposed Air Force memorial is, ''fragile and delicate.'' The report further recognizes that the area encompassing the Iwo Jima memorial and the Netherlands Carillon and the Arlington National Cemetery is ''reverent space whose beautiful nature is already heavily disrupted by heavy automobile and bus traffic on the periphery and by tour bus traffic within the area itself. The planned construction of 40 additional parking spaces adjacent to the memorial, which is currently a wooded area, would further diminish the natural beauty of the memorial and the park surroundings.''

I realize in the passage of time, even the most memorable acts of courage and valor and bravery tend to fade into yesterday's history books. Succeeding generations tend to forget the lessons of the past, and the world, indeed, is a different place. Today, great historical events, and even the lives and lessons of our Founding Fathers are many times mere footnotes in a fast-paced society, or worse, subject to revision depending on what is politically correct at the moment.

But, let us not add to or hasten this erosion by unnecessarily competing or infringing upon what has been accurately called ''sacred and reverent space.''

This so-called controversy about the location of the proposed Air Force memorial in conjunction with the Iwo Jima memorial is, in fact, a paradox of enormous irony. The battle of Iwo Jima was fought to secure a safe haven and staging area for bomber aircraft flown by the forerunners of the U.S. Air Force. Marines fought and died to help save the lives of the fliers of the Army Air Corps. For 43 years, ever since the memorial was dedicated on the Marine Corps birthday in 1954, the Iwo Jima memorial has been in fact a memorial to both brave marines and fliers of World War II.

Why, why then, why indeed, should any memorial so inspired, so true to the memory and sacrifice of both marines and Army Air Corps fliers, why should such hallowed ground be subject to encroachment and duplication of yet another memorial for the same purpose, a memorial that should stand in its own right and on its own site?

We should preserve the sanctity of a memorial that has come to be viewed by all Americans as a de facto memorial to World War II. Nothing should detract from the serene and hallowed setting of the Iwo Jima memorial.

In a letter I have received from the Commandant of the U.S. Marine Corps, Gen. C.C. Krulak, the Commandant eloquently sums up what all marines feel in their hearts and what I have tried to explain in my remarks. I quote from his letter:

> Although I was just a young boy, I remember watching as the Iwo Jima memorial was erected on the edge of Arlington Cemetery. I remember that November day in 1954 when my godfather, Gen. Holland ''Howlin Mad'' Smith, stood before that magnificent statue and, with tears slowly streaming down his cheeks, softly said, ''My marines, my marines. . . .'' Truly, this is a sacred place.

Mr. President, the commandant went on to say that, as the last marine on active duty to have witnessed the Iwo dedication, he truly believes that this Nation must preserve its sanctity. For, as General Krulak said, the Iwo Jima memorial is more than a monument; it is a place for reflection, a place to pay respect, and a place to gain inner strength. Over 23,000 marines were killed or injured on Iwo Jima, and each year, over 1 million Americans pay tribute to those marines.

General Krulak closed his letter by saying:

> In speaking for them, for their survivors, and for all marines past, present and future, the sanctity of the Iwo Jima memorial must be preserved.

Semper fidelis, general, semper fidelis.

I ask my colleagues to join me in this effort.

By Mr. FAIRCLOTH (for himself, Mrs. HUTCHISON, Mr. MACK, Mr. LOTT, Mr. ABRAHAM, Mr. SHELBY, Mr. ALLARD, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mr. BENNETT, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. THOMAS, Mr. THURMOND, Mr. WARNER and Ms. SNOWE):

S. 1285. A bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals; to the Committee on Finance.

THE MARRIAGE TAX PENALTY ELIMINATION ACT OF 1997

Mr. FAIRCLOTH. Mr. President, today I am pleased to introduce legislation that will eliminate the marriage penalty tax. This is similar to legislation in the House, H.R. 2456, which has 218 cosponsors, including the Speaker of the House.

According to the Joint Economic Committee, in 1996, more than 23 million married couples paid a marriage penalty, totaling an extra $28 billion in taxes. This would mean the average couple is paying $1,200 more in income taxes simply because they are married. I think it is time to change the tax code so that we do not punish people simply for being married.

From 1913 to 1969, the federal income tax treated married couples either just as well as or better than if they were single. Since then, married couples have had to pay a marriage penalty. This is even more ironic if you consider that the number of married couples where both work has increased dramatically. Finally, the tax increase in 1993 made the problem worse by raising the tax rates.

This legislation is supported by Americans for Tax Reform and the National Taxpayers Unions. I am pleased to be joined by Senators HUTCHINSON and MACK, making a total of 35 Senators that are original cosponsors.

I would hope that we could end this penalty against marriage. Marriage should be cherished, not punished by the Federal Government. I would urge other Senators to cosponsor this bill, and I would hope that we could take up this legislation as soon as possible.

By Mr. JEFFORDS:

S. 1287. A bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants; to the Committee on Environment and Public Works.

THE ASIAN ELEPHANT CONSERVATION ACT OF 1997

Mr. JEFFORDS. Mr. President, today I rise today to introduce a bill to assist in the preservation of Asian elephants. The bill, the ''Asian Elephant Conservation Act of 1997'', is modeled after the highly successful African Elephant Conservation Act of 1988 and the Rhinoceros and Tiger Conservation Act of 1994. It will authorize up to $5 million per year to be appropriated to the Department of the Interior to fund various projects to aid in the preservation of the Asian elephant.

Since the challenges of the Asian elephants are so great, resources to date have not been sufficient to cope with the continued loss of habitat and the consequent diminution of Asian elephant populations

Among the threats to the Asian elephant in addition to habitat loss are population fragmentation, human-elephant conflict, poaching for ivory, meat, hide, bones and teeth, and capture for domestication. To reduce, remove, or otherwise effectively address these threats to the long-term viability of populations of Asian elephants in the wild will require the joint commitment and effort of nations within the range of Asian elephants, the United States and other countries, and the private sector.

On April 22, 1997, I introduced the African Elephant Conservation Reauthorization Act of 1997 (S. 627). By the late 1980's, the population of African elephants had dramatically declined from approximately 1.3 million animals in 1979 to less than 700,000 in 1987. The primary reason for this decline was the poaching and illegal slaughter of elephants for their tusks, which fueled the international trade policy. Today, as a result of the bill, the African elephant population has stabilized, international ivory prices remain low, and wildlife rangers are better equipped to stop illegal poaching activities.

I am a strong proponent of the protection and conservation of endangered species. If we do not act now, the world's future generations may not be able to enjoy many of the species of wildlife now in existence. This small, but critical investment of U.S. taxpayer money will be matched by private funds and will significantly improve the likelihood that wild Asian elephants will exist in the 21st Century. It is my hope that the Asian Elephant Conservation Act of 1997 will hopefully see the same successes that the African elephant bill has seen.

By Mr. ALLARD (for himself and Mr. CAMPBELL):

S. 1289. A bill to temporarily decrease the duty on certain industrial nylon fabrics; to the Committee on Finance.

TARIFF REDUCTION LEGISLATION

Mr. ALLARD. Mr. President, today I am introducing this legislation to lessen a financial burden on American companies. I am pleased that my colleague from Colorado, Senator CAMPBELL is joining me as an original cosponsor. For approximately 20 years, various U.S. manufacturers have been paying substantial tariffs on a product that is not produced in this country.

Mr. President, my legislation would significantly reduce the tariff on this particular product from 16 to 6.7 percent. This product is an industrial nylon fabric used in the manufacture of automotive timing belts. United States companies that use this product in their manufacturing processes have no choice but to import it since it has not been produced domestically since the mid-1970's.

There is no domestic industry to harm by lowering this tariff, consumers will clearly benefit, and many domestic industries will benefit by becoming more competitive.

My bill would temporarily reduce the tariff on the nylon fabric product for 3 years. After that period, if there are still no U.S. producers, further action would then be in order. Mr. President, reducing American competitiveness to protect non-existent domestic industries simply does not make sense. It is my hope that this situation will be rectified.

By Mr. HATCH:

S. 1290. A bill for the relief of Saeed Rezai; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. HATCH. Mr. President, I rise today to introduce private relief legislation on behalf of my constituents, Mr. Saeed Rezai, and his wife, Mrs. Julie Rezai.

As my colleagues are aware, those immigration cases that warrant private legislation are extremely rare. In fact, in nearly 8 years, I have introduced just one bill to grant such relief—a bill for the relief of Saeed Rezai in the last Congress. As I said before the Senate when I introduced that bill in 1995, I had hoped that this case would not require congressional intervention. Unfortunately, it is clear that private legislation is the only means remaining to ensure that the equities of Mr. and Mrs. Rezai's case are heard and that a number of unresolved questions are answered without imposing a terrible hardship on Mr. and Mrs. Rezai and on their marriage.

I wish to take a moment, Mr. President, to provide something by way of background to this somewhat complicated case and to explain the urgency of this legislation. Mr. Rezai first came to the United States in 1986. On June 15, 1991, he married his current wife, Julie, who is a U.S. citizen. Shortly thereafter, she filed an immigrant visa petition on his behalf. Approval of this petition has been blocked, however, by the application of §204(c) of the Immigration and Nationality Act. Section 204(c) precludes the approval of a visa petition for anyone who entered, or conspired to enter, into a fraudulent marriage. The Immigration and Naturalization Service [INS] applied this provision in Mr. Rezai's case because his previous marriage ended in divorce before his 2-year period of conditional residence had expired. In immigration proceedings following the divorce, the judge heard testimony from witnesses on behalf of Mr. Rezai and his former wife. After considering that testimony, he found there was insufficient evidence to warrant lifting the conditions on Mr. Rezai's permanent residency and, in the absence of a qualifying marriage, granted Mr. Rezai voluntary departure from the United States. The judge was very careful to mention, however, that there was no proof of false testimony by Mr. Rezai, and he granted voluntary departure rather than ordering deportation because, in his words, Mr. Rezai ''may be eligible for a visa in the future.''

Despite these comments by the immigration judge, who clearly did not anticipate the future application of the §204(c) exclusion to Mr. Rezai's case, the INS has refused to approve Mrs. Rezai's petition for permanent residence on behalf of her husband based on that very exclusion. An appeal of this decision has been pending before the Board of Immigration Appeals [BIA] for 3 years. In the meantime, Mr. Rezai appealed the initial termination of his lawful permanent resident status in 1990. In August 1995, the 10th Circuit Court of Appeals denied this appeal and reinstated the voluntary departure order. Under current law, there is no provision to stay Mr. Rezai's deportation pending the BIA's consideration of Mrs. Rezai's current immigrant visa petition.

Mr. President, there is no question that Mr. Rezai deportation will create extraordinary hardship for both Mr. and Mrs. Rezai. Throughout all the proceedings of the past 6 years, not a single person that I know of—including the INS—has questioned the validity of Mr. and Mrs. Rezai's marriage. In fact, many that I have heard from have emphatically told me that Mr. and Mrs.

Rezai's marriage is as strong as any they have seen. Given the prevailing political and cultural climate in Iran, I would not expect that Mrs. Rezai will choose to make her home there. Thus, Mrs. Rezai's deportation will result in either the breakup of a legitimate family or the forced removal of a U.S. citizen and her husband to a third country foreign to both of them.

It should also be noted that Mr. Rezai has been present in the United States for more than a decade. During this time he has assimilated to American culture and has become a contributing member of his community. He has been placed in a responsible position of employment as the security field supervisor at Westminster College where he has gained the respect and admiration of both his peers and his supervisors. In fact, I received a letter from the interim president of Westminster College, signed by close to 150 of Mr. Rezai's associates, attesting to his many contributions to the college and the community. This is just one of the many, many letters and phone calls I have received from members of our community. Mr. Rezai's forced departure in light of these considerations would both unduly limit his own opportunities and deprive the community of his continued contributions.

Finally, Mr. Rezai's deportation would create a particular hardship for his wife, who was diagnosed just a few years ago with Multiple Sclerosis [MS]. Mrs. Rezai's doctor has recommended that her husband be designated as her primary caregiver for what is expected to be a lifelong debilitating illness. It is doubtful that adequate medical care would be available should she be forced to return with her husband to Iran or to some other country willing to accept them as immigrants. Finally, her doctor has suggested that severe symptoms and rapid deterioration of Mrs. Rezai's condition are possible as a result of the stress being placed upon her by her husband's protracted immigration proceedings and the uncertainty of their future.

Mr. President, I firmly believe that we must think before enforcing an action that will result in such severe consequences as the destruction of Mr. and Mrs. Rezai's marriage and the endangering of Mrs. Rezai's already fragile health. The legislation I am introducing today, if enacted, will put an end to what has been a long and drawn-out ordeal for the Rezais by granting Mr. Rezai full permanent resident status. At a minimum, the outstanding questions regarding the propriety of the denial of Mr. Rezai's current immigrant visa petition need to be addressed. With the introduction of this legislation today and its consideration by the Judiciary Committee's Subcommittee on Immigration, we can ensure that Mr. Rezai's deportation will be stayed pending the thorough review of these questions by the Board of Immigration Appeals. I urge each of my colleagues to support this immigration bill.

By Mr. HATCH (for himself, Mr. FEINGOLD, Mr. THOMAS, Mr. BROWNBACK, Mr. ROBERTS and Mr. BURNS):

S. 1291. A bill to permit the interstate distribution of State-inspected meat under certain circumstances; to the Committee on Agriculture, Nutrition, and Forestry.

THE INTERSTATE DISTRIBUTION OF STATE-INSPECTED MEAT ACT OF 1997

Mr. HATCH. Mr. President, I rise to introduce the Interstate Distribution of State-inspected Meat Act of 1997. This legislation will lift the ban on interstate distribution of State-inspected meat and poultry, providing some long-term relief to our livestock producers and finally ending a long-standing inequity in meat inspection laws that affects about 3,000 meat processors in 26 States.

In the 1960's, the Federal Meat Inspection Act and the Poultry Products Inspection Act allowed States to implement their own inspection programs. At the time, there remained some uncertainty as to how well the State inspection programs would function, so a provision was included banning meat inspected by States from interstate distribution. There was also a provision included requiring the U.S. Department of Agriculture to periodically recertify that the State programs are ''at least equal to'' the Federal standards. In the 30 years since this program was instituted, a State program has never failed to achieve recertification.

Mr. President, today the ban on interstate distribution has clearly outlived its purpose. Instead of protecting the health of our citizens, it only stifles competition in the meat packing industry and impounds the available market to State-inspected plants. Right now, State-inspected ostrich, venison, buffalo, and pheasant are freely distributed across State lines; yet, a perfectly good steak is banned.

Furthermore, foreign competitors are allowed to send their meat products throughout the United States without regard for State boundaries. These foreign companies do not face a higher standard than our State-inspected processing plants. The only difference is that the State-inspected plants have much tighter oversight by the USDA. There is no reason that U.S. plants should be restricted from competing with foreign countries.

Monte Lucherini runs a State-inspected plant in Logan, UT. He runs a good business and makes an excellent product, but is still not allowed to do business outside of Utah. He writes:

> I believe that my gross sales would increase 30 to 40 percent. . . . Employment would be increased also. I would need two to three more butchers, and probably five to six more part-time workers. . . . It has always been a thorn in our side that we couldn't service the customers that want our products.

David H. Yadron runs a state-inspected plant in Orem, Utah. He says:

> By scrimping and saving, this ''mom and pop'' operation was built to federal standards two years ago. Nevertheless, large companies and foreign competitors enjoy the privilege of shipping their meat products interstate even though our facility and products are equal or superior to theirs. This injustice limits our profitability while providing an unfair marketing advantage to foreign companies and large domestic operations. Unless Congress repeals the unfair prohibition, we could be forced out of business. Conversely, if Wind River grows, then our suppliers, including the local, federal meat inspected packers, would also grow.

Mr. President, there are restaurants and food retailers in many States that would love to purchase meat products from Utah's State-inspected plants. Utah's State inspection program receives the highest marks possible by the USDA, and many of our plants produce unique and hard-to-find products. Instead of purchasing from Utah, these restaurants and retailers are forced to purchase from foreign competitors, even though the quality of the foreign product is often inferior.

There is no sense to this, Mr. President; it cuts into the profits of our retailers, raises the prices for our consumers, stifles business for our processors, and limits the market for our livestock and poultry producers.

Mr. President, the time has come to lift the ban in State-inspected meat and poultry. There is no reason whatever to believe that permitting interstate distribution for State-inspected meat would compromise safety in any way. In fact, I believe we would have even greater assurances about the safety of meat than we do now. The USDA would continue to set and ensure inspection standards.

I am aware that the USDA has recently begun looking into the merits of lifting the prohibition on interstate distribution, and I am eager to work with the USDA on a workable plan for bringing this law up-to-date. I call on my colleagues to support this effort to introduce equity into the meat packing industry.

Mr. FEINGOLD. Mr. President, I am pleased to be an original cosponsor of the Interstate Distribution of State-inspected Meat Act of 1997 introduced today by my colleague from Utah [Mr. HATCH] and I thank him for his leadership on this issue.

This is a very important bill for my State of Wisconsin which has nearly 300 State-inspected meat plants which provide jobs and income for rural communities. The quality meat products processed by these plants such as the Lodi Sausage Co. in Lodi, WI, Gunderson Food Service in Mondovi, WI, Goodfella's Pizza Corp. in Medford, WI, The Ham Store in Brookfield, WI, Country Fresh Meats in Hatley, WI, and Louie's Finer Meats, Inc. in Cumberland, WI are prohibited from being sold across State lines. These small businesses face the interstate marketing prohibition not because their products haven't been inspected—in fact all these businesses are inspected by the

State of Wisconsin—but because of an archaic provision of Federal law which prohibits interstate shipment of State-inspected meats even though the State inspection program is certified as equal to Federal meat inspection programs.

These plants, and hundreds like them in Wisconsin, produce quality specialty meat products which are demanded by consumers in other States. But the owners of these facilities are unable to capitalize on their specialties and meet that market demand. By limiting these plants to markets within their home-State borders, Federal law effectively prevents them from expanding their markets, increasing the number of people they employ, and generating additional economic activity in rural areas.

These small plants pose no competitive threat to larger processors who are federally inspected. In most cases, State-inspected plants are small family owned businesses, employing between 1 and 20 people, producing specialty products to fill a small market niche. These plant owners and operators pay special attention to the quality of their products and because of this they cannot grow very large. Wisconsin's small-scale meat processors take great pride in their products which reflect the ethnic diversity in my State. In fact, it is my understanding that Wisconsin specialty meat products win nearly 25 percent of the awards at the American Association of Meat Processors' nationwide product show.

Furthermore, these small State-inspected plants play a critical role in sustaining rural communities and helping to ensure diversity of size in the livestock industry. Most of these plants buy livestock locally which helps maintain the viability of nearby small family livestock operations. By buying locally they know exactly where their inputs bar coming from and how they are produced, which allows them to control the quality of their products. These local buying practices help counteract trends toward concentration in the livestock and poultry production and processing industries providing small livestock and dairy producers with marketing alternatives in any industry dominated by a few large meat packers.

The owners of these small businesses in Wisconsin correctly point out that they face even more meat shipment restrictions than their competitors from foreign countries. Under our trade agreements, meat products from foreign countries are allowed into the United States and across State borders as long as the country has an inspection program that is ''equivalent'' to U.S. programs. Meanwhile, even if State inspection programs are ''equal to'' Federal inspection programs, meats inspected under State programs are still precluded from interstate shipment Mr. President, it simply isn't fair and it is time to eliminate this inequity.

The bill we are introducing today makes a simple but important change to Federal law to allow State-inspected meats to be sold across State lines after the State inspection program is favorably reviewed and certified by the Secretary of Agriculture as at least ''equal to'' Federal meat inspection programs. If State programs are not equal to the Federal inspection program, they will not be certified by USDA and State-inspected meats will not cross State lines. The Secretary is also required by this bill to certify that the State inspection program is on schedule in implementing USDA's new Hazard Analysis and Critical Control Points [HAACP] regulations. The bill also requires the Secretary to annually recertify the State program. To provide further safeguards, Federal meat inspectors may also randomly inspect State plants to ensure that they continue to meet Federal standards. The Secretary will have the authority to reinstate the interstate shipment ban on plants that fail to meet Federal standards. This bill is responsible to consumers while providing equity to small State-inspected plants.

Mr. President, I think the best arguments in favor of this legislation are made by those small business owners who are directly affected by the interstate shipment prohibition imposed on their meat products. I want to share with my colleagues some comments made by owners of some State-inspected processing businesses in Wisconsin.:

Louis Muench, owner of Louie's Finer Meats, Inc. In Cumberland, WI writes:

> We are the operators of a small meat processing and sausage making operation in a small town in northern Wisconsin . . . Our plant is 30 miles from the Minnesota border and we cannot even provide sausage for a pancake supper in Minnesota, let alone any wholesaling to supermarkets and convenience stores. We have received over 100 State and National awards for our sausage products. We cannot even market these products on a regional basis, let alone a national basis. This past May [1996], we were honored to receive two international gold medals for our sausage in Frankfurt, Germany. We are not allowed to market these products anywhere but Wisconsin. These kinds of restrictions make it difficult to maintain a profitable business.

Dan Kubly, one of the owners of LazyBones Ham Store, in Brookfield, WI writes:

> We work very closely with our state inspectors and consider them an ally in our overall business. We constantly consult with them on equipment conditions, labeling and handling procedures in our plant. It makes no sense that we are permitted to ship our products anywhere as long as the retail customer buys the product at our stores, but are not allowed to ship the same product across state lines through a distributor . . . Our volume is increasing rapidly and we are interested in contracting with a multi-state distributor, however we are unable to do this because we do not have USDA inspection. We feel our business will suffer significantly and job creation will end if we are not permitted to expand due to this unnecessary prohibition.

James Weber, owner of Gunderson Food Service, in Modovi, WI writes:

> We are operating a small meat plant in northwest Wisconsin and employ 9 people. We slaughter and and custom process for the local farm community, smoke ham and bacon, manufacture sausage and sell retail and wholesale. We are under Wisconsin meat inspection and are required to be equal to or better than Federal inspection. In the last 4 years we have taken 18 Wisconsin, national and international awards for our ham, jerky, beef sticks and sausage; but because I am in Wisconsin I am discriminated against by the Federal government. We are 30 miles from the Minnesota border but cannot sell our product there. If my products are of high enough quality to be sent 250 miles to Milwaukee, Wisconsin, then why is there a problem with me selling it 25 miles away in Waubaska, Minnesota?

Bill Ruef, owner of Ruef's Meat Market in New Glarus, WI who processes a Swiss ready-to-eat snack called ''Landjaeger'' writes:

> This [Landjaeger] is our most popular item, and I get asked on a regular basis by business owners from other states—we are about 25 miles from the Illinois border—if we can ship our Landjaegers to them for resale in their establishments. It really hurts me and my business when I have to tell them ''no'' because we aren't federally inspected. This kind of unfair prohibition will only continue to drive small businesses to fold and allow large conglomerates to monopolize the industry.

Mr. President, these business owners say it best. The current prohibition on interstate shipment of State-inspected meats is obsolete and patently unfair to small meat processors. It is time to correct this inequity and I urge my colleagues to support this important legislation.

Mr. BROWNBACK. Mr. President, today I join with the distinguished Senators from Utah, Wisconsin, and Wyoming in introducing a bill which addresses an injustice that has developed out of current law.

Under current law, meat and poultry products that are processed in plants which are inspected by State departments of agriculture are not allowed to be shipped over State lines. This restriction is an unfair restraint on competition which is especially discriminatory toward small processing facilities.

State inspection programs are required to maintain standards are ''at least equal to'' federal inspection standards. The U.S. Department of Agriculture periodically recertifies that State programs continue to meet that standard. meeting an ''equal to'' standard is the same requirement that foreign meat processors must meet in order to sell their product within U.S. borders. Not allowing State inspected facilities the freedom to sell their product throughout the country after having met the same standard that allows their foreign competitors to market their product unimpeded is, quite simply, unfair.

This arbitrary restriction has been troublesome to me ever since I was Secretary of Agriculture for Kansas. I've seen firsthand that this restriction impedes competition. In fact, I would like to insert in the RECORD a letter that I received from a professional in

the State of Kansas who operates a State inspected plant. My constituent presents a credible case for why her business is limited because of the restriction on interstate shipment.

Proprietors of State-inspected plants are not the only advocates of changing the law. USDA's packer concentration panel recommended an immediate repeal of this prohibition as a way to slow packer concentration. The National Association of State Department of Agriculture, which represents the Secretaries and Commissioners of Agriculture which have responsibility for overseeing State programs, strongly endorses the repeal of interstate shipment restrictions. Based on public comment solicited in the Federal Register and public hearings that were held throughout the country, the U.S. Department of Agriculture recently announced its support of lifting the ban on interstate shipment.

Mr. President, I would like to address the issue of food safety in relation to my proposal. Food safety is paramount. This measure would not in any way undermine the consumer's access to a reliable and safe product. However, this bill is not about food safety. Rather, this bill addresses an issue of commerce and trade.

In other words, food safety is an issue of enforcing the inspection standards that are in place, whether under State or Federal oversight. If State-inspected meat is safe to be distributed in Kansas, it is safe to be shipped to Missouri, or Oklahoma, or wherever else an entrepreneur finds a customer. Conversely, if the food is not safe to be shipped over State lines, it shouldn't be distributed with the State either.

And, as both State and federally inspected plants implement the Hazard Analysis and Critical Control Point system, we can be even more assured that plants throughout the country are conforming to a uniformly high set of standards. Now, more than ever, a focus on who does the inspecting has no relevance in determining where the product can be consumed safely.

I would like to highlight the paper that the U.S. Department of Agriculture recently released in support of allowing the interstate shipment of State-inspected meat and poultry products. In this paper, the administration states its concept for legislative action and establishes certain recommendations for what that legislation should include. I believe that there is much common ground between the Secretary's guidelines and the bill that my colleagues and I are introducing today.

I look forward to working with the USDA, as well as my colleagues here in the Senate, in order to pass and implement this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

HOME ON THE RANGE & CO.,
Scott City, KS, September 11, 1997.

Congressman SAM BROWNBACK,
Washington, DC.

DEAR CONGRESSMAN BROWNBACK: On September 6 of last week I was asked to attend a meeting called by Secretary of Agriculture Dan Glickman concerning the interstate shipment of State inspected meat and poultry products. I was a Kansas representative of small processors that are affected by this issue.

This is not a food safety issue. Our plants meet or exceed the provisions provided by the USDA. In many cases we are even more careful of our products standards because we live in the communities where we work. If our customers do not like the quality of products we produce they tell their friends and so on. We want to produce the safest and highest quality of products.

It is an unfair competition issue. With the passage of the NAFTA and other trade agreements, foreign meat and poultry products have free access to United States interstate commerce. These foreign inspection systems must meet requirements similar to those that the states must meet in assuring that their systems meet the requirements found in the federal acts. Why should beef inspected in Mexico have free access to interstate commerce when beef I process can not be sold in Colorado?

Expanding the market for state inspected plants will create jobs and the economy in all our communities. These plants provide ''value added'' and specialty products to the market that the larger plants do not want to produce.

Another issue that does not make sense is the fact that the Buffalo Jerky I produce by the exact process as the Beef Jerky I produce is able to be sold across the United States because the USDA does not regulate them as species which require mandatory federal inspection.

Please give your support to Bill number S. 1862 that is being introduced concerning this matter. It is very important this be passed now. Time is running out for the small processors. In Kansas alone, 6–7 plants are closing a year because we are not able to access the trade we need to stay in business.

Kansas Secretary of Agriculture, Allie Devine is in favor of this bill. She would be happy to answer any questions you may have on this issue.

Thank you very much for your time.

Sincerely,

LORI ROBBINS, *Owner*.

By Mr. STEVENS (for himself, Mr. BYRD, Mr. BURNS, Mrs. MURRAY, Mr. AKAKA, Mr. ALLARD, Mr. BOND, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. CAMPBELL, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FORD, Mr. FRIST, Mr. GRAHAM, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INOUYE, Mr. KEMPTHORNE, Mr. LEAHY, Mr. LOTT, Mr. MACK, Mr. MCCONNELL, Mr. MOYNIHAN, Mr. REID, Mr. ROBERTS, Mr. SANTORUM, Mr. SARBANES, Mr. SPECTER, Mr. THOMPSON, and Mr. WARNER):

S. 1292. A resolution disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45; to the Committee on Appropriations, pursuant to the order of section 1025 of Public Law 93–344 for seven days of session.

DISAPPROVAL LEGISLATION

Mr. STEVENS. Mr. President, I have sought the floor now to introduce a disapproval bill to reverse the President's use of the line-item veto in the fiscal year 1998 military construction appropriations bill. I believe at least 37 of my colleagues will join as cosponsors of this bill.

The Line-Item Veto Act, public law 104–130, provides very specific fast-track procedures for consideration of a disapproval bill. I want to discuss those in detail later in these comments.

Congress received the President's special message listing the 38 cancellations in the military construction bill on Monday, October 6. The bill we introduce today is within the 5 calendar days of session timeframe provided for fast-track process.

Let me take a minute on the merits of this bill, Mr. President. In June, the President reached a budget agreement with the bipartisan leadership of the Congress. That agreement provided an increase of $2.6 billion for national defense over the amount that the President had requested in the budget for fiscal year 1998. The President's action on the military construction bill, in my judgment, reneges on the budget agreement he reached with the Congress. We were given our spending caps under the agreement and the Appropriations Committee presented the Senate with 13 appropriations bills consistent with the spirit, terms and limits of the revised budget.

We upheld our end of the agreement with the President. The President has not. This afternoon the Appropriations Committee met to evaluate the President's use of the line-item veto authority.

I called this hearing after consultation with Senator BYRD because of the manner in which the President had used this new prerogative on this military construction bill. I asked the committee to consider whether that tool was used as intended by Congress, and that intention was that the line-item veto would be used to eliminate wasteful or unnecessary spending. The committee heard testimony from the Air Force, Navy and Army regarding the merits of the 38 military construction projects. Today's hearings afforded our committee the chance to review the status of these projects in the military's future budget plans and whether or not they could be executed in 1998. Our military witnesses testified that in fact these projects were mission-essential and that they could be commenced in 1998. These military witnesses stated that the military services were not consulted in deciding which projects should be vetoed on this bill. These witnesses also informed us that 33 of the 38 projects in the President's message on the line-item veto are in the Department's future year defense plan. Let me repeat that. Thirty-three of the 38 projects the President indicated he

wished to line-item veto were in a plan he had approved himself.

They told us that the President's January budget constraints had prohibited them from including many of these projects in this year's budget. If the military services at the beginning of the year had had the extra $2.6 billion that the President agreed to in July, it is my judgment that all of the projects listed in the disapproval bill could and probably would have been included in the President's fiscal year 1998 budget request, if he listened to the military departments.

It's my belief that we will be successful in what we are starting today, which is an effort to overturn these line-item vetoes because the projects that the President has attempted to eliminate are meritorious, are sought by the Department, are within the budget agreement, and they are not wasteful or excessive spending.

These projects reflect a combination of quality of life, safety, readiness and infrastructure enhancement initiatives, Mr. President. A substantial number of them would significantly improve the day-to-day working conditions for men and women in uniform. Our soldiers, sailors, airmen and marines are the ones that are being shortchanged by the President's veto, not officials in the Pentagon or in the White House.

I will urge my colleagues to support us in this important endeavor. We must stand together to require that the President live up to the bargain he made with the Congress this summer. The Line-Item Veto Act provides a process to resolve the issue quickly, so I want to take the time of the Senate to outline that process so that we all know this is a new process for all of us.

Under this act, the President sent to Congress one special message for each law in which the President exercises his cancellation authority under the Line-Item Veto Act. That special message must contain a numbered list of each item the President seeks to cancel. The Line-Item Veto Act includes a fast track—a process for the speedy consideration of one disapproval bill for each message. Our action today only pertains to the military construction bill.

In order to overturn one or more of the cancellations in a special message, the Congress must send a bill to the President disapproving the cancellations. That bill may be vetoed by the President using his constitutional veto authority. As with any other bill, the President's veto then may be overturned only by an affirmative vote of two-thirds of the Members of each House. In order to qualify for this expedited process, the provisions of the Line-Item Veto Act require that a disapproval bill must be introduced within five calendar days of session after the Congress receives a special message from the President. With respect to the Senate, a calendar day of session is a day in which both Houses of Congress are in session. This fast-track procedure applies only in the House for 30 calendar days of session. There is no time limit on the Senate's consideration of the bill, other than the time for introduction of the bill and the discharge from the committee.

A disapproval bill in the House must contain a list of all the items canceled in the special message. A disapproval bill in the Senate may contain any or all of the items canceled. I might say, Mr. President, that the bill I will introduce with my cosponsors will not include all of the measures, because some Senators have indicated they do not want to move forward with their items. The format for the disapproval bill is spelled out in the Line-Item Veto Act, and the fast track process is available only if that exact format is followed.

The addition of anything other than the numbers from the list of the items canceled in the special message, whether on the floor or in conference, results in the loss of the fast track process in both the House and the Senate. In other words, no amendments to this bill, other than dealing with the specific items by number as listed in the President's message, are in order. Once introduced, the disapproval bill is referred to the committees with jurisdiction over the items that have been canceled, and it must be reported within 7 calendar days of session. After 7 calendar days of session, it is in order in either the House or the Senate to have the committees discharged. Special rules then apply in the House and the Senate with respect to debate and amendments on a disapproval bill.

In the Senate, there are no more than 10 hours of debate with one extension of time for up to 5 additional hours. That is possible at the request of the leadership. Debate on any amendment is limited to one hour with up to a limit of 10 hours, at which time all amendments then pending are voted on.

Special rules are also provided in the act for the conference committee. The conferees are directed to accept any item in a disapproval bill that was included in both the House and the Senate and are limited to accepting or rejecting any item in disagreement. In other words, there can be nothing added in conference that is not in one bill or the other.

Debate in the Senate on a conference report is limited to four hours. This will be an expedited process, Mr. President. We intend to start it as soon as we return. Let me say again that there is a learning curve for us on the line-item veto process, and I am also constrained to say to the Senate what I just said at the conclusion of the hearing on the subject of the President's special message before the Appropriations Committee.

It is obvious to me that the use of the line-item veto by the White House in this instance was very excessive. It is also obvious to me that the information process in getting the details to the President concerning the items in the bill that he used the line-item veto on were very, very badly handled. We are now awaiting the President's action on the Defense Appropriations bill. As chairman, I have been notified that the Department of Defense wishes to discuss that bill with our staff and with Members, and there was an indication that we might be asked to ''negotiate'' to see what items would be subject to a veto under the Line-Item Veto Act and what items the President would yield to that Congress desires to not have vetoed.

I have notified the Department of Defense and the White House that we are not prepared—Senator BYRD and I have agreed—to negotiate with regard to any of those items. We will—and our door is open—explain to the White House or the Department why we put in any of the items, or why we left them out, but we will not negotiate. Our constitutional duty is to pass legislation. As a matter of fact, the Congress is given the specific authority for the legislative process. The President may recommend to the Congress, but he cannot dictate to the Congress, and he is not going to dictate to the Congress during the watch of this Senator. I think I am joined in that regard by the Senator from West Virginia. We do not intend to negotiate with regard to items that have already been passed by the Congress. We do discuss it before we pass a bill with the administration and we listen to them at times about threats of vetoes. But we are not going to listen to those threats after a bill is passed.

I urge the Senate to understand this process that we are going through now because it is obvious that the process will be followed again and again. I announced at the conclusion of the hearings on this message on the Military Construction bill that if the same process is followed on the Department of Defense bill, an arrogant abuse of power, I intend to introduce a bill to repeal the Line-Item Veto Act. I was a supporter of the Line-Item Veto Act; as a matter of fact, I was chairman of the conference on the Senate side of that act. But I believed it should be used for a stated purpose, only to eliminate wasteful or unnecessary spending. We make mistakes at times and we make compromises at times, which perhaps could lead to what a President could class as being wasteful or unnecessary spending. But a wholesale condemnation of an act passed by Congress by use of the line-item veto pen, to me, is arrogance. From my point of view, I will persist in trying to repeal that statute and take it away from this administration—it will only be extended to the executive branch for a short period of time anyway—if it is abused again.

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. 1292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves of cancellations 97–4, 97–5, 97–6, 97–7, 98–8, 97–9, 97–10, 97–11, 97–12, 97–13, 97–14, 97–15, 97–16, 97–17, 97–18, 97–19, 97–20, 97–21, 97–22, 97–23, 97–24, 97–25, 97–26, 97–27, 97–28, 97–29, 97–30, 97–32, 97–33, 97–34, 97–35, 97–36, 97–37, 97–38, 97–39, and 97–40, as transmitted by the President in a special message on October 6, 1997, regarding Public Law 105–45.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am pleased and I am proud to join with the distinguished chairman of the Appropriations Committee, my friend, a friend in every sense of the word, TED STEVENS, in offering legislation to put back on the President's desk those projects which were line-item vetoed, at least those projects that Senators want to put back before the President for his consideration, and if he wants to veto that bill, he can do so, and then Congress can override or sustain his veto.

Mr. President, I think that one of the most significant things that has happened in the history of this country was the passage of the Line-Item Veto Act. To me, it was one of the most shocking abdications of duty that Members of the Congress have committed. I am not here today to say ''I told you so,'' but I am here today to say that this pernicious act should be repealed.

I hope that the Supreme Court of the United States will strike it down, but there has to be a case brought. I attempted that with other colleagues in both Houses, and the Supreme Court, as everybody knows, said we didn't have standing, even though the act itself anticipated that such a case would be brought by Members of Congress.

I am not here today to argue that. But I am here today to just take a few minutes to point out for the record why the Line Item Veto Act is an unconstitutional act. No matter what the Supreme Court ultimately says, I will always think it is an unconstitutional act. The distinguished chairman has already stated the law and what the instructions were in that law as to what actions Congress may take and when, and all of that. So I will not attempt to go into that. He has already indicated what was brought out in the hearings this afternoon. One thing was that the administration's right hand doesn't know what the left hand is doing.

I was called by Mr. Raines on Monday as to the one item that I had that was line-item vetoed. I was told that certain criteria governed the actions of the President in using the line-item veto pen. I was told that the one item that is to be located in West Virginia was, in the face of the governing criteria, to be line-item vetoed. I stated to Mr. Raines, ''That is an incorrect statement of the case. This item is in the Defense Department's 5-year plan, and the design has already been started. It is under way. So your criteria don't fit this project.'' And he indicated that he would have to take another look, therefore, and asked me to send down the papers from which I was reading, which I did, and he indicated that he would get back to me, which he did not. And I don't fault him for not getting back to me. He has other things to do, I am sure.

But what I am saying is that this action on the part of the administration was an abuse even of a bad law; an abuse even of a bad law.

In the very first section of the very first article of the Constitution these words are to be found. It is one sentence. Section 1:

All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives.

That is very plain. It says that only the Congress has the constitutional authority to make laws. ''All legislative powers'' —not ''some powers''; not a ''few powers''; but ''All legislative powers herein granted shall be vested in a Congress of the United States.'' It doesn't say the President may share in that. The President doesn't have any lawmaking power. He is limited to the veto power insofar as making the laws are concerned—the veto power as set forth in the Constitution of the United States.

So he has no lawmaking power. The Constitution states the limits of his veto authority.

It states in section 7 of article I that, and I read:

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it.

I will not read the rest of the language dealing with the veto.

But Congress in the passing of the Line-Item Veto Act went far afield from the Constitution of the United States. Congress in the Line Item Veto Act said, in essence, that when the President signs an appropriation bill into law, he has 5 days thereafter during which time he can cancel out certain portions of that bill which has already become law.

So that is what he did in this instance. He signed into law a bill, and then, unilaterally, he came along 5 days later and changed that law. He amended it. He struck out certain items. If that bill were before the Senate and if Senator STEVENS or Senator GRASSLEY or Senator BENNETT or any other Senator wished to move to strike an item in the bill, which, in this case, was to be at Camp Dawson in Preston County, WV—if any one of those Senators moved to strike that item, they could do it. But before they could succeed in striking that item, they would have to have a majority of the Senate to support them by a vote.

The vote could be by voice. It could be by division. It could be by rollcall. But they would have to have a majority of a quorum in the Senate in order to be successful in striking that item. They would not yet have fully accomplished their aim, however. A majority of the Members in a quorum of the other body would likewise have to support the striking of that item. If all 100 Senators were present, they would have to have 51 votes. If all 435 Members of the House were present, they would have to have at least 218 votes in order to successfully strike that item. A majority of each House would have to support the conference report. But in any event, in the first instance, a majority of each body would have to support the amendment in order to strike the item from the bill.

Striking an item from a bill is amending a bill. After the President has signed a bill into law, then under this Line-Item Veto Act, a President—Democrat or Republican, it doesn't make any difference—may after the first 10 minutes, after the first 5 minutes, after the first 2 days, 3 days, or 4 days, even on the fifth day, he may go back and singlehandedly, unilaterally cancel out an item in the law; in other words, strike it out; change the law. He could, if he wished to, line-item out 90 percent of the law, which in that form, as a bill, would probably not have passed either body. But one man, or woman, if it should be, as the President of the United States may unilaterally amend a bill. That is amending a bill.

The Senator from Iowa if he offers a motion to strike my item from the bill is moving to amend the bill. He is pursuing the legislative process. That is the lawmaking process. He is amending a bill. As I have already said, he can't do it alone. His vote only counts for 1 out of 100. He has to have a majority.

But not so with the President. The President may amend unilaterally, after he signs the bill into law. According to the Constitution, if he approve the bill, he shall sign it. Well, he must have approved it, or he wouldn't have signed the bill. He approved it. He signed the bill into law. Up to 5 days later, he may go back and change that law unilaterally. And that is what he did in this instance. He changed the law unilaterally. He struck out Camp Dawson.

Did Senators really intend to give one man in the White House that kind of power, that kind of legislative power? Can they really believe that the Framers who wrote this Constitution would have ever intended that that be done? It is mind-boggling—mind-boggling. It is mind-boggling to me to think that a majority of these two Houses would give any President—any President, Republican or Democrat—that kind of power. And with that kind of power the President, be he Republican or Democrat, holds the sword of Damocles over the head of every Senator and every House Member.

Am I going to vote against a certain treaty, or some nomination? The President may say, ''Look, you have an item in the bill. You have done a great job. You have done a great job for the State of West Virginia. I am really proud of you. The people down in your State love you. You did this, you did that. And I want you to have this item. But can we bargain a little here? Can we negotiate a little bit? Can you help me on what I want that is in the bill? Can you help me on this nomination?'' Or whatever. ''Maybe we can reach an amicable agreement here where you will get your item, and I will get mine.''

Now, I do not want to say that I am not willing to listen to the administration. We do that all the time when the subcommittees bring these bills to the floor. The subcommittees on appropriations work for weeks in hearings. They listen to witnesses. They talk with their staffs. They look over the correspondence. They study the needs of the various agencies and departments. And then they get together and they mark up the bill in the subcommittee. Then it goes to the full committee. Then it comes to the Senate. During all of this time, the administration is telling us what they want and what they don't want. We understand that. We know all about that. We know what they want and what they don't want. But it may be the collective judgment of the subcommittee to do otherwise. So the subcommittee brings this bill to the full committee, and it is then brought to the Senate. And we act on it, and it goes to conference. Then what happens?

Well, I have been treated to just a little bit of it lately. This is no surprise to me. We pass an amendment like this—a bill like this—and give it to any President. He will hold over your head a hammer. So, as we go to conference, the administration people come into the conference, or they come into our offices, or wherever they meet with the leadership, and they say, ''Look, this item the President will veto. If that item is in there, the President is going to veto it. This item we want. This item the President will veto unless you modify it.''

I knew that would be the situation in which we were going to find ourselves once this Line-Item Veto Act was passed.

So, as far as I am concerned, it impinges upon a Senator's or a House Member's freedom of speech. They have to be a little bit more careful about what they say about any administration.

It impinges on a Senator's freedom to act in accordance with the wishes of the constituents who send him here. And to that extent he is that much less a free man, less able to exercise his own independence. The distinguished Senator from Alaska has said we do not intend to negotiate. We intend to send this down to the White House if the majority of each body will vote for it.

Let me say here what I said in the committee today. If the President wants to line-item veto a West Virginia item, I am not going to negotiate with the administration.

Negotiating is over as far as I am concerned. When the subcommittee works its will, has its hearings, marks up its legislation, brings it to the full committee, the full committee acts, amends, modifies, changes, or whatever, and when the House does the same, when the collective wisdom and judgment of the subcommittee and the full committee and both Houses has been reached, if the President wants to veto it, go to it. Why should we sit down and negotiate in order to keep him from wielding his line-item veto pen? Let him use his veto pen only as instructed in the original Constitution. Let him use it. And then Congress can work its will. It can either sustain his veto or override it, but there should be no negotiating.

That is what every administration will want us to do. They want us to get in a position where we will continue to negotiate and they will continue to ratchet us down, they will continue to get what they want, but they want you to negotiate for whatever your constituents need. Whatever your constituents need, how you feel about your constituents, that is negotiable. Then they throw out that threat: ''Well, the President will veto that.'' The President will line item that out. Well, so what! ''Lay on, Macduff; And damn'd be him that first cries 'Hold, enough.' ''

We like to know what the administration is thinking. It is worthwhile to have their judgment. It helps to guide us in our deliberations. But once both bodies have acted and get into conference, then for the administration to come up here and say, ''Well, this is vetoable, if you don't change that. We don't like it,'' I am not for negotiating now. Let the President use his line-item veto pen. I hope that Senators and House Members who voted for the line-item veto will get their bellies full. I hope they get a bellyful of it and they probably will, because this is just a start. There are several other appropriations bills coming along.

Think of the time that this costs. Senator STEVENS held a hearing today, had a good attendance, a lot of Senators were there. They weren't elsewhere doing other things which were important likewise. It took a lot of their time. It took the time of the generals and admirals who were up from the Defense Department, and that is going to be repeated over and over and over again. Look at the time it is taking now. We have already taken time. The subcommittee took time. The full committee took time. And there are Members on those subcommittees and full committee who have great expertise in legislative areas under the jurisdiction of those subcommittees. And then all that goes for naught because a President, Republican or Democrat, wants this or wants that or does not want to go along with a Member whose constituents feel there are needs to be met and acts accordingly.

The administration has been given a hammer to use over the heads of Senators and could threaten anything that a Senator wants as a way to get the President's way on unrelated matters. It greatly enhances the President's bargaining position in the legislative process. Go home tonight, all Senators, and before you close your eyes in slumber, think of what we have done. We have given one man, who puts his britches on just as I put mine on—one leg at a time—we have said you may amend a bill unilaterally. You do not have to worry about a majority in the other body or a majority here. You may amend a bill all by yourself. You may strike an item out. That is amending a bill. You are the super lawmaker.

Not by this Constitution he isn't. I cannot understand how, or whatever got into the Members' minds when they voted to give any President the line-item veto. But it is done. It is done. I hope they will think now and that somebody will bring a case and the Supreme Court will strike down this infernal, pernicious, illegitimate gimmick.

But in the meantime, I will follow the Senator from Alaska. If he gets ready to introduce legislation to repeal the Line Item Veto Act, I am ready. I am ready to join him. Just go home and read once again, Senators who are listening, section 1 of article I. ''All legislative powers herein granted''—and if those legislative powers are not herein granted, they do not exist. ''All legislative powers herein granted shall be vested in a Congress of the United States . . .''

And then go over to section 7 of article I and read the language: ''Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve,'' meaning the bill, the resolution, ''he shall sign it, but if not he shall return it.'' It does not say he may amend it unilaterally. ''If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it.''

Now, that is the Constitution. And we have no right as Members by legislation to give any President the right unilaterally to amend a bill. We do not have that power. I do not think Congress has the power. I do not think it can give away its constitutional power to make all laws.

There is only one other thing I would say, and then I am going to sit down. I have said already there is a strong probability that the Senate will have to consider items that it has already considered in the committee process over and over again, amounting to a tremendous waste of precious time. Senator INOUYE cited a number of vital

systems that have been added by the Congress to the defense bill over the years such as greatly increasing the purchase of stealth fighters, the Osprey helicopter, C–130 aircraft, C–17's and other systems which at the time were opposed by the administration and probably would have been subject to the line-item veto and killed. Where would we then have been during Desert Storm?

This is a strong case that the administration does not have a corner on wisdom, and that if it uses the line-item veto to simply protect its budget as delivered, we will lose the great benefit of that wisdom and shortchange the historic contributions that have been made over the years.

I thank all Senators for indulging me. I have fought this battle over and over and over again. And I am willing to fight it over and over and over again. I do not believe that I took an oath to support and defend the Constitution, then only to turn around and vote, in violation of that Constitution, to give any President the unilateral right, power or prerogative to, in essence, amend a law by striking an item.

I hope more than anything else, before God sees fit to call me home, that the line-item veto will be struck down either by the Supreme Court or by the Congress itself. That is my prayer.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1293. A bill to improve the performance outcomes of the child support enforcement program in order to increase the financial stability and well-being of children and families; to the Committee on Finance.

THE CHILD SUPPORT PERFORMANCE IMPROVEMENT ACT OF 1997

Mr. ROCKEFELLER. Mr. President, I am pleased to join my colleague and friend, Senator SNOWE, in introducing the Child Support Performance Improvement Act of 1997. I have long been impressed with Senator SNOWE's commitment to the health, safety, and well-being of children, and I believe that this legislation will go far to improve the financial security of thousands of American children.

As a country, our most fundamental measure of success is how well we treat our children. We have a responsibility as Members of Congress and as a community to do our utmost to make sure that American children live happy, healthy, and stable lives. At the same time, we must acknowledge that much of the responsibility in ensuring children's happiness and security falls squarely at the feet of their parents. Sadly, many parents neglect their emotional and financial responsibilities, maintaining that because they are no longer living in the same house as their children, they no longer have to support them.

It is estimated that each year, $15 to $25 billion in child support go uncollected. One study reported that four out of five parents have attempted to shirk their court-ordered child support responsibilities at one time or another. In many of these cases, families, already fragile from the absence of one parent, are forced to turn to welfare as the only reliable source of monetary support. In 1975, Congress created the Child Support Enforcement Program to help stop this disturbing pattern. The goal of that program was and still remains to reduce public welfare expenditures by forcing absent parents to provide child support as a regular and reliable source of income for their children. As part of this goal, the Federal Government provides incentive payments to encourage State child support agencies to enforce child support collections as efficiently and effectively as possible. Unfortunately, in the past several years, these incentives have become disincentives; handsomely rewarding even the most poorly performing States with the most dismal collection rates.

Last year, the welfare reform bill took a positive step by commissioning a task force composed of child support experts from the Department of Health and Human Services and State child support agencies to come up with a new set of incentives that would put State agencies back on the road to efficient collections. The Child Support Performance Improvement Act of 1997 incorporates the consensus findings of this working group. For the first time, the new incentive structure takes into account, not just a State's cost effectiveness in collecting child support, but that State's overall success is establishing paternity and child support orders as well as collecting current and back child support.

The bill also requires the Secretary of HHS to create and implement a sixth incentive: a medical support incentive. As we are all aware, health care is an essential part of any financial package provided for a child. For the first time, this bill requires the implementation of a medical incentive which will require States to seek medical and health coverage as part of the overall child support order. All children deserve comprehensive health coverage, and there is no reason it should be a public expenditure when a child's parent is perfectly able to pay for it.

The Child Support Performance Improvement Act of 1997 also takes an important step in requiring States to pay families back first. The bill ensures that States will not be allowed to count toward incentive payments the collection of arrearages that are not first returned to former welfare families who need such payments to remain financially independent. While the overall incentive structure rewards the States for good performance, the families first provision keeps the States from receiving a double bonus—allowing them to keep arrearages to reimburse themselves and then getting an incentive payment for it.

Finally, the bill adds tough but reasonable data requirements to make sure child support incentive payments are based on complete and reliable data from the States. States that do not have accurate data on their child support collections and on other aspects of child support enforcement should not be qualified to receive incentives. This provision will encourage States to make their collection systems even more efficient and, in turn, this will mean millions of additional dollars being directed to the children who need it.

The Child Support Performance Improvement Act of 1997 is the first vital step in assuring that the States have the most efficient and effective ways possible of collecting child support from parents who have the responsibility to care for their children. Increasing child support collections will not only save Federal and State Governments and taxpayers billions of dollars each year in public expenditures, it will accomplish the most important goal of all: improving the financial stability and general well-being of thousands of American children.

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. 1293

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 Support Performance Improvement Act of 1997''.

SEC. 2. INCENTIVE PAYMENTS TO STATES.

(a) IN GENERAL.—Part D of title IV of the Social Security Act (42 U.S.C. 651–669) is amended by inserting after section 458 the following:

''SEC. 458A. INCENTIVE PAYMENTS TO STATES.

''(a) IN GENERAL.—In addition to any other payment under this part, the Secretary shall, subject to subsection (f), make an incentive payment to each State for each fiscal year in an amount determined under subsection (b).

''(b) AMOUNT OF INCENTIVE PAYMENT.—

''(1) IN GENERAL.—The incentive payment for a State for a fiscal year is equal to the sum of the applicable percentages (determined in accordance with paragraph (3)) of the maximum incentive amount for the State for the fiscal year, with respect to each of the following measures of State performance for the fiscal year:

''(A) The paternity establishment performance level.

''(B) The support order performance level.

''(C) The current payment performance level.

''(D) The arrearage payment performance level.

''(E) The cost-effectiveness performance level.

''(F) Subject to section 2(d)(2)(C) of the Child Support Performance Improvement Act of 1997, the medical support performance level.

''(2) MAXIMUM INCENTIVE AMOUNT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the maximum incentive amount for a State for a fiscal year is—

''(i) subject to subsection (e)(2), with respect to the performance measures described

in subparagraphs (A), (B), and (C) of paragraph (1), 0.49 percent of the State collections base for the fiscal year;

''(ii) subject to subsection (e)(2), with respect to the performance measures described in subparagraphs (D) and (E) of paragraph (1), 0.37 percent of the State collections base for the fiscal year; and

''(iii) with respect to the performance measure described in subparagraph (F), such percentage of the State collections base for the fiscal year as the Secretary by regulation may determine in accordance with subsection (e)(2).

''(B) STATE COLLECTIONS BASE.—For purposes of subparagraph (A), the State collections base for a fiscal year is equal to the sum of—

''(i) 2 times the sum of—

''(I) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved is required to be assigned to the State pursuant to part A or E of this title or title XIX; and

''(II) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved was so assigned but, at the time of collection, is not required to be so assigned; and

''(ii) the total amount of support collected during the fiscal year under the State plan approved under this part in all other cases.

''(3) DETERMINATION OF APPLICABLE PERCENTAGES BASED ON PERFORMANCE LEVELS.—

''(A) PATERNITY ESTABLISHMENT.—

''(i) DETERMINATION OF PATERNITY ESTABLISHMENT PERFORMANCE LEVEL.—The paternity establishment performance level for a State for a fiscal year is, at the option of the State, the IV–D paternity establishment percentage determined under section 452(g)(2)(A) or the statewide paternity establishment percentage determined under section 452(g)(2)(B).

''(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's paternity establishment performance level is as follows:

"If the paternity establishment performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
0%	50%	0.

Notwithstanding the preceding sentence, if the paternity establishment performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 10 percentage points the paternity establishment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's paternity establishment performance level is 50 percent.

''(B) ESTABLISHMENT OF CHILD SUPPORT ORDERS.—

''(i) DETERMINATION OF SUPPORT ORDER PERFORMANCE LEVEL.—The support order performance level for a State for a fiscal year is the percentage of the total number of cases under the State plan approved under this part in which there is a support order during the fiscal year.

''(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's support order performance level is as follows:

"If the support order performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
0%	50%	0.

Notwithstanding the preceding sentence, if the support order performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 5 percentage points the support order performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's support order performance level is 50 percent.

''(C) COLLECTIONS ON CURRENT CHILD SUPPORT DUE.—

''(i) DETERMINATION OF CURRENT PAYMENT PERFORMANCE LEVEL.—The current payment performance level for a State for a fiscal year is equal to the total amount of current support collected during the fiscal year under the State plan approved under this part divided by the total amount of current support owed during the fiscal year in all cases under the State plan, expressed as a percentage.

''(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's current payment performance level is as follows:

"If the current payment performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
49%	50%	59
48%	49%	58
47%	48%	57
46%	47%	56
45%	46%	55
44%	45%	54
43%	44%	53
42%	43%	52
41%	42%	51
40%	41%	50
0%	40%	0.

Notwithstanding the preceding sentence, if the current payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the current payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's current payment performance level is 50 percent.

''(D) COLLECTIONS ON CHILD SUPPORT ARREARAGES.—

''(i) DETERMINATION OF ARREARAGE PAYMENT PERFORMANCE LEVEL.—The arrearage payment performance level for a State for a fiscal year is equal to the total number of cases under the State plan approved under this part in which payments of past-due child support were received during the fiscal year and part or all of the payments were distributed to the family to whom the past-due child support was owed (or, if all past-due child support owed to the family was, at the time of receipt, subject to an assignment to the State, part or all of the payments were retained by the State) divided by the total number of cases under the State plan in which there is past-due child support, expressed as a percentage.

''(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's arrearage payment performance level is as follows:

"If the arrearage payment performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
49%	50%	59
48%	49%	58
47%	48%	57
46%	47%	56
45%	46%	55
44%	45%	54
43%	44%	53
42%	43%	52
41%	42%	51
40%	41%	50
0%	40%	0.

Notwithstanding the preceding sentence, if the arrearage payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the arrearage payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's arrearage payment performance level is 50 percent.

''(E) COST-EFFECTIVENESS.—

''(i) DETERMINATION OF COST-EFFECTIVENESS PERFORMANCE LEVEL.—The cost-effectiveness performance level for a State for a fiscal year is equal to the total amount collected during the fiscal year under the State plan approved under this part divided by the total amount expended during the fiscal year under the State plan, expressed as a ratio.

''(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's cost-effectiveness performance level is as follows:

"If the cost-effectiveness performance level is:		The applicable percentage is:
At least:	But less than:	
5.00		100
4.50	4.99	90
4.00	4.50	80
3.50	4.00	70
3.00	3.50	60
2.50	3.00	50
2.00	2.50	40
0.00	2.00	0.

''(F) MEDICAL SUPPORT.—Subject to section 2(d)(2)(C) of the Child Support Performance Improvement Act of 1997, the medical support performance level for a State for a fiscal year, and the applicable percentage for a State with respect to such level, shall be determined in accordance with regulations implementing the recommendations required to be included in the report submitted under section 2(d)(2)(B) of such Act.

''(c) TREATMENT OF INTERSTATE COLLECTIONS.—In computing incentive payments under this section, support which is collected by a State at the request of another State shall be treated as having been collected in full by both States, and any amounts expended by a State in carrying out a special project assisted under section 455(e) shall be excluded.

''(d) ADMINISTRATIVE PROVISIONS.—The amounts of the incentive payments to be made to the States under this section for a fiscal year shall be estimated by the Secretary at or before the beginning of the fiscal year on the basis of the best information available, as obtained in accordance with section 452(a)(12). The Secretary shall make the payments for the fiscal year, on a quarterly basis (with each quarterly payment being made not later than the beginning of the quarter involved), in the amounts so estimated, reduced, or increased to the extent of any overpayments or underpayments which the Secretary determines were made under this section to the States involved for prior periods and with respect to which adjustment has not already been made under this subsection. Upon the making of any estimate by the Secretary under the preceding sentence, any appropriations available for payments under this section are deemed obligated.

''(e) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary governing the calculation of incentive payments under this section, including directions for excluding from the calculations certain closed cases and cases over which the States do not have jurisdiction, and regulations excluding from the calculations of the current payment performance level and the arrearage payment performance level any case in which the State used State funds to make such payments for the primary purpose of increasing the State's performance levels in such areas.

''(2) REGULATIONS IMPLEMENTING THE MEDICAL SUPPORT PERFORMANCE LEVEL.—Subject to section 2(d)(2)(C) of the Child Support Performance Improvement Act of 1997, the Secretary shall prescribe regulations implementing the recommendations required to be included in the report submitted under section 2(d)(2)(B) of such Act. To the extent necessary to ensure that the implementation of such recommendations does not result in total Federal expenditures under this section in excess of the amount of such expenditures in the absence of such implementation, such regulations may increase or decrease the percentages specified in clauses (i) and (ii) of subsection (b)(2)(A).

''(f) REINVESTMENT.—

''(1) IN GENERAL.—Until such time as the State qualifies for the maximum incentive amount possible, as determined under subsection (b)(2), payments under this section and section 458 shall supplement, not supplant, State child support expenditures under the State program under this part to the extent that such expenditures were funded by the State in fiscal year 1996.

''(2) PENALTY.—Failure to satisfy the requirement of paragraph (1) shall result in a proportionate reduction, determined by the Secretary, of future payments to the State under this section and section 458.''.

(b) PAYMENTS DURING TRANSITION PERIOD.—Notwithstanding section 458A of the Social Security Act (42 U.S.C. 658A), as added by subsection (a), the amount of an incentive payment for a State under such section shall not be—

(1) in the case of fiscal year 2000, less than 80 percent or greater than 120 percent of the incentive payment for the State determined under section 458 of the Social Security Act (42 U.S.C. 658) for fiscal year 1999 (as such section was in effect for such fiscal year);

(2) in the case of fiscal year 2001, less than 60 percent or greater than 140 percent of the incentive payment for the State (as so determined);

(3) in the case of fiscal year 2002, less than 40 percent or greater than 160 percent of the incentive payment for the State (as so determined); and

(4) in the case of fiscal year 2003, less than 20 percent or greater than 180 percent of the incentive payment for the State (as so determined).

(c) REGULATIONS.—Within 9 months after the date of enactment of this section, the Secretary of Health and Human Services shall prescribe regulations governing the implementation of section 458A of the Social Security Act, when such section takes effect, and the implementation of subsection (b) of this section.

(d) STUDIES.—

(1) GENERAL REVIEW OF NEW INCENTIVE PAYMENT SYSTEM.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall conduct a study of the implementation of the incentive payment system established by section 458A of the Social Security Act, in order to identify the problems and successes of the system.

(B) REPORTS TO CONGRESS.—

(i) REPORT ON VARIATIONS IN STATE PERFORMANCE ATTRIBUTABLE TO DEMOGRAPHIC VARIABLES.—Not later than October 1, 2000, the Secretary shall submit to Congress a report that identifies any demographic or economic variables that account for differences in the performance levels achieved by the States with respect to the performance measures used in the system, and contains the recommendations of the Secretary for such adjustments to the system as may be necessary to ensure that the relative performance of States is measured from a baseline that takes account of any such variables.

(ii) INTERIM REPORT.—Not later than March 1, 2001, the Secretary shall submit to Congress an interim report that contains the findings of the study required by subparagraph (A).

(iii) FINAL REPORT.—Not later than October 1, 2003, the Secretary shall submit to Congress a final report that contains the final findings of the study required by subparagraph (A). The report shall include any recommendations for changes in the system that the Secretary determines would improve the operation of the child support enforcement program.

(2) DEVELOPMENT OF MEDICAL SUPPORT INCENTIVE.—

(A) IN GENERAL.—The Secretary, in consultation with State directors of programs operated under part D of title IV of the Social Security Act and representatives of children potentially eligible for medical support, such as child advocacy organizations, shall develop a new medical support performance measure based on the effectiveness of States in establishing and enforcing medical support obligations, and shall make recommendations for the incorporation of the measure, in a revenue neutral manner, into the incentive payment system established by section 458A of the Social Security Act.

(B) REPORT.—Not later than October 1, 1998, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report that describes the performance measure and contains the recommendations required under subparagraph (A).

(C) CONGRESSIONAL DISAPPROVAL REQUIRED.—

(i) IN GENERAL.—The Secretary shall, by regulation, implement the recommendations required to be included in the report submitted under subparagraph (B) unless a joint resolution is enacted, in accordance with subparagraph (D), disapproving such recommendations before the end of the 1-year period that begins on the date on which the Secretary submits such report.

(ii) EXCLUSION OF CERTAIN DAYS.—For purposes of clause (i) and subparagraph (D), the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded from the computation of the period.

(D) CONGRESSIONAL CONSIDERATION.—

(i) TERMS OF THE RESOLUTION.—For purposes of subparagraph (C)(i), the term ''joint resolution'' means only a joint resolution that is introduced within the 1-year period described in such subparagraph and—

(I) that does not have a preamble;

(II) the matter after the resolving clause of which is as follows: ''That Congress disapproves the recommendations of the Secretary of Health and Human Services regarding the implementation of a medical support performance measure submitted on ____'', the blank space being filled in with the appropriate date; and

(III) the title of which is as follows: ''Joint resolution disapproving the recommendations of the Secretary of Health and Human Services regarding the implementation of a medical support performance measure.''.

(ii) REFERRAL.—A resolution described in clause (i) that is introduced—

(I) in the House of Representatives, shall be referred to the Committee on Ways and Means; and

(II) in the Senate, shall be referred to the Committee on Finance.

(iii) DISCHARGE.—If a committee to which a resolution described in clause (i) is referred has not reported such resolution by the end of the 20-day period beginning on the date on which the Secretary submits the report required under subparagraph (B), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(iv) CONSIDERATION.—On or after the third day after the date on which the committee to which a resolution described in clause (i) has reported, or has been discharged from further consideration of such resolution, such resolution shall be considered in the same manner as a resolution is considered under subsections (d), (e), and (f) of section 2908 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 658 note) is amended—

(A) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and

(B) in subsection (c) (as so redesignated)—

(i) by striking paragraph (1) and inserting the following:

''(1) CONFORMING AMENDMENTS TO PRESENT SYSTEM.—The amendments made by subsection (a) of this section shall become effective with respect to a State as of the date the amendments made by section 103(a) (without regard to section 116(a)(2)) first apply to the State.''; and

(ii) in paragraph (2), by striking ''(c)'' and inserting ''(b)''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(f) ELIMINATION OF PREDECESSOR INCENTIVE PAYMENT SYSTEM.—

(1) REPEAL.—Section 458 of the Social Security Act (42 U.S.C. 658) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 458A of the Social Security Act (42 U.S.C. 658a) is redesignated as section 458.

(B) Paragraphs (1) and (2) of section 458(f) (as so redesignated) are each amended by striking ''and section 458''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2003.

(g) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on October 1, 1999.

SEC. 3. DATA INTEGRITY.

(a) DUTY OF THE SECRETARY TO ENSURE RELIABLE DATA.—Section 452(a) of the Social Security Act (42 U.S.C. 652(a)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(12) ensure that data required for the operation of State programs is complete and reliable by providing Federal guidance, technical assistance, and monitoring.''.

(b) DENYING INCENTIVE PAYMENTS WHEN FEDERAL AUDITS FIND THAT CLAIMS ARE BASED ON INCOMPLETE OR UNRELIABLE DATA.—Section 409(a)(8)(A) of the Social Security Act (42 U.S.C. 609(a)(8)(A)) is amended by striking the period and inserting the following: '', and, in addition to the reductions specified in subparagraph (B), no State shall be eligible for incentive payments pursuant to section 458 or 458A for any fiscal year in which its claim is based on data found to be incomplete or unreliable pursuant to an audit or audits conducted under section 452(a)(4)(C).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

By Mr. JEFFORDS:

S. 1294. A bill to amend the Higher Education Act of 1965 to allow the consolidation of student loans the Federal Family Loan Program and the Direct Loan Program; to the Committee on Labor and Human Resources.

THE EMERGENCY STUDENT LOAN CONSOLIDATION ACT OF 1997

Mr. JEFFORDS. Mr. President, I rise to introduce the Emergency Student Loan Consolidation Act of 1997. This bill will provide emergency relief to the nearly 70,000 students nationwide whose efforts to consolidate their student loans have been thwarted by the collapse of the Department of Education's Direct Loan Consolidation Program. In addition this bill makes conforming changes in the Higher Education Act to ensure that students who receive the Hope Tax Credit are able to receive all of the financial aid to which they are entitled. The Emergency Student Loan Consolidation Act of 1997 is the companion bill to H.R. 2535 which was favorably reported by the House Committee on Education and the Workforce on September 24, 1997, by a bipartisan vote of 43–0.

The rapidly rising cost of attending college is producing students with overwhelming student loan debt loads. The College Board reports that tuition at 4-year private institutions has risen by 89 percent over the past 15 years while median family income has risen by only 5 percent. Students are responding by borrowing at record levels—in fact, student borrowing under Title IV since 1990 exceeds student borrowing in the 1960's, 1970's, and 1980's combined. Between 1993 and 1995, graduate and professional student borrowing increased by over 74 percent.

In order to ease the burden of repaying these debts, Congress created the student loan consolidation program. This program allows students to consolidate their student loans into a single loan that has a variety of repayment options. Current law allows students to consolidate all of their Direct Student Loans and their Federal Family Education Loan Program [FFELP] loans into a Direct Lending Consolidation loan administered by the Department of Education. A student may consolidate his or her FFELP loans into a FFELP Consolidation Loan but may not consolidate his or her Direct Loans into the FFELP Program. As a result, borrowers who wish to consolidate both Direct Student Loans and FFELP loans into a single loan must go to the Department of Education.

Last August, the Department of Education announced that it had accumulated a backlog of 85,000 applications for consolidated loans and would cease accepting new applications until this backlog was eliminated. This decision places more than 70,000 students in limbo with no place to turn for help. This bill will provide temporary authority to allow them to consolidate all of their loans, both FFELP and Direct through the FFELP program.

In addition, this legislation makes technical corrections to the need analysis provisions of the Higher Education Act of 1965 to conform with changes made to the Tax Code earlier this year which provide students and parents with higher education tax credits. The bill addresses an oversight in the tax legislation which will result in some students receiving reduced student aid under Title IV of the Higher Education Act simply because they qualify for and receive the new tax credits. By adopting this change to the need analysis formula now, the Department can begin the process of revising the student aid application forms well in advance of the 1999 academic year.

Mr. President, I ask unanimous consent that a Washington Post article detailing the problems with the loan consolidation program be included in the RECORD.

I urge my colleagues to support this legisation.

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

EDUCATION DEPARTMENT SUSPENDS PROGRAM FOR RESTRUCTURING STUDENT LOANS

(By Rene Sanchez)

The Education Department, long maligned by congressional Republicans who say its management is a mess, has just give its critics new reason to howl.

The department announced last week that it will not accept any more applications from recent college graduates trying to consolidate or refinance their tuition loans until the contractor it hired for the job clears up an enormous backlog of those requests.

There are more than 70,000 college students nationwide whose loan payments may soon be in limbo because of the lengthy processing delays, and the waiting list has been growing longer each month. The department said that it had no choice but to suspend the popular program indefinitely in order to begin fixing the problem.

''It's a terrible embarrassment,'' said David Longanecker, the assistant secretary for postsecondary education. ''We were falling farther and farther behind, but by doing this we are confident that we'll get on top of the problem soon.''

The department faced a similar predicament last year when more than 900,000 student aid applications handled by private contractors it hired were delayed because of serious management problems. The incidents are raising new questions about the department's ability to manage its direct lending program, which allows students to get tuition loans straight from the federal government and offers them a range of repayment options.

Direct lending, one of President Clinton's most important education initiatives, has been under fire from Republicans and many private lenders—who no longer have a monopoly on the nations' massive student loan industry—ever since it was created five years ago. There have been several campaigns in Congress to abolish or severely limit the program, but it is still largely intact, serving more than 1,200 universities. Many college officials say they have been quite pleased with the program so far.

But to some Republican leaders, the latest trouble is proof that the department is not up to the task of handling the complexities of managing college loans at a time when a record number of students—at last count, more than 7 million—depend on them.

''From the very start of the program, I doubted the department's ability to become one of the largest banks in this country,'' Rep. William F. Goodline (R-Pa), chairman of the House Committee on Education and the Workforce, said last week. He called the department's inability to consolidate student loans quickly and efficiently ''irresponsible.''

With tuition costs at most campuses continuing to exceed inflation, and college loan debt soaring, more and more students are taking advantage of new opportunities to restructure their loans over longer periods of time or in ways that are based on what they earn after graduation.

Education department officials said that often in the last year they have received nearly 150,000 applications a month from students to consolidate loans, a rate that is nearly twice what they said they had expected when the program began.

But they adamantly reject criticism that direct lending is in shambles.

''I can understand the frustration, but I think we have to keep it in perspective,'' Longanecker. ''One reason we have this problem is because of the great popularity of the program.''

Longanecker said that the department is disappointed with the work of the contractor that it hired last year for the job. Electronic Data Systems, which was founded by billionaire Ross Perot. Longanecker said there were start-up problems in processing student requests, and that ever since the volume of applications has overwhelmed the system.

Some officials said that it had been taking more than seven months in same cases—an unpaid student loan falls into default after six months—to process applications. Because recent steps to improve performance had only put a small dent in the backlog of applications, Longanecker said the department decided instead to stop taking them for a while.

''It was like we were trying to fix a 747 while it was still in their air,'' he said.

The department has no estimates yet as to when the loan-consolidation program will be re-opened. But Longanecker said that he expects it certainly will be before December, which is a peak time for applications from students because that is when the most recent class of college graduates are supposed to start repaying their tuition loans.

That is hardly satisfying some critics, however. And some lawmakers say they are also losing confidence in how the department chooses its contractors, suggesting that the process does not seem as rigorous as it should be.

Education Department leaders scoff at much of the criticism coming from Republicans about direct lending, saying that many of them have never wanted the program to succeed anyway. But alarm over the latest management problem extends well beyond Capitol Hill.

''Up to now, they've done a pretty good job on this,'' said Terry Hartle, a vice president for the American Council on Education, a Washington group that represents more than 1,500 universities. ''But what we have here is a huge embarrassment in one of the president's signature education programs.''

Mrs. HUTCHISON. Mr. President, Americans should not have to choose between love and money. In a country that values families, the Federal Tax Code shouldn't punish people for being married. The number of unmarried-couple households increased 80 percent from 1980 to 1990, according to census figures. The percentage of people who never marry has doubled, from 5 percent in the 1950's to 10 percent today.

Today, I am pleased to introduce legislation with Senators FAIRCLOTH and MACK that will abolish the Federal income tax marriage penalty. Under this legislation, families will have the choice of filing as single or married, depending on which method works best for them.

There is something wrong with a law that imposes higher taxes on married people with two incomes than on single people. The hallmark of a fair tax system is even-handedness, and the current law flunks this test. From 1913 through 1969, the Federal income tax treated married couples either better or as well as if single. Since then, progressive tax rates have meant that married couples with two incomes have to pay more in Federal taxes than they would as individuals. The Congressional Budget Office reports that in 1996, more than 21 million married couples paid the marriage penalty. The average couple now pays $1,400 in additional income tax simply because they're married. One thousand four hundred dollars could mean six or seven car payments, a family vacation, or a computer for the family.

For example, a single person earning $24,000 a year is taxed at the rate of 15 percent. But, by taxing them on their combined income, the IRS collects 28 percent in tax from a working couple in which each spouse earns $24,000. It is wrong for two people living together to pay less taxes than if they were married.

Because American families increasingly have had two breadwinners, instead of one, more Americans are impacted by the marriage penalty. In 1969, 52 percent of American families had only one bread winner. Today that figure is 28 percent.

Mr. President, under current law, the only way to avoid the marriage penalty is not to marry or to leave your spouse if already married. This is wrong. We need a Tax Code to encourage marriage, not penalize it. This legislation is supported by Americans for Tax Reform and the National Taxpayers Union. We are introducing this bill with 34 co-sponsors, including every Member of the Republican leadership. I am very pleased to be working with Senators FAIRCLOTH and MACK and I hope Members from both sides of the aisle will join us in rectifying this unfair tax treatment of married couples.

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. NICKLES, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 9, a bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

S. 22

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 61

At the request of Mr. LOTT, the names of the Senator from Alabama [Mr. SESSIONS], the Senator from Vermont [Mr. LEAHY], the Senator from Connecticut [Mr. DODD], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 219

At the request of Mr. DASCHLE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

S. 230

At the request of Mr. THURMOND, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 295

At the request of Mr. JEFFORDS, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 295, a bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

S. 343

At the request of Mr. THOMAS, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 343, a bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Mongolia.

S. 428

At the request of Mr. KOHL, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 428, a bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns.

S. 437

At the request of Mr. DOMENICI, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 437, a bill to improve Indian reservation roads and related transportation services, and for other purposes.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 623

At the request of Mr. INOUYE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 813

At the request of Mr. THURMOND, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 813, a bill to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

S. 845

At the request of Mr. LUGAR, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 845, a bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

S. 852

At the request of Mr. SESSIONS, his name was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1024

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 1024, a bill to make chapter 12 of title 11 of the United States Code permanent, and for other purposes.

S. 1084

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 1084, a bill to establish a research and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act, and for other purposes.

S. 1096

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Missouri [Mr. BOND], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1113

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1113, a bill to extend certain temporary judgeships in the Federal judiciary.

S. 1115

At the request of Mr. SESSIONS, his name was added as a cosponsor of S. 1115, a bill to amend title 49, United States Code, to improve one-call notification process, and for other purposes.

S. 1124

At the request of Mr. KERRY, the names of the Senator from Kansas [Mr. BROWNBACK] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 1124, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1153

At the request of Mr. BAUCUS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

S. 1194

At the request of Mr. KYL, the names of the Senator from Missouri [Mr. ASHCROFT], the Senator from Texas [Mrs. HUTCHISON], the Senator from Kansas [Mr. ROBERTS], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

S. 1196

At the request of Mr. MCCAIN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1196, a bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers.

S. 1204

At the request of Mr. COVERDELL, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 1204, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

S. 1213

At the request of Mr. HOLLINGS, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1213, a bill to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes.

S. 1233

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor

of S. 1233, a bill to terminate the taxes imposed by the Internal Revenue Code of 1986 other than Social Security and railroad retirement-related taxes.

SENATE RESOLUTION 116

At the request of Mr. LEVIN, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as ''America Recycles Day.''

SENATE RESOLUTION 133—RELATIVE TO A CHILD SAFETY DEVICE

Mrs. BOXER (for herself, Mr. KOHL, Mr. CHAFEE, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. BIDEN, Mr. KERRY, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. HARKIN, Mr. DURBIN, Mr. TORRICELLI, Mr. REED, Mr. INOUYE, Mr. AKAKA, Mr. LEVIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. WELLSTONE, and Mr. ROBB) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 133

Whereas eight leading American gun manufacturers have now agreed to include child safety devices on their handguns;

Whereas each year, nearly 40,000 Americans are killed by firearms;

Whereas more than 500 children are killed accidentally each year by gunshots;

Whereas many of these deaths and injuries are caused by handguns manufactured in the United States;

Whereas a simple child safety device could have prevented at least some of these deaths and injuries;

Whereas there are still a number of American gun makers, including some of the nation's largest, who have not committed to including a child safety device on their guns: Now, therefore, be it

Resolved, That it is the sense of the Senate that every American handgun manufacturer should voluntarily begin equipping all new handguns with child safety devices.

SENATE RESOLUTION 134—RELATIVE TO THE WESTERN HEMISPHERE

Mr. GRAHAM (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 134

Whereas the worldwide democratic revolution has spread throughout the Western Hemisphere to include democratically elected governments in all countries but Cuba;

Whereas market economic principles have been adopted by most countries in the Western Hemisphere, resulting in remarkable economic growth and substantial increases in international trade and investment;

Whereas the end of the Cold War has opened up opportunities to address country-specific, regional, and Hemisphere-wide concerns relating to economic development, political reform, security problems, and other social and environmental issues in the Americas;

Whereas there are numerous foreign policy and security concerns in the Americas, including the defense of democracy and free markets, illicit narcotics trafficking, terrorism, organized criminal activities, immigration flows, arms control and nonproliferation, environment degradation, and other regional and Hemisphere-wide issues that can best be addressed by collaborative, multilateral means;

Whereas the President of the United States announced on August 1, 1997, a revision of the unilateral policy prohibiting the sale or transfer of advanced weapons systems to countries of South America, Central America, and the Caribbean, and the restoration of United States military sales policy based on a case-by-case basis comparable to other regions of the world;

Whereas the defense ministers of the Hemisphere meet on a regular basis, as evidenced by the Defense Ministerial of the Americas held in 1995 and 1996, to address problems of mutual security and to deepen the security dialogue in the Western Hemisphere; and

Whereas it is in the national security interest of the United States to promote security and stability with our Hemispheric neighbors by engaging with them as equal partners to address security-related matters of mutual concern: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should give high priority to working with United States partners in the Americas to address shared foreign policy and security problems in the Western Hemisphere;

(2) the United States should encourage efforts to increase the transparency of defense planning, military acquisitions, military exercises, and military deployments as well as other mutual-confidence and security-building measures in the Hemisphere in order to strengthen the environment of trust, confidence, and mutual restraint;

(3) the United States should immediately begin discussions with United States partners in the Hemisphere on steps that could lead to a voluntary multilateral restraint regime on the acquisition of advanced weapons systems in the Hemisphere;

(4) the United States, in consultation with other countries in the Americas, should explore areas for enhancing cooperation and collaboration, including the strengthening of existing inter-American organizations and arrangements, in order to address shared problems relating to subregional and Hemisphere-wide foreign policy and security-related issues;

(5) the United States should—

(A) encourage countries in the Hemisphere to implement the Santiago Declaration on Confidence and Security-Building Measures (CSBM) resolution adopted by the Organization of American States (OAS) on November 10, 1995; and

(B) take steps to bring about the implementation of the resolution on Conventional Arms Transparency and Confidence Building in the Americas relating to conventional arms acquisitions adopted by the OAS on June 5, 1997;

(6) the United States should increase the number of civilian and military personnel in foreign policy and defense-related training, education, and exchange programs from and to eligible countries in the Western Hemisphere and encourage similar programs between countries in the region;

(7) the United States should conduct an in-depth study of the roles, requirements, missions, and priorities of the United States Armed Forces in the Western Hemisphere in the post-Cold War environment, including recommendations for additional steps that should be taken to improve Hemispheric security and areas of possible cooperation with the armed forces of other countries in the region;

(8) the study should be completed within 12 months of the date of adoption of this resolution, and the appropriate committees of Congress should be notified of the findings of the study upon its completion; and

(9) the President should submit a report to Congress every 90 days on progress towards achieving the policy goals stated in this resolution.

Mr. GRAHAM. Mr. President, today I am submitting a resolution, together with my friend and colleague Senator LUGAR, which expresses the sense of the Senate that the United States should give high priority to working with our partners in the Americas to address shared foreign policy and security problems in the Western Hemisphere.

Over the past several years we have witnessed unprecedented progress in our hemisphere. This sweeping wave of democratization and free market economics now provides us with a unique opportunity to consolidate these gains and to create a new security regime in the Americas. This new regime must be based upon the premise that we will work with our neighbors as equal partners to address security-related matters of mutual concern.

On August 1, 1997, the President revised the unilateral policy prohibiting the sale or transfer of advanced weapons systems to countries of South America, Central America, and the Caribbean, and restored the policy based on a case-by-case analysis comparable to that used in other regions of the world. This alone is not a security policy. It is an action that must be wrapped in a broader security policy for the region. This resolution urges the President to work towards such a broader policy and provides some direction for that policy.

We must recognize the great progress that the democratically elected civilian governments of the region have made. For this they deserve to be treated as we treat our other democratic friends and allies. At the same time, we must work with them to find ways to enhance security through defense cooperation, transparency, and confidence and security building measures. We urge the President to emphasize these themes in his meetings with our hemisphere partners.

Mr. President, I urge all of our colleagues to join Senator LUGAR and myself in supporting this resolution. It will provide the President with the support of the Congress as he pursues these objectives, and demonstrate to our partners that we remain committed to building a secure environment so that all nations of the hemisphere can prosper in peace.

SENATE RESOLUTION 135—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 135

Whereas, federal, state, and local law enforcement officials have requested that the

Committee on Rules and Administration provide them with copies of records held by the committee related to the 1996 United States Senate election in Louisiana;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Committee on Rules and Administration, either through formal action or by joint action of the Chairman and Ranking Member, is authorized to provide to federal, state, and local law enforcement officials copies of records held by the committee related to the 1996 United States Senate election in Louisiana.

SENATE RESOLUTION 136—DESIGNATING OCTOBER 17, 1997, AS NATIONAL MAMMOGRAPHY DAY

Mr. BIDEN (for himself, Mr. MACK, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mrs. BOXER, Mr. BRYAN, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. D'AMATO, Mr. DASCHLE, Mr. DEWINE, Mr. DORGAN, Mr. DURBIN, Mr. FAIRCLOTH, Mr. FRIST, Mr. FORD, Mr. GLENN, Mr. GORTON, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SMITH of Oregon, Mr. SPECTER, Mr. THOMAS, Mr. THURMOND, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 136

Whereas according to the American Cancer Society, in 1997, 180,200 women will be diagnosed with breast cancer and 43,900 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination (BSE), saving as many as 30 percent more lives;

Whereas the Medicare program will cover mammograms on an annual basis for women over 39 years of age, beginning in January, 1998; and

Whereas 47 States have passed legislation requiring health insurance companies to cover mammograms in accordance with recognized screening guidelines: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 17, 1997, as ''National Mammography Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

AMENDMENTS SUBMITTED

THE ENHANCED INTERMODAL TRANSPORTATION SAFETY ACT OF 1997

BURNS AMENDMENT NO. 1320

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. BURNS submitted an amendment intended to be proposed by him to the bill (S. 1267) to amend title 49, United States Code, to provide for enhanced intermodal transportation safety, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. EXEMPTION FROM CERTAIN REGULATIONS FOR UTILITY SERVICE COMMERCIAL MOTOR VEHICLE DRIVERS.

(a) IN GENERAL.—Section 31502 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(e) EXCEPTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, regulations promulgated under this section or section 31136 regarding—

''(A) maximum driving and on-duty times applicable to operators of commercial motor vehicles;

''(B) physical testing, reporting, or recordkeeping; and

''(C) the installation of automatic recording devices associated with establishing the maximum driving and on-duty times referred to in subparagraph (A),

shall not apply to any driver of a utility service vehicle.

''(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

''(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).''.

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(A) COMMERCIAL DRIVER'S LICENSE.—The term ''commercial driver's license'' has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term ''driver of a utility service vehicle'' has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a) of this section.

(C) REGULATION.—The term ''regulation'' has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term ''utility service vehicle'' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

THE TRANSPORTATION SAFETY IMPROVEMENT ACT OF 1997

BURNS AMENDMENT NO. 1321

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. BURNS submitted an amendment intended to be proposed by him to the bill (S. 1234) to improve transportation safety, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. WAIVERS FOR CERTAIN FARM VEHICLES.

(a) DEFINITIONS.—In this section:

(1) CUSTOM HARVESTING FARM MACHINERY.—The term ''custom harvesting farm machinery'' includes vehicles used for custom harvesting that—

(A) are classified under subpart F of part 383, of title 49, Code of Federal Regulations, as being included in Group A, B, or C (as those terms are used in section 383.91 of that part); and

(B) are used on a seasonal basis to provide transportation of—

(i) agricultural commodities from field to storage or processing; and

(ii) harvesting machinery and equipment from farm to farm.

(2) COMMERCIAL DRIVER'S LICENSE.—The term ''commercial driver's license'' has the meaning given that term in section 31301(3) of title 49, United States Code.

(b) WAIVERS.—In addition to the authority granted to States to waive the application of chapter 313 of title 49, United States Code, with respect to farm vehicles described in 53 Fed. Reg. 37313 through 37316 and farm-related service industries described in 57 Fed. Reg. 13650 through 13654, each State that issues commercial drivers' licenses in accordance with chapter 313 of title 49, United States Code, may waive the application of any requirement for obtaining a commercial driver's license for operators of custom harvesting farm machinery or employees of farm-related service industries (or both) that would otherwise apply.

THE LARRY COBY POST OFFICE DESIGNATION ACT OF 1997

THOMPSON AMENDMENT NO. 1322

Mr. STEVENS (for Mr. THOMPSON) proposed an amendment to the bill (S. 985) to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the ''Larry Coby Post Office''; as follows:

On page 2, strike lines 14 through 16.

THE ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1997

McCAIN AMENDMENT NO. 1323

Mr. STEVENS (for Mr. MCCAIN) proposed an amendment to the bill (S. 399) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes; as follows:

Beginning on page 14, strike line 17 and all that follows through page 15, line 3, and insert the following:

SEC. 6. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

(a) REDESIGNATION.—Sections 10 and 11 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608, 5609) are redesignated as sections 12 and 13 of that Act, respectively.

(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by subsection (a)) is amended by inserting after section 9 the following:

''SEC. 10. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States an Environmental Dispute Resolution Fund to be administered by the Foundation. The Fund shall consist of amounts appropriated to the Fund under section 13(b) and amounts paid into the Fund under section 11.

''(b) EXPENDITURES.—The Foundation shall expend from the Fund such sums as the Board determines are necessary to establish and operate the Institute, including such amounts as are necessary for salaries, administration, the provision of mediation and other services, and such other expenses as the Board determines are necessary.

''(c) DISTINCTION FROM TRUST FUND.—The Fund shall be maintained separately from the Trust Fund established under section 8.

''(d) INVESTMENT OF AMOUNTS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

''(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

''(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

''(A) on original issue at the issue price; or

''(B) by purchase of outstanding obligations at the market price.

''(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

''(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.''.

SEC. 7. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by section 6) is amended by inserting after section 10 the following:

''SEC. 11. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

On page 15, strike lines 13 through 16 and insert the following:

''(2) PAYMENT INTO ENVIRONMENTAL DISPUTE RESOLUTION FUND.—A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Environmental Dispute Resolution Fund established under section 10.

On page 17, line 1, strike ''**sec. 7**.'' and insert ''**sec. 8.**''.

On page 17, line 2, strike ''Section 12'' and insert ''Section 13''.

On page 17, strike lines 11 through 13 and insert the following:

''(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 10—

On page 17, line 21, strike ''**sec. 8.**'' and insert ''**sec. 9.**''.

On page 18, line 4, strike ''12'' and insert ''13(a)''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Monday, October 20, 1997 at 10:00 a.m. in room 485 of the Russell Senate Office Building to conduct a Hearing on H.R. 79, Hoopa Valley Reservation South Boundary Adjustment Act; and S. 156, Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Tuesday, October 21, 1997 at 10:00 a.m. in room 485 of the Russell Senate Office Building to conduct a Hearing on H.R. 700, the Agua Caliente Equalization Act; and H.R. 976, the Mississippi Sioux Judgment Fund Distribution Act.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, for the information of the Senate and the public I am announcing that the Committee on Energy and Natural Resources, will hold an oversight hearing to receive testimony on the issue of peaceful nuclear cooperation with China.

The hearing will be held on Thursday, October 23, 1997, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

Those interested in testifying or submitting material for the hearing record should write to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510 attn: David Garman or Shawn Taylor at (202) 224–8115.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, October 23, 1997 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 633 to amend the Petroglyph National Monument Establishment Act of 1990 to adjust the boundary of the monument.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, October 29, 1997 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 638 to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the monument, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Natural Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources,

United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 9, 1997 at 9:30 a.m. on the tobacco agreement public health analysis.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 9, 1997, at 2:00 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Thursday, October 9, at 10:00 a.m. for a hearing on campaign financing issues.

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

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an executive business meeting during the session of the Senate on Thursday, October 9, 1997, at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion be authorized to meet during the session of the Senate on Thursday, October 9, 1997, at 9:30 am to hold a hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 9, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this oversight hearing is to receive testimony on the feasibility of using bonding techniques to finance large-scale capital projects in the National Park System.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Public Health and Safety be authorized to meet for a Hearing on NIH Clinical Research during the session of the Senate on Thursday, October 9, 1997, at 9:30 a.m.

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

SUBCOMMITTEE ON SECURITIES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, October 9, 1997, to conduct an oversight hearing on the financial accounting standards board and its proposed derivatives accounting standard.

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

ADDITIONAL STATEMENTS

PROTECTING THIS NATION'S AIR

• Mr. ABRAHAM. Mr. President, late last month, the Subcommittee on Manufacturing and Competitiveness held a hearing to examine the impact of EPA's new air quality standards on American manufacturing, especially small manufacturers.

On July 18 of this year, the Environmental Protection Agency announced new air quality standards that call for more severe restrictions on ground-level ozone and microscopic dust particles called particulate matter. These new standards are the most far-reaching—and potentially the most costly—regulatory mandates implemented in U.S. history.

Despite the administration's having promulgated these regulations, I believe a number of questions remain unanswered. To begin with, are these standards necessary? It seems clear that the scientific community is not of one mind on the EPA's new standards. Indeed, from the reading I have done it seems clear that a substantial amount of scientific evidence exists to the effect that the new rules will have negligible positive impact whatsoever on the public health. Not even the EPA's own Science Advisory Committee could conclude that public health would be substantially improved by adopting new standards more stringent than those already in effect. Moreover, Kay Jones, President Jimmy Carter's top air quality adviser, says there are serious flaws in the studies cited by the EPA to justify these new regulatory mandates.

Nevertheless, the EPA wants Americans to incur substantial costs in implementing their new standards. By the EPA's own estimate, implementing the new standards will cost Americans almost $50 billion. And that estimate is very low if we are to believe some of the estimates made by other organizations. The highly regarded Reason Foundation, as an example, has determined that the costs of the new clean air rules should be conservatively pegged at $122 billion. If this figure is correct, then the economic cost of EPA's new regulations will wipe out the entire economic benefit of the tax relief that we just enacted for America. In my judgment, this would not bode well for our Nation's financial health, or for the economic well-being of our working families.

We must also keep in mind that there are alternative means by which we can save lives. Taking the EPA's own estimates, the new standards will save the equivalent of 1,100 lives, at a cost of $2,400,000 per life year saved. Meanwhile, universal influenza vaccination would save 7,100,000 equivalent lives at a cost of only $140 per life year saved. And mammography for women over 50, an issue which many Members of this Senate have been personally involved with, would save 1,500,000 equivalent lives at a cost of $810 per life year saved. This is according to an article in the journal ''Risk Analysis'' by a group of researchers led by Dr. Tengs. These discrepancies in lives saved and programs' bang for the buck if you will, should not be ignored.

Furthermore, if the Reason Foundation cost estimate is correct, 70,000 Michiganites could lose their jobs under these new regulations. Many of those jobs—well-paying, blue-collar jobs—would be in my State's crucial manufacturing sector. That is one reason the president of Flint's United Auto Workers Local 599, Arthur McGee, testified in opposition to the new standards. UAW Local 599 notes that workers at the Buick complex in that city already are fighting for their jobs.

In a full page advertisement taken out in the Wall Street Journal, Local 599 proclaims that by working carefully, quickly, and efficiently, these workers have earned for themselves and their families a ''healthy way of life for their families and their community.'' Good pay, good health care benefits, and safe neighborhoods, all of which promote healthy children, would be lost if the new EPA standards forced plant closings in Flint. After evaluating the new standards and their potential impact, UAW Local 599 has concluded, ''Poverty is more dangerous to our children than the current low levels of air pollution.''

However, perhaps most surprising, some of the latest studies actually show that many more jobs would be lost in the service than in the manufacturing sector. Dry cleaning establishments, hair salons, and other small businesses will not be able to absorb the increased costs imposed by these regulations. According to Decision Focus, leading environmental policy consultants, compliance with the new ozone and particulate levels will cost 200,000 jobs nationwide, with the bulk of the loss occurring in small service and retail businesses. This kind of job loss would cause a particular problem for this Nation's larger urban areas.

I worry when I hear Harry Alford, president of the National Black Chamber of Commerce, say that ''EPA's new rules will create such an air of economic uncertainty that they might well be the last straw for inner-city investments.'' In my view, Mr. Alford's warning should lead us to proceed very cautiously. It seems to me that the burden of proof is on the EPA to demonstrate conclusively that the costs to be borne, in particular by our job creating enterprises, can be borne without significant damage to those businesses and to our workers. It also seems to me that this burden, in the case of these regulations, is considerable.

The effects of the clean air standards, however, will not be limited to America's cities. There are a number of reports that the new regulations may bar farmers from plowing during the dry summer months for fear of stirring up dust, that is, particulate matter. The EPA has signaled farmers that they need not worry about complying with the rules, but it is the States, not EPA, that will have the burden of controlling emissions and targeting their sources. And this begs a separate question: Who will bear the costs if the EPA, in order to quell likely opposition, keeps telling various groups that they needn't worry about complying with the new rules?

Many within the agriculture community fear that much of these likely costs—increased energy and fuel expenses—will be borne by them. As one witness, a member of the Kansas Farm Bureau, testified, many U.S. commodity prices are tied to world markets, so farmers will not be able to pass these costs on to consumers and could be forced to concede some crop production to foreign competitors.

Meanwhile, the manufacturing sector fears that small businessowners will lack the resources to pay the cost of expensive pollution reduction equipment and will be unwilling or unable to comply with still more regulations. Most experts acknowledge that heavy industries will likely face significant additional regulatory controls to reduce NO_x and other particulates. Small business owners, however, maintain they will shoulder a similarly heavy load because they typically lack the technical expertise and the financial and human resources to consistently engage with State officials to shape the outcome of emissions control plans. During the hearing, two different small businessowners testified that the new standards could result in a dramatic reduction in business expansion—or stop it altogether—in many U.S. cities. These owners admitted that they were unlikely to go out of business as a result of the NAAQS, but they noted that their increased costs could be reflected in reduced hiring and the reduction, or elimination, of some employee benefits.

We are all concerned with making our country a more healthy place for our children and grandchildren to live. The key is striking a responsible balance. Not only should our children have clean air, clean water, and safe food in their future, they must also have good jobs, high wages, and good benefits, and a robust economy waiting for them when they grow up, enter the work force, and start their own families.

The new air quality standards have been the subject of intense scrutiny and often acrimonious debate over the course of this year. In the face of such uncertainty, I believe it is incumbent upon the administration to consider again its plans for enacting these regulations. The current implementation process seeks to give the Nation ample time to adjust to the new standards. I applaud the President for this approach: It is a step in the right direction. However, I believe EPA's implementation plan will last only as long as the first lawsuit and result in the immediate enforcement of the new standards.

If, as the President says, these new standards are not intended to harm this Nation's economy then I urge the President to support the legislation offered in both the House and the Senate to codify a 5-year delay of the regulations. This postponement will allow for continued research into the cause and effects of pollution and allow the 1990 amendments to the Clean Air Act to continue to clean the air and make the effects of any future new standards less drastic. I hope that other Members will join in urging the administration to consider this approach.

These are my concerns. I am worried about my children's health and want to make sure we are doing everything we can to protect it. But I am also concerned whether the new rules represent the best means by which we can protect that health.●

WORLD FOOD DAY AND RUSSELL ULREY

● Mr. LEVIN. Mr. President, I rise today to celebrate World Food Day. World Food Day takes place on October 16 and in the words of Catherine Bertini, executive Director of the U.N. World Food Program, is an opportunity to ''not only rededicate ourselves to the battle against hunger and poverty but also acknowledge that millions of people have been saved from the scourge of famine because of the commitment of the United States and other members of the international community.'' I would also like to honor the many humanitarian relief workers who often risk their lives to deliver assistance.

Natural disasters and civil unrest can produce countless refugees with no way of feeding themselves. Humanitarian relief workers often brave grave dangers in these situations to deliver food to the hungry. One of the many heroes who risk their lives to feed the needy is, Russell Ulrey, of Detroit, MI. In 1993, Mr. Ulrey served as emergency logistics coordinator in southern Sudan for the World Food Program, the largest international food aid organization in the world. During his time in Sudan, Russell Ulrey led a barge trip up the Nile to feed hungry Sudanese. This dangerous trip led Ulrey through the heart of that nation's bloody civil war. Ulrey's mission came under fire several times but succeeded in delivering eight barges carrying 2,600 tons of food. Ulrey's trip up the Nile was the first of 25 that WFP made, delivering 65,000 tons of food.

Mr. President, I am pleased to highlight the exploits of Russell Ulrey and the thousands of other relief workers that risk their lives daily to feed the world's needy. I know my Senate colleagues join me in honoring their efforts and World Food Day.●

U.S. RELATIONS WITH TAIWAN

● Mr. MURKOWSKI. Mr. President, as Congress prepares to leave for the Columbus Day recess, I notice that there are other celebrations going on around Washington, including ''National Day'' celebrations in Chinatown. These celebrations brought to mind several issues that I wanted to share with my colleagues regarding United States relations with Taiwan.

As Washington prepares for the State visit of President Jiang Zemin of the People's Republic of China, some press reports have speculated that the issue of Taiwan might be on the summit agenda. First, let me say that I welcome the visit of President Jiang. High-level dialogue with the Chinese should be regular and routine, and this summit presents an opportunity to discuss many issues of mutual concern to our two countries. But let me add that improving relations with the PRC need not, and indeed, should not, come at the expense of our relationship with Taiwan.

Therefore, I sent a letter, signed by 10 of my colleagues including Majority Leader TRENT LOTT, Minority Leader TOM DASCHLE, chairman of the Foreign Relations Committee JESSE HELMS; and East Asia and the Pacific Subcommittee Chairman CRAIG THOMAS, to President Clinton urging him to oppose any efforts at the summit by the PRC leadership to diminish American support for Taiwan.

Mr. President, I ask that a copy of that letter be printed in the RECORD.

Mr. President, I wish President Clinton and his administration success at the upcoming summit, and I urge him to respect the views of me and my colleagues, which I think represents the views of many Americans, that our support for Taiwan's democracy and freedom cannot be sacrificed.

I also want to use this opportunity to express my gratitude to Secretary of State Madeleine Albright for her efforts to consult more closely with Members of Congress with regard to issues related to Taiwan. I refer specifically to consultations regarding the recent selection of Richard Clarence Bush III as Chairman of the American Institute in Taiwan [AIT].

Some of my colleagues, Senate Foreign Relations Committee Chairman JESSE HELMS, in particular, will remember that the consultation process did not work when the prior AIT Chairman, Mr. James Wood, was selected.

Mr. James Wood resigned from his position on January 1997 among various charges and countercharges with regard to foreign contributions during the election campaign. I leave the legitimacy of those charges to the investigators, but I simply wanted to note that congressional concerns regarding Mr. Wood were ignored by our State Department.

In response to this incident, I considered offering an amendment to the State Department authorization legislation that would have required establishing a post within the State Department that would be directly responsible for Taiwan Affairs. As part of negotiations over that amendment, I had the opportunity to discuss with the Secretary my dissatisfaction with the consultation process on matters relating to Taiwan.

The Secretary promised that she would rectify this situation and would in the future consult with Congress prior to naming future officers of AIT. She followed up on this oral promise with a letter dated July 30, 1997, that states that if the Foreign Relations Committee ''expresses reservations about a prospective trustee, we will undertake to discuss and resolve the matter fully with the Committee before proceeding.''

Mr. President, I ask that a copy of the July 30 letter be printed in the RECORD.

The Secretary held to her word and consulted with me and others prior to the selection of Richard Bush. I must admit, Mr. President, that this was an easy case. Mr. Bush is a talented individual who is well qualified to take this sensitive position. I had the opportunity to negotiate with Mr. Bush when he was advising Congressman LEE HAMILTON on Taiwan-related issues, and I found him well-spoken and honest. I look forward to the opportunity to continue to work with him in his new role.

I hope that Mr. Bush will use his new position to further strengthen and enhance United States relations with the people and the Government of Taiwan. Taiwan is our eighth largest trading partner, and I am confident that trade will increase further when Taiwan joins the World Trade Organization. In addition, I encourage the administration to send high-level officials to Taiwan to further strengthen our relationship and to work out the occasional disputes that cloud our relationship.

The letters follow:

U.S. SENATE
Washington, DC, September 23, 1997.

Hon. WILLIAM J. CLINTON,
The President, The White House.

DEAR MR. PRESIDENT: As you prepare for your summit with the President of the People's Republic of China, we thought it appropriate to share with you our thoughts regarding U.S. relations with the people and the government of Taiwan. We believe Taiwan has made extraordinary progress in recent years as the Republic of China has moved to establish a vibrant democracy with free elections, free press, strong trade unions and improved trading practices.

We believe the American people are united in their support for freedom and democracy on Taiwan. Time and again, Congress has made clear our commitment to Taiwan, beginning with the 1979 Taiwan Relations Act, and through many resolutions and bills since then.

With your important meetings in Washington with the leadership of the People's Republic of China scheduled for late October, there has been much discussion about how the U.S. government would respond to possible demands by the PRC Government regarding U.S. relations with the people and the government of Taiwan.

Mr. President, we urge you to oppose any efforts at the summit by the PRC leadership to diminish American support for Taiwan. We urge you to reject any plans for a ''Fourth Communique'' on issues related to Taiwan; to not weaken our defensive arms sales commitment to Taiwan; and, to not make any commitment to limit future visits by the elected representatives of the Republic of China.

We in Congress are prepared to reiterate the commitment of the American people to freedom and democracy for the people and government of Taiwan. We look forward to working with you and your Administration team on these issues in the weeks ahead.

Sincerely,

Frank H. Murkowcki; Trent Lott; Jay Rockefeller; Tom Daschle; Craig Thomas; Sam Brownback; ——— ——— Jesse Helms; Robert G. Torricelli; Charles Robb; Larry E. Craig.

THE SECRETARY OF STATE,
Washington, July 30, 1997.

Hon. FRANK MURKOWSKI,
U.S. Senate.

DEAR SENATOR MURKOWSKI: I refer to our conversation of June 17, in which you underscored the concern of the Foreign Relations Committee about the role of the Senate in monitoring our Taiwan policy and the Committee's specific desire that the Department consult with the Committee before appointing to the Board of Trustees of the American Institute in Taiwan (AIT) a Chairman/Managing Director for AIT.

As you know, under the bylaws of the American Institute in Taiwan, the Secretary of State appoints and removed trustees of the Institute. The Department continues to hold the view, expressed by Secretary Vance in his letter to then-Chairman Church at the time of AIT's establishment in 1979, that because the Institute is not an agency or instrumentality of the Government, and because its trustees are not officers of the United States, it would not be appropriate for the Senate to advise and consent to the appointment of trustees or officers. However, let me assure you, as did Secretary Vance, that the names of prospective trustees will be forwarded to the Foreign Relations Committee. If the Committee expresses reservations about a prospective trustee, we will undertake to discuss and resolve the matter fully with the Committee before proceeding.

This arrangement will enable the Institute to retain its character as a private corporation and assist the Senate in fulfilling its responsibilities for monitoring the implementation of the Taiwan Relations Act and the operation of the Institute.

Sincerely,

MADELEINE K. ALBRIGHT.●

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. SARBANES. Mr. President, October has been designated National Domestic Violence Awareness Month, and I rise today to speak briefly about our need to continue our struggle against this national problem.

Mr. President, over the past several years, the Congress, the Clinton administration, our State and local governments, and our community-based organizations have taken enormous steps toward eradicating the scourge of domestic violence—a scourge that for too long had been ignored as a family problem outside the scope of government responsbility. Congress' passage of the Violence Against Women Act [VAWA] as part of the 1994 crime bill, and the wide variety of enforcement and prevention grants available under that legislation, has ensured that our Federal, State, and local authorities have at their disposal the resources and legal authority needed to educate our citizens about domestic violence, and to prosecute those who have chosen to engage in such reprehensible conduct. The administration's development of informational initiatives, such as a toll-free nationwide domestic violence hotline and a Violence Against Women information homepage, have buttressed Congress' efforts, and provided law enforcement officials with a direct link to those who need assistance.

My State of Maryland has been at the forefront of these national efforts to combat domestic violence. With the assistance of over $400,000 in grant funds made available under the 1994 crime bill, Maryland has formulated its Stop Violence Against Women plan, under which the State identifies cases of domestic abuse, safeguards victims, and coordinates and funds local community responses to incidents of domestic violence. To implement this plan, the Governor's office has established a statewide Family Violence Council, headed by Maryland's attorney general and Lieutenant Governor, which will continue to keep this issue in the public eye and to formulate additional initiatives in this area.

The Federal authorities in Maryland have been no less vigilant in their efforts to combat domestic violence. Maryland's U.S. attorney's office has developed a specific training program for prosecutors on VAWA, has drafted a VAWA manual now available to local law enforcement and community groups, and is in the process of prosecuting only the second interstate stalking case brought under that law.

In short, Federal, State, and local authorities in Maryland, as elsewhere, have embarked on a cooperative effort designed to educate our citizens about the plague of domestic violence, and to bring to justice those who violate our increasingly strict laws in this area.

At the same time, Mr. President, we still have a long way to go before domestic violence is evicted from our homes and communities. Last year alone, almost 4 million women were physically abused by their husbands or boyfriends. Women continue to be the victims of domestic abuse more frequently than they are victims of burglary, muggings, and all other physical

crimes combined. The damage done by such abuse extends directly to the most vulnerable in our society—our children, who are subject to abuse in 75 percent of the cases in which their mothers are subject to abuse.

Mr. President, I have long supported efforts to stamp out domestic violence in our communities. I once again urge my colleagues to continue on the path on which we embarked in 1994, and to ensure continued full funding for VAWA in future years. I also urge my colleagues on the Appropriations Committee to preserve the $10 million provided for community police to combat domestic violence in this year's Commerce, State, Justice Appropriations bill. This money, expressly authorized under the 1994 crime law, is essential if we are to address the domestic violence problem at its local, root level.

While October is National Domestic Violence Awareness Month, no month should go by without our attention to this issue. Domestic violence is directly contrary to the community and family values we hold most dear, and its eradication should continue to be one of our most pressing national priorities.

IN RECOGNITION OF THE 41ST ANNIVERSARY OF THE HUNGARIAN REVOLUTION

● Mr. ABRAHAM. Mr. President, today I rise in honor of the 41st anniversary of the Hungarian Revolution. On October 19, the Hungarian-American community will commemorate that fall day in 1956 when Hungarians attempted to throw off the shackles of oppression and gain freedom.

In an era of Soviet domination, the brave citizens of Hungary rose against the Communist regime. Although the revolution was unsuccessful, it set a precedent that the Hungarian people wanted freedom. It was not until some 30 years later, with the reforms of the late 1980's, that Hungary greatly increased freedom. The most dramatic example occurred in May 1989 when the border between Austria and Hungary was opened. Thousands streamed across and spontaneous celebrations broke out on both sides of the border as Hungarians displayed their freedom to the world.

A few years ago on a fall day in November, the entire world watched the most imposing symbol of the cold war tumble down. The Berlin Wall had been torn asunder. Had those individuals so many years ago not stood against the tanks that rumbled through the streets of Budapest, the momentous occasion in Berlin might not have occurred. Their bravery proved that freedom cannot be suppressed.

I am proud of the Hungarian-American community's continual efforts to foster relationships of goodwill. These efforts will go far in enhancing and promoting the community's image and understanding throughout the United States and beyond. We can all be proud of these efforts.●

PAT BARR'S CRUSADE

● Mr. LEAHY. Mr. President, October is Breast Cancer Awareness Month. I would like bring to the attention of the Senate a breast cancer survivor in Vermont who has poured herself into reaching out to others who are dealing with this devastating disease, and who has made finding a cure her lifetime crusade.

Pat Barr of Bennington, VT, is a true example of one person being able to make a difference.

It was a visit in early 1992 from Pat and several other Vermont women—grassroots organizers and survivors of breast cancer—that led to my long involvement in working with others to address the urgent need for more intensive research on breast cancer, which has taken the lives of more than 1 million women over the past 35 years.

Soon after that visit I was joined by several Members of Congress in starting a congressional campaign to help eradicate breast cancer. We began by introducing a resolution urging the Secretary of Health and Human Services to declare breast cancer a public health emergency. The resolution raised public awareness about breast cancer and sent a strong message that we needed to accelerate the investigation into the causes, treatments, and prevention of this illness.

Pat Barr's support, energy, and determination to make a difference has immeasurably helped me in efforts to elevate breast cancer research as a Federal priority, including in the annual Department of Defense budget, where we have been able to allocate $737.5 million for breast cancer research over the past 6 years.

She also worked closely with Congressman SANDERS and with me in envisioning and crafting a new tool in the struggle to find a cure for all cancers: the National Program for Cancer Registries. Cancer registries serve as a foundation for a national, comprehensive prevention strategy. They monitor trends in the incidence of breast cancers and other cancers and in mortality rates, as well as offering a source for population-based epidemiologic research at NIH and other research institutions.

For a decade, Pat has tirelessly volunteered her time and energy to this effort. Pat is the founder of the Breast Cancer Network of Vermont. She has been a board member of the National Breast Cancer Coalition since its inception in 1991. She has served as a consumer advocate on panels at the National Cancer Institute, the Centers for Disease Control, and the Army Breast Cancer Research Program.

Earlier this year, Vermonters honored Pat by dedicating the annual Vermont Race for the Cure in her honor.

A recent editorial in the Bennington Banner said it best: ''Pat Barr is a hero worth honoring.''

I ask that the text of the editorial be printed in the RECORD.

The editorial follows:

PAT BARR IS A HERO WORTH HONORING

You can make a difference. One local woman has shown the way. Pat Barr of Shaftsbury has taken her experience with the disease of breast cancer and turned it into a crusade for better research with impacts from Bennington to Washington, D.C.

And because of that personal achievement, the Annual Susan G. Komen Breast Cancer Foundation Vermont Race for the Cure was dedicated this year to Barr. The Sunday race is designed to raise funds for breast cancer research, with 75 percent of the money staying in Vermont.

Barr's own experience with breast cancer began in 1987, when she was diagnosed. It has reoccurred since then, but despite that Barr has not turned from her decade of tireless work.

Barr founded the Breast Cancer Network, a Vermont advocacy and service organization based in Bennington and also serving New York and Massachusetts. The network helps area women get tests, information and services.

She joined Vermont's U.S. Sen. Patrick Leahy and U.S. Rep. Bernard Sanders in developing the National Cancer Registry. She worked with Leahy in his fight to secure an additional $300 million toward breast cancer research in 1992.

Her efforts eventually took her to Washington with 2.6 million signatures to convince President Clinton to approve a national action plan to fight breast cancer.

Barr, a mother, attorney and businesswoman, has also been active in the Vermont Civil Liberties Union and the Vermont Bar Association and was a member of the State Board of Education.

Barr has kept her faith—she is a member of the Congregation Beth El in Bennington and was instrumental in its resurgence.

She is a role model and a credit to this community.

Barr is a local hero who cannot be honored enough for her work for Vermont women.●

THE TENNESSEE VALLEY AUTHORITY MODERNIZATION ACT

● Mr. FRIST. Mr. President, when the Tennessee Valley Authority formed in 1933, the region suffered under the weight of economic despair and the unforgiving forces of nature. The great Depression and rural isolation served to keep much of the valley's population in poverty and without some of the basic tools to sustain even a marginal existence. The mighty Tennessee River and its tributaries, which have sustained life and commerce along their banks since prehistory, wreaked havoc on life and property as the unpredictable and uncontrollable floods rushed from the slopes of the southern Appalachians and Cumberland Plateau. Flooding and poor farming practices were of nearly epidemic proportions as loss of topsoil and low crop yields reached catastrophic levels. Access to electricity was both expensive and limited to only a few metropolitan areas, thus serving to even further widen the gap between the Tennessee Valley and the rest of the country as the already hamstrung national economy passed the region by.

President Roosevelt designed the Tennessee Valley Authority as a unique Federal agency whose mission was defined by providing a range of essential services to the entire region

rather than fulfilling a single, specific function nationwide. TVA undertook many duties that other Federal agencies were actively pursuing in other parts of the country, just as it does today, but TVA also undertook services which addressed the economic and natural problems unique to the Tennessee River watershed. TVA's charter was very broad and designed to give the agency leeway to address the region's interrelated needs of flood control, improved farming methods and conservation, rural electrification, and economic development as a single coordinating and executing body.

TVA undertook ambitious conservation, economic development, flood control, and electrification projects. The Tennessee River was tamed and became more readily navigable; topsoil loss and declining agricultural productivity had been stopped or even reversed; isolated families received electricity in their homes and workplaces; and the economy was expanding. By the 1950's the Nation's economy was strong and growing, and the economic gap between the Tennessee Valley region and the Nation as a whole was narrowing. By the 1980's, that gap no longer existed.

In a region that boasted a strong independent tradition and a general skepticism about the benefits of the Federal Government, the TVA had become viewed as more than just a benevolent hand providing economic opportunity and security to the depressed region, it became an integral part of the region's identity. In the minds of Tennesseans, TVA was credited with bringing the region out of poverty, depression, and existence at the mercy of nature.

Since its inception, TVA's mission has evolved, and the organization today is very different than in 1933. In 1959 the TVA Act was amended to fully separate the U.S. Treasury from the rapidly expanding TVA power program, which had seen an initial round of growth associated with the national security activities in Oak Ridge during the Second World War, but had continued to expand its size and revenues for regional industrial and residential consumption. TVA power would no longer rely on the support of taxpayers nationwide, but was thereafter dependent on the ratepayers and lenders to provide all operation expenses. TVA's power program far eclipsed the other original missions of conservation, flood control, and navigation from which had been separated. Today, TVA is one of the largest electric utilities in the world, with a revenue stream in excess of $5 billion per year.

That's an impressive growth, but it didn't come without associated problems—some of them very serious. In the 1960's and 1970's, TVA began an ambitious nuclear powerplant construction program, borrowing heavily from public and private sources. Like other utilities that invested in nuclear power, TVA overextended itself badly as the costs of construction and fueling the plants rose dramatically and the regulatory bar moved ever higher. TVA continued to go further into debt, and today its liability now exceeds a truly staggering $27 billion.

TVA's benevolent role in the life of the region has also come into question. Decisions and behavior that many Tennesseans are now viewing as simply an extension of a grossly overgrown Federal bureaucracy in general, and a betrayal of the original benevolent mission envisioned for TVA in the formative act, served to end an era of trust between ratepayers and TVA. More worrisome, though, is that the errors in strategy and judgment have put the health, liability, and even the existence of TVA in jeopardy.

At its root, I believe, is the fact that TVA was allowed to fundamentally change its mission and to begin operating as a self-financing electric utility without the necessary structural changes. While TVA power grew rapidly as consequence, it still maintained the management and corporate structure of its original Depression-era mission of conservation, flood control, navigation, and economic development.

Yesterday, I introduced legislation to address those problems, and to make changes in the decisionmaking body of TVA that will more closely reflect its needs and the demands of the ratepayers and taxpayers. These are changes which, in truth, should have been incorporated into the TVA Act the day TVA became a self-financing corporation in 1959.

Under my TVA Modernization Act, the board of directors will grow from three full-time members to nine part-time members, and each member must have corporate management or a strong strategic decisionmaking background. My bill also shortens the members' terms from the current 9 years to staggered 5-year terms.

The expanded board would establish long-range goals and policies for TVA, as well as approve the annual budget and conduct public hearings on policies that have a major effect on ratepayers in the valley. The board will also determine electricity rates and ensure that independent audits of the corporation's management are conducted.

But unlike the current board, the expanded board will not be involved in the day-to-day management of TVA. Instead, it will appoint an independent chief executive officer to manage the corporation—much like businesses of its size throughout the country have done for decades.

While the President will retain the sole authority to appoint new board members, my bill will ensure that candidates have the business background necessary to take this $6 billion corporation into the 21st century and a new era of deregulation. By requiring that no more than five members come from a single party affiliation, it will also help ensure that the board never becomes politicized. Together with an independent CEO, we can help avoid the type of decisions and missteps that have saddled TVA with more than $27 billion in debt over the years.

Once enacted, the bill would take effect on May 18, 1999—exactly 66 years after the original TVA Act took effect. Current board members whose terms don't expire until after 1999 may remain on the board as part-time members, along with the President's seven new appointees. Part-time board members will receive an annual stipend and per diem pay for their services, the total of which will not exceed $35,000 per year. And instead of having a Presidentially designated chairman of the board, members will elect their chairman.

TVA has experienced enormous growth over the years, from a Depression-era conservation and public works program to a multibillion-dollar electric utility. It's time we give TVA and ratepayers in the valley a management structure that's more responsive and stable and that can help this important agency face the upcoming dramatic changes in the electric utilities industry as effectively and efficiently as possible.●

EXPLANATION OF VOTES ON THE AGRICULTURE APPROPRIATIONS BILL

● Mr. ABRAHAM. Mr. President, I rise today to explain my final vote on the fiscal year 1998 appropriations bill. The last amendment to this legislation was a second attempt by Senator HARKIN to fully fund FDA efforts to prevent underage smoking. Specifically, the amendment sought to fully fund a program which was established to punish establishments that sell tobacco to individuals under 18 years of age.

I support efforts to curb underage smoking. Unfortunately, I was forced to vote against Senator HARKIN's first attempt to fund this program because the amendment's offset would have imposed a new, $34 million tax. The majority of Senators shared my concerns and the amendment failed by a 52 to 48 margin. In recognition of that shortfall, the amendment which Senator Harkin reintroduced identified a new, noncontroversial offset from a minor USDA program. In light of this new funding source, I was pleased to vote in support of the Harkin amendment. The motion to table the Harkin amendment subsequently failed by a 28 to 70 margin and the amendment was agreed to.

It is my hope, Mr. President, that the conferees can move quickly to resolve the differences between the House and Senate bills and allow us to vote on the conference report in the coming weeks.●

SOJOURNER TRUTH

● Mr. LEVIN. Mr. President, I rise today to honor Sojourner Truth, a leader in the abolitionist movement and a ground breaking speaker on behalf of equality for women. The 200th

anniversary of Sojourner Truth's birth is being celebrated this year throughout the United States.

Sojourner Truth was born Isabella Baumfree in 1797 in Ulster County, NY and served as a slave under several different masters. She bore four children who survived infancy, and all except one daughter were sold into slavery. Baumfree became a freed slave in 1828 when New York State outlawed slavery. She remained in New York and instituted successful legal proceedings to secure the return of her son, Peter, who had been illegally sold to a slave-owner from Alabama.

In 1843, Baumfree, in response to a perceived command from God, changed her name to Sojourner Truth and dedicated her life to traveling and lecturing. She began her migration west in 1850, where she shared the stage with other abolitionist leaders such as Frederick Douglass. In October 1856, Truth came to Battle Creek, MI, with Quaker leader Henry Willis to speak at a Friends of Human Progress meeting. She eventually bought a house and settled in the area. Her antislavery, women's rights, and temperance arguments brought Battle Creek both regional and national recognition. Sojourner Truth died at her home in Battle Creek, November 26, 1883, having lived quite an extraordinary life.

Sojourner Truth was a powerful voice in the women's suffrage movement, playing a pivotal role in ensuring the right of all women to vote. She was a political activist who personally conversed with President Abraham Lincoln on behalf of freed, unemployed slaves, and campaigned for Ulysses S. Grant in the Presidential election in 1868. Sojourner was a woman of great passion and determination who was spiritually motivated to preach and teach in ways that have had a profound and lasting imprint on American history.

In 1851, Sojourner delivered her famous ''Ain't I a Woman?'' speech at the Women's Convention in Akron, OH. She spoke from her heart about the most troubling issues of her time. Her words on that day in Ohio are a testament to Sojourner Truth's convictions and are a part of the great legacy she left for us all.

Mr. President, I ask that the text of the Sojourner Truth ''Ain't I a Woman'' speech be printed in the RECORD.

The speech is as follows:

AIN'T I A WOMAN

(By Sojourner Truth)

Well, children, where there is so much racket there must be something out of kilter. I think that 'twixt the negroes of the South and the women at the North, all talking about rights, the white men will be in a fix pretty soon. But what's all this here talking about?

That man over there says women need to be helped into carriages, and lifted over ditches and to have the best place everywhere. Nobody ever helps me into carriages, or over mud puddles, or gets me any best place!

And Ain't I a Woman?

Look at me! Look at my arm! I have ploughed, and planted, and gathered into barns, and no man could head me!

And Ain't I a Woman?

I could work as much and eat as much as a man—when I could get it—and bear the lash as well!

And Ain't I a Woman?

I have borne five children and seen most all sold off to slavery, and when I cried out with a mother's grief, none but Jesus heard me.

And Ain't I a Woman?

Then they talk about this thing in the head; what's this they call it? (member of the audience whispers ''intellect'') That's it, honey.

What's that got to do with women's right or negroes' rights? If my cup won't hold but a pint, and your holds a quart, wouldn't you be mean not to let me have my little half measure full?

Then that little man in black there, he says women can't have as much rights as men, cause Christ wasn't a women?

Where did your Christ come from? Where did your Christ come from? From God and a woman! Man had nothing to do with Him.

If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back, and get it right side up again! And now they is asking to do it, the men better let them.

Obliged to you for hearing me, and now old Sojourner ain't got nothing more to say.●

CHILD SUPPORT INCENTIVE BILL

● Ms. SNOWE. Mr. President, I am extremely pleased to join my colleague, Senator ROCKEFELLER, in introducing the Child Support Performance Improvement Act of 1997. This bill establishes a new formula for State child support incentive payments, in order to reward those States which truly excel at collecting child support. Over the years, Senator ROCKEFELLER has shown an extraordinary commitment to children and families across America, and his leadership on this bill represents more of the same.

Mr. President, States need to crack down on deadbeat parents who renege on their financial responsibilities to their children. While noncustodial parents owed $47 billion in child support in 1995, States collected only $14 billion. Collections increased to approximately $16 billion in 1996, and are likely to further increase as the result of tough new child support reforms which I authored and which were contained in the Welfare Reform Act.

States performance in collecting child support varies tremendously. For example, Maine has worked very hard to successfully improve its child support collections. While Maine has collected over $580 million since 1975, half of that amount—$286 million—was collected within the past 5 years. Last year alone, Maine collected almost $72 million, representing a 10-percent increase over the previous year. This considerable improvement is due to comprehensive State reforms pioneered under Governor John McKernan in 1993, and Federal child support reforms contained in the Welfare Act. But not all States share this heightened commitment to collecting support. That is why my child support provisions in the Welfare Reform Act required the Secretary of HHS, in consultation with the States, to develop a new formula for State incentive payments that is based on performance, in order to further improve State collections, and to report back to Congress on the subject. The bill that Senator ROCKEFELLER and I introduce today is based on that report.

Under current law, the Federal Government provides States with an extra incentive payment in order to increase child support collections. The current formula for incentive payments is based on the cost-effectiveness of a State's child support collection program—the collection-to-cost ratio—meaning that States are rewarded for bringing in more dollars for each dollar they invest in the program. Incentive payments start at 6 percent of collections, and rise as high as 10 percent for the most cost-effective States. In fiscal year 1995, Federal incentive payments to States were $400 million, nearly 33 percent of the gross Federal share of child support collections.

Mr. President, the current system does not make sense in that every State, no matter how dismal its record in collecting child support, receives a minimum incentive payment. This perpetuates mediocrity and does not serve children. Instead, States should be rewarded on the basis of performance outcomes that will help children, such as establishing paternity and support orders quickly, obtaining medical support, and collecting support on a regular basis so families can rely on it.

The Child Support Performance Improvement Act establishes a formula which takes into account performance-based measures and standards in five areas: establishing of paternity; establishing child support orders; collecting currently-owed support; cost-effectiveness; and collection of past-due support. The first three measures receive the most weight in the formula because they translate most directly into support that helps keep families financially self-sufficient. Giving them more weight will help concentrate State efforts where they matter most.

Under our bill, States would only qualify for incentive payments if they meet threshold performance requirements in these five areas. States that perform below the threshold level can qualify for minimum incentive payments only if they significantly improve their performance compared to performance in a prior year. The bill also requires the Secretary of HHS to establish standards for collecting medical support to be implemented later, to ensure that children of divorced parents have health insurance. Finally, the bill requires States, for the first time, to reinvest their incentive payments back into the child support system, so they can further improve collections and better serve children.

Mr. President, this bill will significantly help families to obtain the child support owed to them so they can remain financially self-sufficient. I urge my colleagues to support this important legislation.●

SENATOR WILLIAM B. SPONG, JR.

● Mr. HOLLINGS. Mr. President, Bill Spong and I go back a long way. We were the only Democrats elected to the Senate in 1966. Back then, new Senators were expected to be seen and not heard. Bill and I were dutiful—we took the last two seats on the back row of the Democratic side of the Senate floor and swapped afternoons and evenings presiding as Speaker Pro Tempore. In those days they gave Golden Gavels to members who presided over the Senate for more than 100 hours; Bill and I each received one.

Bill Spong was one of the quietest and most thoughtful men ever to serve in the Senate. He brought his considerable experience in law and banking to bear on every issue before the Senate and carefully analyzed each piece of legislation on which he voted. He set an example of what a Senator in a deliberative democracy should be.

The Senate was a different place then. Republicans and Democrats worked closely together in a collegial atmosphere. Though they differed on many issues, a majority of Senators from both parties came together to produce legislation for the good of the Nation. Now the Members of the two parties meet only to ambush one another. In today's climate of partisan warfare, it is hard to find anyone who can match Bill Spong's civility.

Senator Spong made many friends for Virginia in his 6 years of service. He was an outstanding and committed representative of the people of his state. His election loss in 1972 deprived Virginia and the United States of an able and promising Senator. Undoubtedly, Senator Spong would have won reelection and served for many more years had the public confusion and division caused by Vietnam and his seat on the Foreign Relations Committee not placed him in an untenable position.

After leaving the Senate, he served with great distinction as a noted mediator and as Dean of the School of Law at William and Mary. In these capacities, he continued to serve his community.

Bill Spong's death yesterday shocked and saddened us all. It deprives us of a much-needed model of dedication, service, and leadership. Let us all hope that his great qualities will find their incarnation in future servants of the public good.●

NATIONAL LITERACY MONTH

● Mr. ABRAHAM. Mr. President, I rise to comment on an issue which concerns my home State of Michigan and the entire country. It seems as though every year another study is published which concludes American children are behind other nations of the world in subjects such as math and science. Often, when concern is expressed with such findings a more basic issue is overlooked: literacy.

From the youngest schoolchild to the most senior adult, I believe everyone should be able to read and write. Besides serving as the foundation of education, reading provides new opportunities and expands horizons. Through reading, an individual can visit exotic lands, travel in time, participate in fantastic adventures, and learn of events happening in both their hometown and around the globe. Reading allows a person to soar, with only their imagination to limit them. As the father of three young children, one of my favorite activities is reading a story to my children, or as the older ones now do, read the story to me. Helping a child learn to read is one of the most pleasurable activities I know.

Ensuring America's children are literate is one of the most important goals this Nation should have. Rather than involving the heavy hand of the Federal Government, I believe local governments are in the best position to accomplish this goal. But, I also think the Federal Government has a role in helping to eradicate illiteracy from among the Nation's youth. For this reason, Congress has allocated $260 million to the Department of Education to disburse to the states for carrying out a child literacy initiative beginning in October 1998.

I strongly believe every child in America should be literate. However, we cannot and must not concern ourselves solely with the young. It is a sad fact that many adults across the country do not possess the ability to read and write. While some individuals have rudimentary skills, many cannot read well enough to fill out a job application. Without these needed skills, advancement in the workplace is almost impossible. Fortunately, Congress is taking strong steps toward remedying this problem. Presently, Federal adult literacy programs have been funded at over $350 million. Given to States in the form of grants, these funds help provide community-based agencies with the money necessary to reduce and hopefully eliminate illiteracy.

In recognition of the efforts to educate both children and adults, I join in honoring those individuals who dedicate themselves to this noble pursuit. I am pleased to have this opportunity to express my appreciation for their hard work, and encourage my colleagues to demonstrate their support of National Literacy Month.●

PETER KARMANOS, JR.

● Mr. LEVIN. Mr. President, I rise today to recognize the achievements of Mr. Peter Karmanos, Jr., Peter who is being honored on November 4, 1997, by the Detroit B'nai B'rith Foundation with the 1997 Great American Traditions Award.

B'nai B'rith is awarding its highest honor, the Great American Traditions Award, to Peter Karmanos for ''. . . his concern for the sick, for his understanding of the abused, and for the quiet, unassuming way he provides for others.''

Peter Karmanos is a name with which many people around the Nation are familiar. Some know him because he is the chairman, CEO, and cofounder of Compuware Corp., which is one of the largest independent software vendors in the world. Peter helped to make a small startup company into Michigan's fifth largest exporter, a company with more than 7,000 employees worldwide. Peter has striven to make Compuware a healthy and friendly place to work, providing a company-subsidized cafeteria, day-care center, and wellness center, as well as racquetball and basketball courts at its world headquarters in Farmington Hills, MI.

Others know of Peter Karmanos because he co-owns the Carolina Hurricanes of the National Hockey League and the Plymouth Whalers of the Ontario Hockey League. Peter's passion for hockey has led him to sponsor youth hockey teams, which have given countless young people the opportunity to play the sport Peter loves so much.

Peter Karmanos has earned a reputation as an outstanding leader in his industry and in the world of sports. But he is perhaps most remarkable for the extraordinary support he has given to efforts to make his community a healthier and safer place. In 1995, Peter made the single largest contribution in Michigan history to fight cancer, donating $15 million to establish the Barbara Ann Karmanos Cancer Institute, in honor of his first wife. The institute integrated the efforts of the major cancer-fighting organizations in Detroit—the Michigan Cancer Foundation, the Meyer L. Prentis Comprehensive Cancer Center, the Detroit Medical Center, and Wayne State University. Peter and his wife, Debra, have involved Compuware in the nationwide cancer research fundraiser ''A Race for the Cure.'' Debra and Peter also cochaired the first ever major fundraiser for HAVEN, a shelter for abused women.

Mr. President, Peter Karmanos truly exemplifies the spirit of the B'nai B'rith Great American Traditions Award. His corporate citizenship and dedication to improving the lives of others are truly an inspiration. I hope my colleagues will join with me in offering congratulations and best wishes to Peter Karmanos on this important occasion.●

WELFARE TO WORK

● Mr. ABRAHAM. Mr. President, I rise today to congratulate Ottawa County, MI, for moving all, by which I mean a full 100 percent, of its welfare recipients to work. As in so many other things, Ottawa County should be an inspiration to us all as we seek fundamental welfare reform that will end

dependence on government by putting people in real jobs with real futures.

When we debated welfare reform in this Chamber, there were those who said that returning greater welfare policy control to our States and localities would produce only hardship and failure. The naysayers claimed that healthy people on welfare could not or would not take jobs—or that jobs could not be found for them. The naysayers claimed that America's local communities lacked the resources and the compassion to meet the challenge of helping welfare recipients end their dependence on government and work their way into decent jobs and an independent life.

The naysayers claimed it would be cruel to impose work requirements and limit benefits because this would simply hurt the self-esteem of recipients and take food out of the mouths of their children. Compassion, they claimed, dictated the status quo.

Well, Mr. President, Ottawa County has proved the naysayers wrong. The good people of Holland and surrounding communities in Ottawa County have shown what real compassion can do. Real compassion—compassion aimed at helping people rebuild productive, independent lives—works. It has worked in Ottawa County and it can work throughout our country if we will give our States and local communities the freedom they need to put their compassion in action.

Welfare numbers fluctuate and new applications are filed all the time, but Ottawa County last month reached the point where none of its residents was receiving a welfare check without earning some income. How did Ottawa County accomplish this? By expecting more of people. By instituting work requirements. By doing everything necessary to make work available for welfare recipients. And by tapping into the vast reservoir of skill and good will available in our faith-based charities.

Ottawa County is in a particularly good position from which to deal with welfare issues. Its Dutch and German communities are, in the words of one USA Today reporter ''infused with conservative values and a strong work ethic.'' They have produced a thriving economy with a low unemployment rate. They also have opened their arms to recent immigrants, including a significant number of Asians and Hispanics, and have set about, in a determined manner, to give welfare recipients a chance to work. The rare combination of hard work and generosity we in Michigan have come to expect of the people of Ottawa County once again has produced great results.

County officials have contracted to expand subsidized day care for working and job-seeking mothers. The county also hired a firm to provide 24-hour shuttle buses to take welfare recipients to work. And they hired Kan Du Industries, a local picture-frame manufacturer that also runs vocational programs for the disabled, to provide training and help in job placement skills. The county has engaged in a truly comprehensive effort to help people become self-supporting.

The State of Michigan also deserves credit for this accomplishment. Through its Project Zero, Michigan has spent more than $5 million in Ottawa County to provide transportation, mentoring, and day-care services to help welfare recipients get and keep jobs. But this is not just a handout. Those who refuse to comply with work requirements have their welfare checks cut by 25 percent, and face the prospect of losing aid altogether if they do not find work in 3 months.

Mr. President, this policy has worked. It has gotten people off welfare and into jobs. It has changed lives. Particularly effective has been Ottawa County's decision to look to local churches for help. For example, a cover story in USA Today reports on Maria Gonzalez. Miss Gonzalez went through a painful divorce, two out-of-wedlock births, a breakdown, and homelessness, all before she reached the age of 27. Then, according to the newspaper, she ''found salvation . . . Through an increasingly common government ally: the church.''

Miss Gonzalez receives assistance from the State. State programs helped her find work and continue to give aid in the form of day care and transportation to and from work. But, as a struggling, working mother of four, she has emotional needs as well. That is why Ottawa County paired her with Jan Tuls, a mentor from Calvary Christian Reformed Church. Miss Gonzalez continues to attend her own Pentecostal Church—no one has tried to change her faith. But the guidance she has received from Jan Tuls makes her believe that Miss Tuls is ''more of a mom to me than my own.''

Or take the case of Sylvia Ornelas. Mrs. Ornelas moved herself and her four children to Holland 6 months ago, in the midst of severe marital difficulties. As a front page story in the Washington Post tells the story, Mrs. Ornelas went to the local welfare office. But instead of simply a check, Holland gave her a community of friends and mentors.

Neighbors took her children shopping for school clothes. Executives for a local manufacturer helped her find work. Bob and Mary Ann Baker bought her a used car to get around. Ginny Weerstra helped her find an apartment. Parishioners at Hardewyk Reformed Christian Church took up a collection to get her phone installed, and when her husband reentered her life, Pastor Andrew Gorter provided the couple with marital counselling.

Or take Gloria Garcia. This 27-year old mother of five young children was homeless and jobless when her caseworker asked if she would like to be coupled with mentors from one of the area churches. Miss Garcia agreed, and parishioners at Hardewyk Christian Reformed Church stepped in to help.

Miss Garcia had lost her job because she had missed too many days of work in caring for her children. Ginny Weerstra, a parishioner at Hardewyk, put a call in to the temporary employment service at which Miss Garcia had worked and asked that she be given a second chance. Now that she had people behind her, willing to sit for her children when necessary, Miss Garcia was rehired, and has been working full time since September. The church also lent Miss Garcia $2,000—since paid back—for bad debts, and sent a parishioner who is an auto mechanic to help her buy a used car. Parishioners even helped Miss Garcia find an affordable home.

And these are not isolated incidents, Mr. President. Literally hundreds of residents of Ottawa County have been helped off welfare by a community committed to helping them rebuild their lives. A community that has been freed to call on its churches, to implement innovative day care, transportation, and job training and placement programs by our welfare reform legislation. A community that knows that neighbors can do far more to help people in need than a simple check from the government.

The close-knit relationships fostered in communities like Holland, Mr. President, are helping welfare recipients find their way to a better life—to stable jobs, stable homes, and the stable habits needed to keep both together. State-fostered training centers can provide job skills, but it takes a more personal relationship to spur the drive to pull one's life together in the way needed to lead a good, settled life.

It is my hope, Mr. President, that other States will follow Michigan's example in sponsoring programs like Project Zero. The result would be a more stable and prosperous America. It is my hope that we will protect and expand our welfare reforms so that Ottawa County can become an example followed by communities all over the country.

Already today, Ottawa is not the only site involved in Project Zero. Five other sites—Alpena, Menominee, and Midland Counties and Romulus and Tireman in Wayne County all have participated in Project Zero. And all have seen significant progress in getting people off of welfare and into good jobs. Since the program began in July 1996, Mr. President, target cases without income have declined by 62 percent. That is, people receiving cash assistance who are not exempt, for example for health reasons, have been targeted to obtain paying jobs, and 62 percent of them have.

This is the kind of progress we need, Mr. President, to repair the damage done to our local communities by too many years of government programs that fed the bodies but starved the souls of struggling Americans. Tough love—work requirements combined with a determined effort to make work possible—can help thousands upon thousands of Americans as they seek a better life. I hope we all will learn from

the excellent example provided by Ottawa County. The care and generosity of her people, the grounding of daily life in faith, and traditional values that are so much a part of this wonderful county should inspire us all to greater efforts.

The naysayers are being proved wrong every day. Americans can and will help one another if only the Federal Government will give back the freedom they need to do so.●

CHILD SOLDIERS

● Mr. LEAHY. Mr. President, I would like to bring to the attention of the Senate a profoundly disturbing report issued by Human Rights Watch on July 18 about the abduction of children by a heavily armed Ugandan rebel group called the Lord's Resistance Army.

While the precise number of children abducted by the Lord's Resistance Army is unknown, estimates indicate that over the past 2 years, 3 to 5 thousand children have escaped from the rebel group. It is reported that an equal number of abducted children remain in captivity and an unknown number have died.

According to Human Rights Watch, abduction is only the beginning of the extreme violence and degradation faced by these children. Often as young as 8 years old, the children are tortured, raped, and sometimes killed by members of the Lord's Resistance Army. They are forced to take part in combat, serving as front line forces in battles against the Ugandan Army and the rebel Sudan People's Liberation Army. The children also tell of being made to beat and kill fellow captives who have been apprehended in their efforts to escape. The physical and emotional trauma resulting from such experiences can cause lifelong problems to those children that do survive.

The abduction of children for military purposes not only violates the provisions of common article 3 of the Geneva conventions of 1949, international standards established by protocol II to the Geneva conventions of 1949, and the Convention of the Rights of the Child, it violates the most basic principles of human morality.

It is reported that the camps established by the Ugandan Government to contend with displaced children and their families are extremely inadequate. Crowded conditions and a lack of food and sanitation facilities have resulted in malnutrition, disease, and death among those who have sought refuge in these camps. Trauma counseling centers for children who have escaped from the rebels are sorely in need of basic supplies and qualified staff. Human Rights Watch reports that the children who are told to leave in order to make room for new arrivals often have nowhere to go and no means of support.

Mr. President, the phenomenon of the child soldier is growing not only in Uganda, but around the world. If a more concerted effort is not made to address the outrageous abuses these children face, Uganda and the rest of the international community will be contending with the consequences far in the future.●

TRIBUTE TO VERMONT EDUCATIONAL TELEVISION

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Vermont Educational Television, or Vermont ETV as it is known, on the occasion of its 30th anniversary. The station, which is a member of the Public Broadcasting Service, will begin to celebrate its long track record of success in October. A series of brief clips will be shown throughout the year to take a look back at some of the more memorable moments in its programming.

Vermont ETV understands that learning is a lifelong process. Through community support, this station is able to provide exceptional programming 24 hours a day with something for every age group. Some of my favorite shows are produced locally by Vermont ETV, presenting a unique perspective for issues and events important to people in the region. The station's impeccable selection of shows provides both an entertainment and educational value for all Vermonters.

Of noteworthy importance is their efforts to address the needs of pre-school children through the Ready To Learn and Early Education Initiative. In close cooperation with the Corporation for Public Broadcasting as well as the Department of Education, these programs are designed to assist children and prepare them for the challenges they will face in school. Vermont ETV is dedicated to providing children, from a wide array of backgrounds, with the opportunity to start off on equal ground.

Vermont ETV is one of the finest examples of a successful community partnership, with almost 78% of its budget financed through donations from the public. I believe that Vermont ETV sets the standard similar stations in other States should strive to emulate. That is why I have been an active supporter for over 20 years. I would like to extend my congratulations and best wishes to Vermont ETV, its employees as well as its supporters, for many more years of continued success.●

CHARISSE TILLMAN AND THE UNITED NATIONS WORLD FOOD PROGRAM

● Mrs. BOXER. Mr. President, on October 13, the United States and more than 150 nations will mark the observance of World Food Day. Every year since 1980, World Food Day has been a time to raise awareness of worldwide hunger, and recognize those who have dedicated their lives to help people in need.

Many of the individuals who are fighting the war against hunger do so through the World Food Program [WFP]. The WFP is the largest international food aid organization in the world. Last year, 45 million people in 84 countries benefited from the 2.2 million tons of food distributed by the WFP.

The southern part of Sudan is an example of a region where the WFP helps alleviate the suffering and illnesses caused by hunger. The situation in the Sudan is extremely desperate and countless children have died due to starvation.

One person who deserves special mention is Charisse Tillman of Culver City, CA. She is an assessment coordinator for the WFP in Sudan. When a village or a community is targeted by the WFP for assistance, Ms. Tillman is one of the first to arrive on the scene. She determines how much food is needed by the community and much it can actually produce. This is extremely important so that WFP does not in any way discourage local agricultural production.

The World Food Program is home to many dedicated people like Charisse Tillman. I hope my colleagues will join me in honoring her and all the unselfish humanitarians at the WFP.●

CELEBRATING HISPANIC HERITAGE MONTH

● Mr. DODD. Mr. President, America's greatest asset is its people, and what makes the American population unlike any other country's is our diversity. No other nation draws strength from so many different cultures, and the American population is a mosaic of the world's many nationalities. Through time, the traditions from these many nations have become part of our own society, enriching our national culture. But our Nation would not be nearly as strong without the contributions of Americans who are of Hispanic descent. In recognition of these contributions, our Nation is currently celebrating Hispanic Heritage Month.

Hispanic Heritage Month provides a wonderful opportunity for us to honor the diverse achievements and contributions of Hispanics in this country. I know that in my home State of Connecticut there have been parades and dances to mark this occasion, as well as readings of works by Hispanic authors at public libraries. All of these events give Hispanic-Americans a deeper appreciation for their roots, and make all Americans more aware of the contributions that Hispanics make to our Nation.

Perhaps the easiest way to understand and appreciate the extent to which Hispanics have become entwined in the American landscape would come from reading the newspaper. On the front page, you could read an article about our Secretary of Energy or the U.S. Ambassador to the United Nations who are both Hispanic. In the business section you could read an article on the Latino Administrator of the Small Business Administration who released

a report showing that the number of new businesses owned by Hispanic women has grown at three times the overall rate of business growth. In the arts section you could read about a recital by a Spanish guitarist playing flamenco music at a local theater. The food section could have an writeup of a new Mexican restaurant that just opened up downtown. And in the Sports section you could read about the Major League Baseball playoffs where every single team has Hispanic players that are responsible for their team's success. In fact, in the Washington Post sports pages you could read coverage of World Cup Soccer, in Spanish.

When we talk about Hispanics and how their contributions make our Nation more vibrant and diverse, it is important that we recognize the great diversity that exists within the Hispanic community itself. Hispanic-Americans come from a variety of nations, ranging from Central America to South America to Europe to the Caribbean.

What unites Hispanic-Americans is a fundamental respect for the traditions and values of their native lands combined with a strong commitment to the American dream. Life in America requires that they strike a balance between embracing their roots and assimilating into this new culture. Reaching this balance can be a struggle, but it is a struggle that will leave them enriched as individuals, while at the same time enriching our Nation.

Hispanic-Americans should take great pride in their heritage, and I am glad that Hispanic Heritage Month gives our Nation an opportunity to honor and celebrate their contributions.●

EXPLANATION OF VOTES ON THE FY98 INTERIOR APPROPRIATIONS BILL

● Mr. ABRAHAM. Mr. President, a few weeks ago the Senate finished consideration of the Fiscal Year 1998 Interior appropriations bill. I would like to speak for a moment on the amendments to this legislation.

One of the first amendments to be considered was offered by Senator BRYAN of Nevada. The Bryan amendment proposed to cut $10 million from the Forest Service's timber roads construction budget and to eliminate the Purchaser Credit Program. As I understand it, Senator BRYAN believes the monies used by the Forest Service to assist with the construction and maintenance of roads used by loggers constitutes a subsidy and he targets it accordingly. Proponents of this program, however, argue that there is no road subsidy because the Forest Service takes possession of the roads after the timber harvest and uses them to fight forest fires, manage the forestlands and provide recreational access.

The Purchaser Credit Program, meanwhile, credits timber companies for the cost to build roads when it bids out a timber sale. The logging company will then build the roads, harvest the timber and pay the Forest Service for the timber minus the cost of the road. Meanwhile, that same company is able to use the credit it received from the first sale to bid on other timber sales. The ability to use this credit toward other timber sales benefit is particularly beneficial to small logging companies with limited capital. Elimination of this program, therefore, would do little to reduce logging on federal lands, but would greatly reduce the ability of small timber companies to bid on timber sales.

Finally, I am concerned that the Bryan amendment could make it even more difficult to conduct timber sales on Forest Service lands. In the past decade, timber sales on federal lands have declined by over two-thirds. Timber harvests on private lands have necessarily increased in order to make up for the lost wood. Private timber harvests have proven insufficient to meet market demand, however, and the shortfalls are increasingly being made up with imported, Canadian lumber. If this trend continues, I fear that the resulting timber shortages will raise the price per board-foot of lumber and increase housing and furniture costs.

Nevertheless, while I opposed the 49–51 vote to table the Bryan amendment, I reserve the right to reconsider my vote on this issue in the future. At this time, I am concerned, but not convinced, that the timber program represents a subsidy to the timber industry. In order to clarify this question, I urge the chairman of the Senate Energy and Natural Resources Committee to hold hearings on this issue.

The Senate next turned to consideration of a Hutchinson amendment to authorize the President to implement the recently announced American Heritage Rivers Initiative subject to Congressional approval. The goal of this amendment was both to ensure that Congress has a say in such designation and define what constitutes a river community.

Proposed by the President, the American Heritage Rivers Initiative seeks to identify polluted rivers which are important to this nation's history and provide a new avenue for funding cleanup efforts. While I believe this amendment was well-intentioned, after careful review I became convinced that the Hutchinson amendment would actually serve to greatly increase the cost for a community to designate their river as an American Heritage site. As long as property owners are assured of their rights, the American Heritage Rivers Initiative could play a significant role in cleaning up some of this nation's most polluted rivers. In order to keep the Heritage River designation a viable option for Michigan's rivers, I voted in support of the motion to table the Hutchinson amendment which passed on a 57–42 vote.

Shortly after dispensing with the Hutchinson amendment, the Senate took up a Kyl Amendment to provide $4.8 million for law enforcement to combat gangs on Indian Tribal Lands. While these gangs have yet to present themselves in Michigan, states such as Arizona are having to confront this problem with increasing frequency. In an effort to address this problem before it becomes a national phenomenon, I supported Senator KYL's amendment. Nevertheless, it was defeated on a 34–64 vote.

The next legislation to be considered was a Bumpers amendment to impose a royalty of five percent of the net return on the profits from mining gold, silver and platinum. In addition, in order to raise funds to pay for the cleanup of abandoned mines, the amendment would also charge a reclamation fee for those mines which have patented their lands.

In his speech on the Senate floor, Senator BUMPERS indicated that the reclamation fee served as a much needed tax on the industry. Shortly after, a point of order was raised which noted that the introduction of a tax measure such as this in the Senate was unconstitutional. A vote was called to determine the merit of the point of order. Whether Senator BUMPERS legislation had merit or not, it was clear to me that the amendment did violate the Constitutional law stating all tax measures must originate in the House of Representatives. I agreed that the Point of Order was well taken and, on a 59–39 vote, the Bumpers amendment was deemed out of order.

Shortly after disposing of the Bumpers Amendment, the Senate turned to final consideration of the FY98 Interior Appropriations bill. I was pleased to support its 93–3 passage and urge the conferees to work as quickly as possible to finalize the conference report before the end of the fiscal year.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Utah [Mr. BENNETT] as a member of the Senate Delegation to the North Atlantic Assembly during the First Session of the 105th Congress, to be held in Bucharest, Romania, October 9–14, 1997.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE REPORTED ITEMS

Mr. STEVENS. Mr. President, I ask unanimous consent that on Wednesday, October 15, committees have from the hours of 11 a.m. to 3 p.m. in order to file legislative or executive reported items.

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

ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1997

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 142, S. 399.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 399) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, 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 Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Environmental Policy and Conflict Resolution Act of 1997''.

SEC. 2. DEFINITIONS.

Section 4 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5602) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (9), (7), and (8), respectively;

(2) by inserting after paragraph (3) the following:

''(4) the term 'environmental dispute' means a dispute or conflict relating to the environment, public lands, or natural resources;'';

(3) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

''(6) the term 'Institute' means the United States Institute for Environmental Conflict Resolution established pursuant to section 7(a)(1)(D);'';

(4) in paragraph (7) (as redesignated by paragraph (1)), by striking ''and'' at the end;

(5) in paragraph (8) (as redesignated by paragraph (1)), by striking the period at the end and inserting ''; and''; and

(6) in paragraph (9) (as redesignated by paragraph (1))

(A) by striking ''fund'' and inserting ''Trust Fund''; and

(B) by striking the semicolon at the end and inserting a period.

SEC. 3. BOARD OF TRUSTEES.

Section 5(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5603(b)) is amended—

(1) in the matter preceding paragraph (1) of the second sentence, by striking ''twelve'' and inserting ''thirteen''; and

(2) by adding at the end the following:

''(7) The chairperson of the President's Council on Environmental Quality, who shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson.''.

SEC. 4. PURPOSE.

Section 6 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604) is amended—

(1) in paragraph (4), by striking ''an Environmental Conflict Resolution'' and inserting ''Environmental Conflict Resolution and Training'';

(2) in paragraph (6), by striking ''and'' at the end;

(3) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(8) establish as part of the Foundation the United States Institute for Environmental Conflict Resolution to assist the Federal government in implementing section 101 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331) by providing assessment, mediation, and other related services to resolve environmental disputes involving agencies and instrumentalities of the United States; and

''(9) complement the direction established by the President in Executive Order 12988 (61 Fed. Reg. 4729; relating to civil justice reform).''.

SEC. 5. AUTHORITY.

Section 7(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION.—

''(i) IN GENERAL.—The Foundation shall—

''(I) establish the United States Institute for Environmental Conflict Resolution as part of the Foundation; and

''(II) identify and conduct such programs, activities, and services as the Foundation determines appropriate to permit the Foundation to provide assessment, mediation, training, and other related services to resolve environmental disputes.

''(ii) GEOGRAPHIC PROXIMITY OF CONFLICT RESOLUTION PROVISION.—In providing assessment, mediation, training, and other related services under clause (i)(II) to resolve environmental disputes, the Foundation shall consider, to the maximum extent practicable, conflict resolution providers within the geographic proximity of the conflict.''; and

(2) in paragraph (7), by inserting ''and Training'' after ''Conflict Resolution''.

SEC. 6. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

(a) REDESIGNATION.—Sections 10 and 11 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608, 5609) are redesignated as sections 11 and 12, respectively.

(b) USE OF THE INSTITUTE.—The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) is amended by inserting after section 9 the following:

''SEC. 10. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

''(a) AUTHORIZATION.—A Federal agency may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural resources.

''(b) PAYMENT.—

''(1) IN GENERAL.—A Federal agency may enter into a contract and expend funds to obtain the services of the Institute.

''(2) PAYMENT INTO TRUST FUND.—A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Trust Fund.

''(c) NOTIFICATION AND CONCURRENCE.—

''(1) NOTIFICATION.—An agency or instrumentality of the Federal Government shall notify the chairperson of the President's Council on Environmental Quality when using the Foundation or the Institute to provide the services described in subsection (a).

''(2) NOTIFICATION DESCRIPTIONS.—A notification under paragraph (1) shall include a written description of—

''(A) the issues and parties involved;

''(B) prior efforts, if any, undertaken by the agency to resolve or address the issue or issues; and

''(C) other relevant information.

''(3) CONCURRENCE.—

''(A) IN GENERAL.—In a case that involves a dispute or conflict between 2 or more agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality), an agency or instrumentality of the Federal Government shall obtain the concurrence of the chairperson of the President's Council on Environmental Quality before using the Foundation or Institute to provide the services described in subsection (a).

''(B) INDICATION OF CONCURRENCE OR NONCONCURRENCE.—The chairperson of the President's Council on Environmental Quality shall indicate concurrence or nonconcurrence under subparagraph (A) not later than 20 days after receiving notice of the dispute or conflict.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 12 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (as redesignated by section 6(a)) is amended—

(1) by striking ''There are authorized to be appropriated to the Fund'' and inserting the following:

''(a) TRUST FUND.—There is authorized to be appropriated to the Trust Fund''; and

(2) by adding at the end the following:

''(b) ADDITIONAL AMOUNTS.—There are authorized to be appropriated to the Trust Fund to carry out this Act an additional amount of—

''(1) $4,250,000 for fiscal year 1998, of which—

''(A) $3,000,000 shall be for capitalization; and

''(B) $1,250,000 shall be for operation costs; and

''(2) $1,250,000 for each of fiscal years 1999 through 2002 for operation costs.''.

SEC. 8. CONFORMING AMENDMENTS.

(a) The second sentence of section 8(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5606) is amended—

(1) by striking ''fund'' and inserting ''Trust Fund''; and

(2) by striking ''section 11'' and inserting ''section 12''.

(b) Sections 7(a)(6), 8(b), and 9(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)(6), 5606(b), 5607(a)) are each amended by striking ''Fund'' and inserting ''Trust Fund'' each place it appears.

AMENDMENT NO. 1323

(Purpose: To separate funds used for environmental conflict resolution from scholarship funds)

Mr. STEVENS. Mr. President, Senator MCCAIN 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 Alaska [Mr. STEVENS] for Mr. MCCAIN, proposes an amendment numbered 1323.

Mr. STEVENS. 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:

Beginning on page 14, strike line 17 and all that follows through page 15, line 3, and insert the following:

SEC. 6. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

(a) REDESIGNATION.—Sections 10 and 11 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native

American Public Policy Act of 1992 (20 U.S.C. 5608, 5609) are redesignated as sections 12 and 13 of that Act, respectively.

(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by subsection (a)) is amended by inserting after section 9 the following:

"SEC. 10. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States an Environmental Dispute Resolution Fund to be administered by the Foundation. The Fund shall consist of amounts appropriated to the Fund under section 13(b) and amounts paid into the Fund under section 11.

''(b) EXPENDITURES.—The Foundation shall expend from the Fund such sums as the Board determines are necessary to establish and operate the Institute, including such amounts as are necessary for salaries, administration, the provision of mediation and other services, and such other expenses as the Board determines are necessary.

''(c) DISTINCTION FROM TRUST FUND.—The Fund shall be maintained separately from the Trust Fund established under section 8.

''(d) INVESTMENT OF AMOUNTS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

''(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

''(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

''(A) on original issue at the issue price; or

''(B) by purchase of outstanding obligations at the market price.

''(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

''(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.''.

SEC. 7. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by section 6) is amended by inserting after section 10 the following:

"SEC. 11. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

On page 15, strike lines 13 through 16 and insert the following:

''(2) PAYMENT INTO ENVIRONMENTAL DISPUTE RESOLUTION FUND.—A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Environmental Dispute Resolution Fund established under section 10.

On page 17, line 1, strike ''**SEC. 7.**'' and insert ''**SEC. 8.**''.

On page 17, line 2, strike ''Section 12'' and insert ''Section 13''.

On page 17, strike lines 11 through 13 and insert the following:

''(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 10—

On page 17, line 21, strike ''**SEC. 8.**'' and insert ''**SEC. 9.**''.

On page 18, line 4, strike ''12'' and insert ''13(a)''.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1323) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee amendment, as amended, be agreed to; that the bill be considered read a third time and passed; that 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 committee amendment, as amended, was agreed to.

The bill (S. 399), as amended, was read the third time and passed, as follows:

S. 399

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 ''Environmental Policy and Conflict Resolution Act of 1997''.

SEC. 2. DEFINITIONS.

Section 4 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5602) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (9), (7), and (8), respectively;

(2) by inserting after paragraph (3) the following:

''(4) the term 'environmental dispute' means a dispute or conflict relating to the environment, public lands, or natural resources;'';

(3) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

''(6) the term 'Institute' means the United States Institute for Environmental Conflict Resolution established pursuant to section 7(a)(1)(D);'';

(4) in paragraph (7) (as redesignated by paragraph (1)), by striking ''and'' at the end;

(5) in paragraph (8) (as redesignated by paragraph (1)), by striking the period at the end and inserting ''; and''; and

(6) in paragraph (9) (as redesignated by paragraph (1))

(A) by striking ''fund'' and inserting ''Trust Fund''; and

(B) by striking the semicolon at the end and inserting a period.

SEC. 3. BOARD OF TRUSTEES.

Section 5(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5603(b)) is amended—

(1) in the matter preceding paragraph (1) of the second sentence, by striking ''twelve'' and inserting ''thirteen''; and

(2) by adding at the end the following:

''(7) The chairperson of the President's Council on Environmental Quality, who shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson.''.

SEC. 4. PURPOSE.

Section 6 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604) is amended—

(1) in paragraph (4), by striking ''an Environmental Conflict Resolution'' and inserting ''Environmental Conflict Resolution and Training'';

(2) in paragraph (6), by striking ''and'' at the end;

(3) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(8) establish as part of the Foundation the United States Institute for Environmental Conflict Resolution to assist the Federal government in implementing section 101 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331) by providing assessment, mediation, and other related services to resolve environmental disputes involving agencies and instrumentalities of the United States; and

''(9) complement the direction established by the President in Executive Order 12988 (61 Fed. Reg. 4729; relating to civil justice reform).''.

SEC. 5. AUTHORITY.

Section 7(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION.—

''(i) IN GENERAL.—The Foundation shall—

''(I) establish the United States Institute for Environmental Conflict Resolution as part of the Foundation; and

''(II) identify and conduct such programs, activities, and services as the Foundation determines appropriate to permit the Foundation to provide assessment, mediation, training, and other related services to resolve environmental disputes.

''(ii) GEOGRAPHIC PROXIMITY OF CONFLICT RESOLUTION PROVISION.—In providing assessment, mediation, training, and other related services under clause (i)(II) to resolve environmental disputes, the Foundation shall consider, to the maximum extent practicable, conflict resolution providers within the geographic proximity of the conflict.''; and

(2) in paragraph (7), by inserting ''and Training'' after ''Conflict Resolution''.

SEC. 6. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

(a) REDESIGNATION.—Sections 10 and 11 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608, 5609) are redesignated as sections 12 and 13 of that Act, respectively.

(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by subsection (a)) is amended by inserting after section 9 the following:

"SEC. 10. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States an Environmental Dispute Resolution Fund to be administered by the Foundation. The Fund shall consist of amounts appropriated to the Fund under section 13(b) and amounts paid into the Fund under section 11.

''(b) EXPENDITURES.—The Foundation shall expend from the Fund such sums as the Board determines are necessary to establish and operate the Institute, including such amounts as are necessary for salaries, administration, the provision of mediation and other services, and such other expenses as the Board determines are necessary.

''(c) DISTINCTION FROM TRUST FUND.—The Fund shall be maintained separately from the Trust Fund established under section 8.

''(d) INVESTMENT OF AMOUNTS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

''(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

''(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

''(A) on original issue at the issue price; or

''(B) by purchase of outstanding obligations at the market price.

''(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

''(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.''.

SEC. 7. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by section 6) is amended by inserting after section 10 the following:

''SEC. 11. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

''(a) AUTHORIZATION.—A Federal agency may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural resources.

''(b) PAYMENT.—

''(1) IN GENERAL.—A Federal agency may enter into a contract and expend funds to obtain the services of the Institute.

''(2) PAYMENT INTO ENVIRONMENTAL DISPUTE RESOLUTION FUND.—A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Environmental Dispute Resolution Fund established under section 10.

''(c) NOTIFICATION AND CONCURRENCE.—

''(1) NOTIFICATION.—An agency or instrumentality of the Federal Government shall notify the chairperson of the President's Council on Environmental Quality when using the Foundation or the Institute to provide the services described in subsection (a).

''(2) NOTIFICATION DESCRIPTIONS.—A notification under paragraph (1) shall include a written description of—

''(A) the issues and parties involved;

''(B) prior efforts, if any, undertaken by the agency to resolve or address the issue or issues; and

''(C) other relevant information.

''(3) CONCURRENCE.—

''(A) IN GENERAL.—In a case that involves a dispute or conflict between 2 or more agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality), an agency or instrumentality of the Federal Government shall obtain the concurrence of the chairperson of the President's Council on Environmental Quality before using the Foundation or Institute to provide the services described in subsection (a).

''(B) INDICATION OF CONCURRENCE OR NONCONCURRENCE.—The chairperson of the President's Council on Environmental Quality shall indicate concurrence or nonconcurrence under subparagraph (A) not later than 20 days after receiving notice of the dispute or conflict.''.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (as redesignated by section 6(a)) is amended—

(1) by striking ''There are authorized to be appropriated to the Fund'' and inserting the following:

''(a) TRUST FUND.—There is authorized to be appropriated to the Trust Fund''; and

(2) by adding at the end the following:

''(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 10—

''(1) $4,250,000 for fiscal year 1998, of which—

''(A) $3,000,000 shall be for capitalization; and

''(B) $1,250,000 shall be for operation costs; and

''(2) $1,250,000 for each of fiscal years 1999 through 2002 for operation costs.''.

SEC. 9. CONFORMING AMENDMENTS.

(a) The second sentence of section 8(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5606) is amended—

(1) by striking ''fund'' and inserting ''Trust Fund''; and

(2) by striking ''section 11'' and inserting ''section 13(a)''.

(b) Sections 7(a)(6), 8(b), and 9(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)(6), 5606(b), 5607(a)) are each amended by striking ''Fund'' and inserting ''Trust Fund'' each place it appears.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 65, 281, 289, and 307. 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 appear at the appropriate place in the RECORD; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

NATIONAL CREDIT UNION ADMINISTRATION

Yolanda Townsend Wheat, of Missouri, to be a Member of the National Credit Union Administration Board for the term of six years expiring August 2, 2001.

DEPARTMENT OF STATE

Thomas J. Dodd, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Corinne Claiborne Boggs, of Louisiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

NATIONAL CREDIT UNION ADMINISTRATION BOARD

Dennis Dollar, of Mississippi, to be a Member of the National Credit Union Administration Board for a term expiring April 10, 2003.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to consider the following nominations on the Executive Calendar: Nos. 163, 273, and 319. I also ask unanimous consent that the Labor Committee be discharged from further consideration of the nomination of Katharine G. Abraham, to be Commissioner of Labor Statistics, and that the Senate proceed to its consideration. 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 appear 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 are as follows:

THE JUDICIARY

Anthony W. Ishii, of California, to be United States District Judge for the Eastern District of California.

DEPARTMENT OF STATE

Susan E. Rice, of the District of Columbia, to be an Assistant Secretary of State.

Martin S. Indyk, of the District of Columbia, to be an Assistant Secretary of State.

DEPARTMENT OF LABOR

Katharine G. Abraham, of Iowa, to be Commissioner of Labor Statistics, United States Department of Labor, for a term of four years.

NOMINATION OF ANTHONY ISHII

Mrs. BOXER. Mr. President, having recommended Anthony W. Ishii to President Clinton to be U.S. District Judge for the Eastern District in California, I am gratified to see his nomination come before the full Senate today, and I urge my colleagues to vote to confirm him.

Anthony Ishii, a third generation Californian, will be the first Asian-American to serve on the Eastern District federal bench. He has had a long and distinguished legal career. Currently, he serves as a Municipal Court Judge for the Central Valley Municipal Court in Fresno, California.

For ten years prior to his service on the Municipal Court bench, he served as a Justice Court Judge for the Parlier-Selma Judicial District in Fresno County. He was initially appointed to the Justice Court position by the Fresno County Board of Supervisors, and has since stood for election three time. He won his first reelection and has been unopposed in each of the two subsequent ones.

Judge Ishii received his Juris Doctor from Boalt Hall, the law school at the University of California, Berkeley. Early in his career, he was a Deputy City Attorney in Sacramento and a Deputy Public Defender for the County of Fresno. Prior to his service on the bench, he was an attorney in private practice. He has extensive trial experience, handling over 70 jury trials before becoming a judge.

For years, Judge Ishii has been involved in numerous professional activities. He was appointed to the prestigious California Judicial Council by California Supreme Court Chief Justice Malcolm Lucas. Additionally, he served as a member of the Judicial Council Advisory Committee on the Administration of Justice in the rural counties for three years. He served

from 1991 to 1993 on the Commission on the Future of the California Courts. From 1983 to 1993, he was a member of the Fresno County Justice Court Judges Association and served a term as president of the organization.

Judge Ishii is also a leader in his community. He is a member of the Japanese American Citizens League, where he has served in numerous capacities for over nineteen years. His community service includes the Selma Public Education Foundation, the Selma Hospital Foundation, the Selma Delinquency Prevention Committee, and service on the Board of Valley Public Television. He has been a member of the California Small Business Development Board, the California Task Force on Rural Economy, and the Asian and Pacific Islander Advisory Committee.

Judge Ishii has received numerous letters illustrating his broad, bipartisan support. The Sheriff of Fresno County, Steve Magarian, who has known Judge Ishii for 15 years, says he ''has earned the deep respect from law enforcement''.

The Chief of Police, William Eldridge, of the Livingston Police Department says Judge Ishii is ''highly respected by both the citizens of the community and law enforcement.''

The President of the Merced County Sheriff's Employee Association, Brian Miller, writes Ishii ''has a strong commitment to law enforcement, and has the background and knowledge that makes him an invaluable asset to the Federal Judicial System.''

The President of the 700-member Fresno Police Officers Association, Larry Bertao, says that Judge Ishii has an ''outstanding reputation among local law enforcement . . . and will serve his community in an effective and distinguished manner as a federal court judge.''

The President of the Fresno Deputy Sheriffs Association, Victor Wisemer, says Judge Ishii is ''well-respected by his colleagues, has a strong commitment to quality law enforcement, and is equitable in the decisions he renders.''

Judge Ishii has the unanimous support of the Fresno County Board of Supervisors, an all-Republican Board. Their letter states that Ishii is ''recognized for his exemplary judicial tenure and has universal community support.''

The President of the Fresno Chamber of Commerce, Doug Davidian, says he is ''well respected by law enforcement, the judiciary and by the legal and business communities.''

I strongly believe Judge Ishii will make an outstanding addition to the federal bench. I believe his intelligence, judicial temperament, broad experience, professional and community service, and deep commitment to justice qualify him to serve on the federal bench with great distinction.

I am very proud to have had the opportunity to recommend Anthony Ishii for the Federal District Court, and I urge my colleagues to vote to approve his nomination.

Mr. LEAHY. Mr. President, I am delighted that the majority leader had decided to take up the nomination of Judge Anthony W. Ishii to be a United States District Judge for the Eastern District of California. Judge Ishii is an outstanding nominee. He is currently a municipal court judge in Fresno, California. The ABA found him to be well-qualified, its highest rating.

We first received Anthony Ishii's nomination on February 12, 1997, almost eight months ago. He had a confirmation hearing on June 25, where he was strongly supported by both California Senators. He was favorably reported by the Judiciary Committee back on July 10. There has been no explanation or justification for the delay in bringing this nomination forward from the Senate calendar. I am sure that Judge Ishii and his family are happy that their long wait is now over. I congratulate them and look forward to his service on the District Court.

Unfortunately, the Republican leadership has chosen again to skip over the nomination of Margaret Morrow. In spite of the adoption of the Wysen-Grassley amendment earlier this month, an amendment that calls upon Senators to come forward within two days of exercising a hold to identify themselves, Margaret Morrow's nomination has been the subject of an anonymous and mysterious hold over a period of two years and most recently since being reported on June 12, almost four months ago.

On September 29 Senator Hatch reiterated his continuing support for the nomination of Margaret Morrow and announced that he will vote for her. He said: ''I have found her to be qualified and I will support her. Undoubtedly, there will be some who will not, but she deserved to have her vote on the floor. I have been assured by the majority leader that she will have her vote on the floor. I intend to argue for and on her behalf.''

I have looked forward to that debate since June 12. I ask, again, why not now, why not today, why not this week? This is a nomination that has been pending for far too long and that has been stalled here on the floor twice over two years without justification. Last year this nomination was unanimously reported by the Judiciary Committee and was left to wither without action for over three months. This year, the Committee again reported her nomination favorably and it has been pending for another four months. There has been no explanation for this delay and no justification. This good woman does not deserve this shameful treatment.

Meanwhile, the people served by the District Court for the Central District of California continue to suffer the affects of this persistent vacancy—cases are not heard, criminal cases are not being tried. This is one of more than 28 vacancies that have persisted for so long that they are classified as ''judicial emergency'' vacancies by the Administrative Office of the United States Courts.

When the President spoke out in his national radio address, he asked that the delay in the consideration of judicial nominees come to an end. Unfortunately, the delay continues with respect to too many nominations, including that of Margaret Morrow.

NOMINATION OF KATHARINE G. ABRAHAM

Mr. MOYHIHAN. Mr. President, the record should reflect that there is a growing body of evidence that the Consumer Price Index, as complied by the Bureau of Labor Statistics, is not an accurate measure of the cost of living. The BLS itself so states in its brochure, ''Understanding the Consumer Price Index: Answers to Some Questions,'' which in answer to the question ''Is the CPI a cost of living index?'' says ''No, although it frequently and mistakenly is called a cost of living index.''

That the CPI is an upward-biased measure of changes in the cost of living is not in dispute. The Advisory Commission to Study the Consumer Price index appointed by the Finance Committee in 1995 concluded as follows:

* * * The Commission's best estimate of the size of the upward bias looking forward is 1.1 percentage points per year. The range of plausible values is 0.8 to 1.6 percentage points per year.

In testimony on February 11, 1997 before the Finance Committee, Commissioner Abraham herself acknowledged that the CPI ''gives you an upper bound on what is happening to the cost of living.''

I would also note that Dr. David Wilcox, who was recently nominated to be Assistant Secretary of the Treasury for Economic Policy, has reached conclusions remarkably similar to those of the Boskin Commission. While serving as Senior Economist at the Federal Reserve Board, Dr. Wilcox and Matthew Shapiro, Professor of Economics at the University of Michigan, published a study entitled ''Mismeasurement in the Consumer Price Index: An Evaluation'' in which they wrote:

* * * we [find] the overall bias in the CPI at just under 1.0 percentage point per year. We also estimate that the [range] lies between 0.6 percentage point per year and 1.5 percentage points per year.

So the issue is not whether the CPI an accurate measure of changes in the cost-of-living, but rather how large is the upward bias?

Yet despite evidence from experts both inside and outside the government, last spring we began to hear repeated the argument that questioning the accuracy of the Consumer Price Index as a measurement of the cost of living somehow constituted political interference with the BLS. I hope that in her second term, Commissioner Abraham will help to dispel this perception by working closely with price experts inside and outside the government. For as Federal Reserve Chairman Alan Greenspan said in testimony

before the Finance Committee on January 30, 1997:

* * * assuming zero for the remaining bias is the political fix. On this issue we should let evidence, not politics, drive policy.

Policies based on inaccurate statistics can have dramatic consequences for the economy. For example, overstating the increase in the cost of living reduces the growth in real wages. With an overstated cost of living measure, it appears that real hourly wages have been stagnant for the past 30 years. Yet with a one percentage point correction, it turns out that real hourly earnings have actually increased by 35 percent.

It is important that our Bureau of Labor Statistics, which is comprised of many superb professionals, even so be humble enough to recognize that it may not be the repository of all expertise on this subject. There are other views, and they need to be considered carefully by the BLS. Commissioner Abraham would do well to be mindful of this in her second term.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL MAMMOGRAPHY DAY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 136, submitted today by Senators BIDEN, MACK, ABRAHAM and others.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. 136) designating October 17, 1997, as ''National Mammography Day.''

The Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. 136) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 136

Whereas according to the American Cancer Society, in 1997, 180,200 women will be diagnosed with breast cancer and 43,900 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of earlydetection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination (BSE), saving as many as 30 percent more lives;

Whereas the medicare program will cover mammograms on an annual basis for women over 39 years of age, beginning in January, 1998; and

Whereas 47 States have passed legislation requiring health insurance companies to cover mammograms in accordance with recognized screening guidelines: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 17, 1997, as ''National Mammography Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

Mr. STEVENS. Mr. President, I might state that all of those items were cleared by the Democratic side, as well as the Republican side of the Senate.

ORDERS FOR MONDAY, OCTOBER 20, 1997

Mr. STEVENS. Mr. President, I announce that when the Senate adjourns this evening, it will reconvene under the provisions of House Concurrent Resolution 169 at 12 noon on Monday, October 20. I ask unanimous consent that immediately following the prayer, the routine requests through the morning hour be granted; and that there then be a period for the transaction of morning business until the hour of 2:30 p.m., with Senators permitted to speak for up to 5 minutes each.

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

PROGRAM

Mr. STEVENS. Mr. President, the Senate will not be in session tomorrow, Friday, October 10. The Senate will reconvene on Monday, October 20, and at 2:30, the Senate will resume consideration of the ISTEA legislation. However, no votes will occur during the session of the Senate on Monday, October 20. Votes could occur as early as the morning of Tuesday, October 21. The continuing resolution expires on October 23. Therefore, the Senate will be considering available appropriations conference reports throughout the week the Senate returns from the Columbus Day recess.

AUTHORITY FOR COMMITTEES TO FILE REPORTED LEGISLATION

Mr. STEVENS. Mr. President, I ask unanimous consent that committees have until 7 p.m. this evening to file reported legislation.

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

ADJOURNMENT UNTIL MONDAY, OCTOBER 20, 1997

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of House Concurrent Resolution 169, until 12 noon on Monday, October 20, 1997.

Thereupon, the Senate, at 6:57 p.m., adjourned until Monday, October 20, 1997, at 12 noon.

NOMINATIONS

EXECUTIVE OFFICE OF THE PRESIDENT

Executive nominations received by the Senate October 9, 1997:

ROBERT S. WARSHAW, OF NEW YORK, TO BE ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY, VICE ROSE OCHIE, RESIGNED.

DEPARTMENT OF STATE

MARY MEL FRENCH, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF OF PROTOCOL, AND TO HAVE THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE.

ROBERT T. GREY, JR., OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

DAVID B. HERMELIN, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

HARRIET C. BABBIT, OF ARIZONA, TO BE DEPUTY ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE CAROL J. LANCASTER, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

RICHARD B. HOWARD, OF CALIFORNIA

U.S. INFORMATION AGENCY

ROBERT JAMES BIGART, JR., OF NEW YORK
SUE K. BROWN, OF TEXAS
CATHY TAYLOR CHIKES, OF VIRGNIA
RENATE ZIMMERMAN COLESHILL, OF FLORIDA
JAMES R. CUNNINGHAM, OF VIRGINIA
THOMAS E. FACHETTI, OF PENNSYLVANIA
LINDA GRAY MARTINS, OF VIRGINIA
NIKITA GRIGOROVICH-BARSKY, OF MARYLAND
SUSAN M. HEWITT, OF VIRGINIA
JOHN D. LAVELLE, JR., OF VIRGINIA
JO ANN QUINTON-SAMUELS, OF FLORIDA
VINCENT P. RAIMONDI, OF NEW YORK
RAYMOND E. SIMMERSON, OF MARYLAND
ROBERT D. SMOOT, OF FLORIDA
CAROL J. URBAN, OF THE DISTRICT OF COLUMBIA
PATRICIA L. WALLER, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CAREY N. GORDON, OF FLORIDA
CECIL DUNCAN MC FARLAND, OF KENTUCKY
STEPHEN HUXLEY SMITH, OF NEW HAMPSHIRE

U.S. INFORMATION AGENCY

ERGIBE A. BOYD, OF MARYLAND
TIMOTHY JAMES DODMAN, OF NEBRASKA
SAMUEL G. DURRETT, OF VIRGINIA
STANLEY E. GIBSON, OF OHIO
PAUL LAWRENCE GOOD, OF CALIFORNIA
GAYLE CARTER HAMILTON, OF TEXAS
BETTY DIANE JENKINS, OF VIRGINIA
GERALD K. KANDEL, OF NEVADA
MARY A. MC CARTER-SHEEHAN, OF KANSAS
MARGARET C. OSOSKY, OF THE DISTRICT OF COLUMBIA
DELORIS D. SMITH, OF MARYLAND
MICHELE ISA SPRECHMAN, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

TIMOTHY H. ANDERSON, OF VIRGINIA
JOHN A. BEED, OF MARYLAND
PETER R. HUBBARD, OF CALIFORNIA

GEORGE R. JIRON, JR., OF NEW MEXICO
CYNTHIA DIANE PRUETT, OF TEXAS
GLENN ROY ROGERS, OF TEXAS
DAVID P. YOUNG, OF VIRGINIA

U.S. INFORMATION AGENCY

MIRIAM W. ADOFO, OF MARYLAND
SANDRA L. DAVIS, OF MARYLAND
BARBARA J. DEJOURNETTE, OF NORTH CAROLINA
LONNIE KELLEY, JR., OF TEXAS
DIANE M. LACROIX, OF NEW HAMPSHIRE
BARBARA L. MCCARTHY, OF VIRGINIA

DEPARTMENT OF STATE

RHONDA J. WATSON, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

JOSEPH M. CARROLL, OF THE DISTRICT OF COLUMBIA
DAVID N. KIEFNER, OF PENNSYLVANIA

DEPARTMENT OF STATE

STEPHEN C. ANDERSON, OF MISSOURI
ALINA ARIAS-MILLER, OF INDIANA
ROBERT LLOYD BATCHELDER, OF COLORADO
ROBERT STEPHEN BEECROFT, OF CALIFORNIA
DREW GARDNER BLAKENEY, OF TEXAS
RICHARD C. BOLY, OF WASHINGTON
KATHERINE ANN BRUCKER, OF CALIFORNIA
MARILYN JOAN BRUNO, OF FLORIDA
SALLY A. COCHRAN, OF FLORIDA
STEPHEN A. DODSON, OF TEXAS
CHRISTINA DOUGHERTY, OF VIRGINIA
PATRICK MICHAEL DUNN, OF FLORIDA
SAMUEL DICKSON DYKEMA, OF WISCONSIN
RUTA D. ELVIKIS, OF TEXAS
LISA B. GREGORY, OF PENNSYLVANIA
KATHLEEN M. HAMANN, OF WASHINGTON
JEFFREY J. HAWKINS, OF CALIFORNIA
LISA ANN HENDERSON HARMS, OF PENNSYLVANIA
JOHN ROBERT HIGI, OF FLORIDA
ROBYN A. HOOKER, OF FLORIDA
RAYMOND ERIC HOTZ, OF KENTUCKY
JAMES J. HUNTER, OF NEW JERSEY
MARY B. JOHNSON, OF INDIANA
WENDY MEROE JOHNSON, OF CALIFORNIA
LISA S. KIERANS, OF NEW JERSEY
DOUGLAS A. KONEFF, OF FLORIDA
EVAN A. KOPP, OF CALIFORNIA
KIMBERLY CONSTANCE KRHOUNEK, OF NEBRASKA
DANIEL J. KRITENBRINK, OF VIRGINIA
TIMOTHY P. LATTIMER, OF CALIFORNIA
SUSAN M. LAUER, OF FLORIDA
JESSICA SUE LEVINE, OF MASSACHUSETTS
ALEXIS F. LUDWIG, OF CALIFORNIA
NICHOLAS JORDAN MANRING, OF WASHINGTON
PAUL OVERTON MAYER, OF KANSAS
JAMES A. MCNAUGHT, OF FLORIDA
STEPHEN HOWARD MILLER, OF MARYLAND
MARGARET GRAN MITCHELL, OF MARYLAND
JAMES D. MULLINAX, OF WASHINGTON
NELS PETER NORDQUIST, OF MONTANA
MARK BRENDAN O'CONNOR, OF FLORIDA
STUART EVERETT PATT, OF CALIFORNIA
BETH A. PAYNE, OF VIRGINIA
JOAN A. POLASCHIK, OF VIRGINIA
ASHLEY R. PROFAIZER, OF TEXAS
JOHN ROBERT RODGERS, OF VIRGINIA
PAUL F. SCHULTZ III, OF VIRGINIA
DONALD MARK SHEEHAN, OF VIRGINIA
ROGER A. SKAVDAHL, OF TEXAS
PHILIP JOHN SKOTTE, OF NEW YORK
ANTON KURT SMITH, OF ARKANSAS
WILLARD TENNEY SMITH, OF TEXAS
SEAN B. STEIN, OF UTAH
LESSLIE C. VIGUERIE, OF VIRGINIA
PEGGY JEANNE WALKER, OF ARIZONA
BENJAMIN WEBER, OF NEW JERSEY
KENNETH M. WETZEL, OF VIRGINIA
STEPHANIE TURCO WILLIAMS, OF TEXAS
MARGRET G. WOODBURN, OF MINNESOTA
BARBARA ANN BOOTES YODER, OF FLORIDA

U.S. INFORMATION AGENCY

ELIZABETH A. CEMAL, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ROBERT LESLIE BARCO, OF VIRGINIA
JENNIFER BARLAMENT, OF VIRGINIA
ROBERT H. BATES, OF VIRGINIA
MICHAEL RICHARD BELANGER, OF MARYLAND
RALPH W. BILD, OF VIRGINIA
TIMOTHY HAYES BOUCHARD, OF VIRGINIA
NANCY E. BONE, OF VIRGINIA÷
MARY SUSAN BRACKEN, OF VIRGINIA
MARK B. BURNETT, OF CALIFORNIA
GERALD CHEYNE, OF CONNECTICUT
KAREN KYUNG WON CHOE, OF NEW YORK
LYNN M. CLEMONS, OF VIRGINIA
KENT E. CLIZBE, OF VIRGINIA
MICHAEL A. COLLIER, OF MARYLAND
TIMOTHY EDWARD CORCORAN, OF VIRGINIA
GLENN A. CORN, OF VIRGINIA
WHITNEY ANTHONY COULON, III, OF VIRGINIA
ERIN JAMES COYLE, OF VIRGINIA
ALLEN BRUCE CRAFT, OF MARYLAND
DANIEL T. CROCKER, OF NEW CAROLINA
ANNE ELIZABETH DAVIS, OF GEORGIA
SHIRLEY NELSON DEAN, OF VIRGINIA
CHRISTOPHER JAMES DEL CORSO, OF NEW YORK
LIBBURN S. DESKINS III, OF MISSOURI
JOSEPH MARCUS DETRANI, OF VIRGINIA
STEWART TRAVIS DEVINE, OF FLORIDA
PETER M. DILLON, OF MARYLAND
MARK DUANE DUDLEY, OF VIRGINIA
ELIZABETH A. DUNCAN, OF ILLINOIS
ELLEN M. DUNLAP, OF FLORIDA
IAN FALLOWFIELD DUNN, OF VIRGINIA
EDITH D. EARLY, OF VIRGINIA
CYNTHIA C. ECHEVERRIA, OF ILLINOIS
DAVID ABRAHAM EL-HINN, OF CALIFORNIA
G. MICHAEL EPPERSON, OF MARYLAND
ELIZABETH A. FERNANDEZ, OF VIRGINIA
ROMULO ANDRES GALLEGOS, OF ILLINOIS
JAMES GARRY, OF THE DISTRICT OF COLUMBIA
HEATHER GIFFORD, OF THE DISTRICT OF COLUMBIA
JAIME A. GONZALEZ, OF VIRGINIA
ALISON E. GRAVES, OF VIRGINIA
HARRIET ANN HALBERT, OF VIRGINIA
DONOVAN JOHN HALL, OF VIRGINIA
RUTH I. HAMMEL, OF OHIO
ROBERT W. HENRY, OF VIRGINIA
ELLEN MACKEY HOFFMAN, OF VIRGINIA
DERECK J. HOGAN, OF NEW JERSEY
MIMI M. HUANG,OF MICHIGAN
GREGORY H. JESSEMAN, OF VIRGINIA
ANTHONY L. JOHNSON, OF VIRGINIA
JOCELYN HERNRIED JOHNSTON, OF MARYLAND
LAUREL M. KALNOKY, OF VIRGINIA
MARGARET LYNN KANE, OF OHIO
LAURA VAUGHN KIRK, OF VIRGINIA
TAN VAN LE, OF MARYLAND
GABRIELLE T. LEGEAY, OF VIRGINIA
MARK EDWARD LEWIS, OF VIRGINIA
MARC DANIEL LIEBERMANN, OF MARYLAND
MARVIN SUTTLES MASSEY III, OF VIRGINIA
DOUGLAS JOHN MATHEWS, OF VIRGINIA
MICHAEL H. MATTEI, OF VIRGINIA
TIMOTHY JOHN MCCULLOUGH, OF VIRGINIA
CHRISTOPHER ANDREW MCELVEIN, OF VIRGINIA
VICTOR MANUEL MENDEZ, OF VIRGINIA
ANDREW BENJAMIN MITCHELL, OF TEXAS
TREVOR W. MONROE, OF VIRGINIA
STEPHEN B. MUNN, OF ALABAMA
BRIAN PATRICK MURPHY, OF VIRGINIA
PHILIP T. NEMEC, OF WASHINGTON
PAUL FRANCIS CROCKER NEVIN, OF FLORIDA
STEPHEN P. NEWHOUSE, OF CALIFORNIA
DENISE E. NIXON, OF VIRGINIA
MAI-THAO T. NGUYEN, OF TEXAS
LAWRENCE E. O'CONNELL, OF VIRGINIA
ELIZABETH ANNE O'CONNOR, OF VIRGINIA
MICHAEL T. OSWALD, OF CONNECTICUT
KATHLEEN G. OWEN, OF VIRGINIA
TODD HAROLD PAVELA, JR., OF VIRGINIA @
RICHARD T. PELLETIER, OF MARYLAND
DAVID M. RABETTE, OF VIRGINIA
DEBORAH L. REYNOLDS, OF VIRGINIA
PHILIP C. REYNOLDS, OF VIRGINIA
SARA DARROCH ROBERTSON, OF VIRGINIA
WYLMA CHRISTINA SAMARANAYKE ROBINSON, OF VIRGINIA
ELBERT GEORGE ROSS, OF VIRGINIA
FRANCES S. ROSS, OF VIRGINIA
JAMES P. SANCHEZ, OF VIRGINIA
STELIANOS GEORGE SCARLIS, OF VIRGINIA
JONATHAN ANDREW SCHOOLS, OF TEXAS
NICHOLAS E. T. SIEGEL, OF CONNECTICUT
HOWARD SOLOMON, OF KANSAS
ANNE R. SORENSEN, OF NEW YORK
SUSAN SCOPETSKI SYNDER, OF VIRGINIA
DANA EDWARD SOTHERLUND, OF VIRGINIA
MICHAEL CHRISTOPHER SPECKHARD, OF VIRGINIA
BONNIE PHILLIPS SPEROW, OF VIRGINIA
DAVID T. STADELMYER, OF VIRGINIA
WILLIAM M. SUSONG, OF VIRGINIA
MARY G. THOMPSON, OF VIRGINIA
MELANIE F. TING, OF VIRGINIA
ALEXANDER TOUNGER, OF VIRGINIA
W. JEAN WATKINS, OF FLORIDA
SONYA ANJALI ENGSTROM WATTS, OF IOWA
RICHARD MARC WEISS, OF VIRGINIA
STEVEN J. WHITAKER, OF FLORIDA
AUSTIN ROGER WIEHE, OF VIRGINIA
SHELLY MONTGOMERY WILLIAMS, OF THE DISTRICT OF COLUMBIA
ERIC MARSHALL WONG, OF CALIFORNIA
ROBERT P. WOODS, OF VIRGINIA

FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE JULY 12, 1994:

U.S. INFORMATION AGENCY

SUSAN ZIADEH, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 16, 1994:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

KENNETH ALAN DUNCAN, OF CONNECITCUT

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 28, 1993:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

RICHARD T. MILLER, OF TEXAS

EXECUTIVE OFFICE OF THE PRESIDENT

RICHARD W. FISHER, OF TEXAS, TO BE DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE CHARLENE BARSHEFSKY.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

THOMAS H. FOX, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE HENRIETTA HOLSMAN FORE.

DEPARTMENT OF THE INTERIOR

KEVIN GOVER, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE ADA. E. DEER, RESIGNED.

SMALL BUSINESS ADMINISTRATION

FRED P. HOCHBERG, OF NEW YORK, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE GINGER EHN LEW.

U.S. INFORMATION AGENCY

CARL SPEILVOGEL, OF NEW YORK, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 1999. (REAPPOINTMENT)

DEPARTMENT OF THE TREASURY

DONALD C. LUBICK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE LESLIE B. SAMUELS, RESIGNED.

DEPARTMENT OF LABOR

IDA L. CASTRO, OF NEW YORK, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE KAREN BETH NUSSBAUM, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JOY HARJO, OF NEW MEXICO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2002, VICE WILLIAM E. STRICKLAND, JR., TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 14, UNITED STATES CODE, SECTION 729:

To be rear admiral

REAR ADM. (LH) J. TIMOTHY RIKER, 0000.

To be rear admiral (lower half)

CAPT. CARLTON D. MOORE, 0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, UNITED STATES CODE, SECTION 271:

To be rear admiral

REAR ADM. (1H) JOSEPH J. MCCLELLAND, JR., 0000.
REAR ADM. (1H) JOHN L. PARKER, 0000.
REAR ADM. (1H) PAUL J. PLUTA, 0000.
REAR ADM. (1H) THAD W. ALLEN, 0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, UNITED STATES CODE, SECTION 271:

To be rear admiral (lower half)

CAPT. DAVID S. BELZ, 0000.
CAPT. JAMES S. CARMICHAEL, 0000.
CAPT. ROY J. CASTO, 0000.
CAPT. JAMES A. KINGHORN, 0000.
CAPT. ERROL M. BROWN, 0000.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5035:

To be admiral

VICE ADM. DONALD L. PILLING, 0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. CONRAD C. LAUTENBACHER, 0000.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS OF THE U.S. NAVY MILITARY ACADEMY IN THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 4333:

To be colonel

RUSSELL D. HOWARD, 0000.
ANDRE H. SAYLES, 0000.

To be lieutenant colonel

STEPHEN J. RESSLER, 0000.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 9, 1997:

NATIONAL CREDIT UNION ADMINISTRATION

YOLANDA TOWNSEND WHEAT, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE TERM OF 6 YEARS EXPIRING AUGUST 2, 2001.

DEPARTMENT OF STATE

SUSAN E. RICE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE.

THOMAS J. DODD, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

CORINNE CLAIBORNE BOGGS, OF LOUISIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

NATIONAL CREDIT UNION ADMINISTRATION BOARD

DENNIS DOLLAR, OF MISSISSIPPI, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING APRIL 10, 2003.

DEPARTMENT OF STATE

MARTIN S. INDYK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE.

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.

DEPARTMENT OF LABOR

KATHARINE G. ABRAHAM, OF IOWA, TO BE COMMISSIONER OF LABOR STATISTICS, UNITED STATES DEPARTMENT OF LABOR, FOR A TERM OF 4 YEARS.

THE JUDICIARY

ANTHONY W. ISHII, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA.