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No. 152

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear Father, we confess our total dependence on You, not only for every breath we breathe but also for every ingenious thought we think. You are the source of our strength, the author of our vision, and the instigator of our creativity.

We begin this day with praise that You have chosen us to serve You. All our talents, education, and experience have been entrusted to us by You. Today, the needs before us will bring forth the expression of Your creative, divine intelligence from within us. Thank You in advance for Your provision of exactly what we will need to serve You. We trust You completely. This is Your day; You will show the way; we will respond to Your guidance without delay. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Oklahoma, is recognized.

SCHEDULE

Mr. INHOFE. Mr. President, this morning the Senate will be in a period of morning business until 11 a.m. At 11 a.m. the Senate will proceed to the cloture vote on H.R. 2646, the A-plus education savings account bill. If cloture is not invoked, the majority leader hopes consent will be granted to set the cloture vote on a motion to proceed to S. 1269, the fast-track legislation, at 2:30 p.m. If that is not possible, the Senate will recess following the 11 a.m. vote until 2:30 p.m. Otherwise, under

the consent the Senate will recess from 12:30 p.m. to 2:30 p.m. for the weekly policy luncheons to meet. When the Senate reconvenes at 2:30 p.m., the Senate will proceed to the cloture vote on the motion to proceed to S. 1269, the fast-track legislation. If cloture is invoked, the Senate will begin debate on the motion to proceed to S. 1269.

In addition, the Senate may also consider and complete action on the D.C. appropriations bill, the FDA Reform conference report, the Intelligence authorization conference report, and any additional legislative or executive items that can be cleared for action. Therefore, Members can anticipate rollcall votes throughout Tuesday's session of the Senate.

As a reminder to all Members, the first rollcall vote will occur at 11 a.m.

Mr. President, I ask unanimous consent that Senators will have until the time of the vote for filing of second-degree amendments to H.R. 2646, the A-plus Education Savings Act.

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 11 a.m., with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator HATCH for 20 minutes; Senator COVERDELL for 15 minutes; Senator ROBERTS for 20 minutes; Senator DODD for 5 minutes.

The able Senator from Utah is recognized for 20 minutes.

THE NOMINATION OF BILL LANN LEE

I. INTRODUCTION

Mr. HATCH. Mr. President, I rise this morning to discuss the nomination of Mr. Bill Lann Lee of California to be President Clinton's Assistant Attorney

General for Civil Rights. Let me say at the outset that, in my 5 years as the senior Republican on the Judiciary Committee, I have been proud to have advanced no less than 230 of President Clinton's nominees to the Federal courts. After a thorough review of these nominees' views and records, I have supported the confirmation of all but two of them. In addition, I have also worked to ensure that President Clinton's Justice Department nominees receive a fair, expeditious, and thorough review. Without question, the Senate's advice and consent responsibility is one that I take very seriously. This nomination is no exception.

While I have the highest personal regard for Bill Lann Lee, his record and his responses to questions posed by the committee suggest a distorted view of the law that makes it difficult for me in good conscience to support his nomination to be the chief enforcer of the Nation's civil rights laws. The Assistant Attorney General must be America's civil rights law enforcer, not the civil rights ombudsman for the political left. Accordingly, when the Judiciary Committee votes on whether to report his nomination to the full Senate, I will regretfully vote "no".

At the outset, I want to say that no one in this body respects and appreciates the compelling personal history of Mr. Lee and his family more than I. Mr. Lee's parents came to these shores full of hope for the future. They believed in the promise of America. And despite meager circumstances and the scourge of bigotry, they worked hard, educated their children, and never lost faith in this great country.

Yet, what we must never forget as we take up this debate is that the sum of our experiences says less about who we become than does what we take from those experiences. For example, my good friend Justice Clarence Thomas was, like Mr. Lee, born into a circumstance where opportunities were

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



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unjustly limited. Nevertheless, Clarence Thomas worked hard, and has devoted his career to ensuring that the law protects every individual with equal force. The same can be said of another African-American, Bill Lucas, who was nominated by President Bush for the same position as Mr. Lee, but whose nomination was rejected by my colleagues on the other side of the aisle.

Bill Lann Lee is, to his credit, an able civil rights lawyer with a profoundly admirable passion to improve the lives of many Americans who have been left behind. His talent and good intentions have taken him far. But his good intentions should not be sufficient to earn the consent of this body. Those charged with enforcing the Nation's laws must demonstrate a proper understanding of that law, and a determination to uphold its letter and its spirit. Unfortunately, much of Mr. Lee's work has been devoted to preserving constitutionally suspect race-conscious public policies that ultimately sort and divide citizens by race. To this day, he is an adamant defender of preferential policies that, by definition, favor some and disfavor others based upon race and ethnicity.

At his hearing before the Judiciary Committee, Mr. Lee suggested he would enforce the law without regard to his personal opinions. But that cannot be the end of our inquiry. The Senate's responsibility is then to determine what the nominee's view of the law is. That question is particularly important for a nominee to the Justice Department's Civil Rights Division.

II. CIVIL RIGHTS DIVISION

As I have made clear in the past, it is my view that the Assistant Attorney General for Civil Rights is one of the most important law enforcement positions in the Federal Government. No position in Government more profoundly shapes and implements our Nation's goal of equality under law.

The Civil Rights Division was established in 1957 to enforce President Eisenhower's Civil Rights Act of 1957, the first civil rights statute since Reconstruction. Since the appointment of the first Assistant Attorney General for Civil Rights, Mr. Harold Tyler, the Division has had a distinguished record of enforcing the Nation's civil rights laws, often against perilous political odds. With great leaders like Burke Marshall, John Doar, and Stanley Pottinger, the Civil Rights Division emphasized the equality of individuals under law, and a commitment to ensuring that every American—regardless of race, ethnicity, gender, national origin, or disability—enjoys an equal opportunity to pursue his or her talents free of illegal discrimination. That is a commitment that I fundamentally share, and take very seriously as I consider a nominee to this important Division.

Today, however, the Civil Rights Division, and the Nation's fundamental civil rights policies, stand at a cross-

roads. In recent years, the Nation's courts have underscored the notion that the constitutional guarantee of equal protection applies equally to every individual American. Consistent with that principle, they have placed strict limitations on the Government's ability to count among its citizens by race. Nevertheless, many among us who lay claim to the mantle of civil rights would have us continue on the road of racial spoils—a road on which Americans are seen principally through the looking glass of race. I regret to say that Bill Lee's record suggests that he too wishes the Nation to travel that unfortunate road.

The country today, however, demands a Civil Rights Division devoted to protecting us all equally. It cannot do that when it is committed to policies that elevate one citizen's rights above another's. Let me share one example of what results from the race-consciousness that some, Bill Lann Lee among them, would have us embrace.

Earlier this year, the Judiciary Committee held a hearing to examine the problem of discrimination in America. One story, that of Charlene Loen was particularly moving. Ms. Loen is a Chinese-American mother of two who lives in San Francisco. Ms. Loen's son Patrick was denied admission to a distinguished public magnet school in San Francisco, pursuant to the racial preference policy contained in a consent decree which caps the percentage of ethnic group representation in each of the city's public schools. The cap has the effect of requiring young, Chinese students to score significantly higher on magnet school entrance exams than students of other races. While young Patrick scored higher than many of his friends on the admissions exam, he was denied admission, while other children who scored less well were admitted. Ms. Loen sought to have Patrick admitted to several other public magnet schools in the city, and time after time she was told in no uncertain terms that because he was Chinese, Patrick need not apply.

So you see, a policy that prefers one, by definition disfavors another. In this case, the disfavored other has a name, Patrick. The law must be understood to protect Patrick, and others like him, no less than anyone else. What matters under the law is not that Patrick is ethnic Chinese, but that he is American. Affirmative action policies as originally conceived embraced that ideal. Recruiting and outreach that ensures broad inclusion is one thing; racial and gender preferences that enforce double standards are quite another.

But the case against Bill Lee is broader, and more fundamental, than his aggressive support for public policies that sort and divide by race. What Bill Lee's record fundamentally suggests is a willingness to read the civil rights laws so narrowly—and to find exceptions so broad—as to undermine their very spirit, if not their letter. Let

me share a few cases to illustrate the point.

III. ADARAND

At his hearing, Mr. Lee was asked about the Supreme Court's holding in the case of *Adarand Constructors versus Pech*, in which the Supreme Court held that State-sanctioned racial distinctions are presumptively unconstitutional. When asked to state the holding of the case, Mr. Lee said that it epitomizes the Supreme Court's view that racial preference programs are permissible if "conducted in a limited and measured manner." That is, arguably, a narrowly correct statement. But it purposefully misses the mark of the Court's fundamental holding that such programs are presumptively unconstitutional. Imagine if a nominee had come before this body and stated for the record that the Court's first amendment cases stand for the proposition that the state can interfere with religious practices if it does so carefully. Such a purposefully misleading view would properly be assailed as a fundamental mischaracterization of the spirit of the law. So, too, is Mr. Lee's view of the Supreme Court's statements about racial distinctions enforced by the Government.

In addition, Mr. Lee stated for the record his personal opposition to *Adarand*. He then said that in spite of that, he would enforce the law, if confirmed. Fair enough. But, in response to a written question from Senator ASHCROFT, Mr. Lee's narrow view of what the law is becomes astonishingly clear. Senator ASHCROFT asked Mr. Lee whether the program at issue in the *Adarand* case is unconstitutional. Mr. Lee noted that the Supreme Court in *Adarand* remanded the case to the district court in Colorado. He further noted that the district court just this summer held that the programs in question are not narrowly tailored and are therefore unconstitutional. In so holding, the court stated in its opinion that

[c]ontrary to the [Supreme] Court's pronouncement that strict scrutiny is not "fatal in fact," I find it difficult to envisage a race-based classification that is narrowly tailored.

But despite the court's strong pronouncement, Mr. Lee asserts in his response to Senator ASHCROFT that he believes "this program is sufficiently narrowly tailored to satisfy the strict scrutiny test." Apparently, then, Mr. Lee is prepared to support racial preference programs until every possible exception under the law is unequivocally foreclosed by the Supreme Court, despite the Court's view that such programs are presumptively unconstitutional and may only be used in exceptional circumstances. Mr. Lee's view of the law, it seems to me, is exceedingly narrow and violative of the Court's rulings and holdings. We must expect more of the Nation's chief civil rights law enforcer.

IV. PROPOSITION 209

I realize that some still embrace policies that divide and sort by race. And

given the court's narrow exception in *Adarand*, I am willing to consider a nominee who believes such policies may be constitutional in limited circumstances. It is fair that that view is heard. Yet, it is quite another matter altogether when a nominee takes the position that the contrary view—that racial preferences should be prohibited—is unconstitutional. Such a view of the law effectively silences dissenting voices on this, the most important civil rights issue of our day.

Mr. Lee and his organization, the Western Office of the NAACP Legal Defense & Educational Fund, have led the opposition to California's proposition 209, which said simply that no Californian can be discriminated against or preferred by the State on the basis of race, gender, or national origin. He has also challenged the University of California's efforts to comply with its colorblindness mandate, by complaining to the Federal Department of Education that the University's race-neutral use of standardized tests and weighted grade point averages violates the civil rights laws. Even the anti-209 director of admissions at the UCLA School of Law, Michael Rappaport, has described the NAACP's complaint as "frightening" for universities wishing to employ rigorous academic standards. That complaint is only part of a comprehensive effort by Mr. Lee and his organization to undermine the people of California's political judgment that their government should respect the rights of citizens without regard to race.

Soon after 54 percent of Californians voted to pass proposition 209, Mr. Lee's office filed a brief in the Federal court action challenging the constitutionality of the initiative, relying on the cases of *Hunter versus Erickson*—fair housing legislation—and *Washington versus Seattle*—busing—to allege that 209 was an unconstitutional restructuring of the political process because minorities are no longer permitted to petition local governments for preferential treatment. Of course, the Ninth Circuit Court of Appeals—perhaps the most liberal circuit court in the Nation—forcefully and unequivocally rejected that argument, noting that governmental racial distinctions are presumptively unconstitutional, and concluded:

As a matter of "conventional" equal protection analysis, there is simply no doubt that Proposition 209 is constitutional. . . . After all, the "goal" of the Fourteenth Amendment, "to which the Nation continues to aspire," is "a political system in which race no longer matters" (citation omitted). . . . The Fourteenth Amendment, lest we lose sight of the forest for the trees, does not require what it barely permits.

(Coalition for Economic Equity, et al. v. Wilson, 122 F.3d 692 [9th Cir. 1997].)

Earlier this year, the Clinton administration filed an amicus brief in the ninth circuit supporting the constitutional challenge so decisively rejected by the appeals court. I asked Mr. Lee whether, given the Supreme Court's

holding in *Adarand* and the forceful statement of law by the ninth circuit, he would argue against the administration's continued challenge to prop 209's constitutionality. He said he would support the administration's position.

After Mr. Lee's hearing, I took it upon myself to offer an olive branch to the administration. I emphasized the fundamental problem I have with Mr. Lee's and the administration's view of the Constitution as it relates to racial matters. I suggested that if this White House could find its way to put aside the now-discredited argument that efforts like prop 209 actually violate the Constitution, that it would be much easier for my colleagues and me to support this nomination. It certainly would be something that would be helpful.

On Wednesday of last week, I received a letter from Mr. Lee explaining that he would recuse himself from the administration's deliberations about its policy in the specific prop 209 case. And just yesterday, of course, the Supreme Court declined to grant certiorari in the 209 case. But, important as they are, those gestures do not lessen my fundamental concern about Mr. Lee's view on the matter. Those developments do nothing to preclude the administration from challenging future colorblindness efforts in the States, or in the Congress—including my and Senator McConnell's Civil Rights Act of 1997; they do nothing to provide much needed leadership within the Department on this most important policy issue—creating yet another leadership void within the Department; and at bottom, Mr. Lee's letter seems little more than a cynical ploy by the administration to momentarily ease Mr. Lee's way to confirmation, while doing nothing to address my underlying, substantive concerns about his interpretation of the law. In the final analysis, my concerns about Mr. Lee's record are vastly broader than simply how he might counsel the administration in one discrete case.

V. PRISON LITIGATION REFORM ACT

Mr. Lee was also asked for his views on the Prison Litigation Reform Act, a piece of legislation that I sponsored and worked hard to pass in the last Congress. In response to written questions from Senator ABRAHAM about the Department's enforcement of the PLRA, Mr. Lee either defended unjustified Department positions, or evaded the questions altogether.

The PLRA establishes a 2-year limitation on most consent decrees governing prison operations. If after the 2 years, a constitutional violation continues to exist, the law provides that a prisoner may petition a court to extend the term of the decree. When asked whether the Department was correct to argue that PLRA places the burden of proof on a defendant seeking to be relieved from a prison consent decree to prove that constitutional violations no longer exist, rather than on a prisoner seeking extension of a decree to show

that violations continue to exist, Lee argued that the Department's "approach seems sensible to me." But the Department's approach undermines the spirit of the law, which places limits on judicial control of our prisons absent proof of a continuing constitutional violation.

Mr. Lee's support for the Justice Department's efforts to undermine the effectiveness of the Prison Litigation Reform Act further justify opposition to his nomination. This view is yet another example of Mr. Lee's approach to the law, which suggests that when confronted with a law he doesn't like, he creatively interprets the law in the narrowest possible fashion, to allow him to pursue his ends contrary to the spirit, if not the letter, of the law. That is unacceptable for one seeking to enforce the Nation's civil rights laws.

VI. LOS ANGELES CONSENT DECREE CASE

I am also troubled by Mr. Lee's involvement in an apparent effort to rush through a consent decree in Los Angeles that would have bound the city to racial and gender hiring goals for 18 years. Mr. Lee and other attorneys in the case sought to have the proposed consent decree approved by the city council and then by a magistrate judge on the very day that the citizens of California were voting on proposition 209. Proposition 209 would quite likely prohibit enforcement of the goals in the proposed decree. But by its terms, the proposition does not apply to consent decrees in force prior to its effective date. The decree was taken to the magistrate without notice to the district judge presiding over the case, as was required by local court rules; and more importantly in my view, Mr. Lee sought to have the decree approved without a fairness hearing to assess the impact of the decree on individuals who might in the future be affected by its terms, but who were not represented in the negotiations.

It should be noted that even Los Angeles Mayor Richard Riordan, a supporter of Mr. Lee's nomination, and then-Los Angeles Police Commission President Raymond Fisher, the President's nominee to be Associate Attorney General, both opposed the proposed decree. Mayor Riordan expressed concern about the scope of outside enforcement authority under the decree, and Mr. Fisher called the decree "extremely intrusive to the operations of the [police] department." To seek even partial approval of a decree raising such concerns, without benefit of a fairness hearing, raises legitimate questions.

The district court judge, learning of the parties' ploy through media accounts, resumed control over the case, citing the significance of a decree that would bind a government for 18 years, and remarked that the decree "may present substantial constitutional questions." The judge later noted in a memorandum order that

. . . the unusual procedures employed by the existing parties in this case—seeking

same-day approval of the Proposed Decree and requesting that no fairness hearing be held—certainly raise alarm bells about the adequacy of their representation [of potentially affected individuals not represented in the negotiations].

Mr. President, the very core of what we must expect of an Assistant Attorney General for Civil Rights is a steadfast concern that every individual be treated fairly—equally—under our laws. Mr. Lee's involvement in an effort to lock in 18-year racial hiring goals for public employment without an opportunity first to consider the impact of that race consciousness on individuals who may fall on the wrong side of those goals, suggests a willingness to place group representation above the rights of individuals to be treated equally under the law. As Senators sworn to uphold the Constitution, we have a responsibility to reject that priority for the Nation's defender of civil rights. While I do not question Mr. Lee's integrity, I am concerned about his commitment to serve every citizen of the Nation in equal measure.

Selecting an Assistant Attorney General for Civil Rights should not be a simple coronation of an effective civil rights litigator for a leading activist organization. Enforcing the Nation's laws on behalf of every American citizen is a profoundly different role. Despite that, Mr. Lee seems simply unable to distinguish his role as NAACP activist litigator, and the role of Assistant Attorney General. When asked by the Judiciary Committee to list cases he filed at the LDF which he would not file as Assistant Attorney General, Mr. Lee simply replied that, as a jurisdictional matter, he could not bring State law claims as Assistant Attorney General. Everything else is apparently fair game. Clearly then, Mr. Lee is unable to distinguish the substantive role of law enforcer for all citizens from that of a private activist litigator charged with pushing the limits of the law. That is unacceptable for an individual seeking to take the reins of the Civil Rights Division's massive enforcement apparatus.

VII. DEVAL PATRICK AND CONSENT DECREE ACTIVISM

Mr. Lee's supporters have characterized him as a "pragmatist"—a "practical litigator," rather than a pro-preference ideologue. That is a familiar tune in this debate. Three years ago, the President nominated another individual who was widely hailed as a pragmatist. Deval Patrick, another man for whom I have a high personal regard, was described by one paper as "a practically oriented working lawyer." Based upon those assurances, I resolved to set aside my concerns about Mr. Patrick's views, gave him the benefit of the doubt, and supported his nomination.

But upon assuming the reins of the Civil Rights Division, Mr. Patrick revealed himself to be a liberal civil rights ideologue. He used statistical racial imbalances and the vast resources of the Justice Department to extract

race-conscious settlements from businesses and governments, large and small. For example, he undertook a credit-bias probe of Chevy Chase Savings & Loan in Maryland based largely on the fact that the bank had opened branch offices in the District of Columbia suburbs, but not in the city itself. There was no evidence that the bank had discriminated against qualified individuals seeking bank services. Nevertheless, Mr. Patrick entered into a consent decree that essentially forced the bank to open a branch in a low-income District neighborhood, and measures the bank's compliance with the decree by assessing whether the bank achieves a loan market share in minority neighborhoods that is reasonably comparable to its share in nonminority neighborhoods. Mr. Patrick's Civil Rights Division took it upon itself to decide where a bank must do business, and then implemented dubious statistical measurements to determine whether the bank's efforts stayed clear of the division's view of the law.

Mr. Patrick also forced municipalities across the country to abandon tests used to evaluate candidates for local police forces. In Nassau County, NY, Patrick entered into a consent decree that forced the county to abandon a rigorous test that yielded a differential passage rate for different ethnic groups. The test now used by the county, after the expenditure of millions of dollars in the action, is so weak that the reading portion of the exam is now graded on a pass/fail basis. A candidate passes the reading test if he or she reads at the level of the lowest 1 percent of existing officers. So much for high standards.

In another case, Mr. Patrick ordered Fullerton, CA to set aside 9 percent of its police and fire department positions for African-Americans, despite the fact that fewer than 2 percent of the city's residents are black.

These cases suggest the damage that can be done when the resources of the Justice Department are brought to bear to force defendants into consent decrees. Such decrees are often attractive to both parties. Preference ideologue in the Justice Department win so-called voluntary commitments to undertake constitutionally suspect race-conscious action to eliminate racial disparities; defendants save millions of dollars in legal fees and receive a public disclaimer of liability. Everyone wins, except for consumers and individuals on the losing end of the racial or gender goals and preferences.

Given Deval Patrick's excesses in the Department, I am unprepared to again give the benefit of the doubt to a liberal activist nominee described by political allies as a pragmatist and a conciliator. When asked at his hearing how he would differentiate his views from those of Mr. Patrick, Bill Lee was unable to muster a response.

VIII. CONCLUSION

I am sad to say, Mr. President, that Bill Lann Lee has fallen victim to

President Clinton's double-talk on the issue of racial and gender preferences. In the wake of the Adarand decision, the President pledged to "mend it, not end it." In practice, however, the President's policy on preferences can more accurately be described as "don't mend it, extend it." In fact, while the Congressional Research Service tells us that there are at least 160 Federal programs containing presumptively unconstitutional racial preferences, the President has seen fit to eliminate fewer than a handful of them. When Mr. Lee was asked to suggest real or hypothetical Federal programs that may not meet constitutional muster, he was able to come up with a whopping one—one that the Clinton administration had already seen fit to eliminate. In fact, the Clinton administration has sought to pitch Mr. Lee, and itself, as something they simply are not—centrists on civil rights policy.

In the end, my decision today is an unhappy one. It brings me no pleasure to oppose the nomination of this fine activist lawyer and this very fine human being. But fine human beings—and certainly fine lawyers—can make mistakes. And they can approach the law in a way that is flawed, and that disservices the laws they are sworn to uphold. That is the case with this nomination. Bill Lann Lee's long record of public service must ultimately be reconciled with the role he seeks. The Assistant Attorney General is America's civil rights law enforcer, not an advocate for the political left.

Unfortunately, Mr. Lee's understanding of the Nation's civil rights laws is sufficiently cramped and distorted to compel my opposition. The Assistant Attorney General for Civil Rights must abide by the law. In matters ranging from racial preferences, to proposition 209, to the Prison Litigation Reform Act, Mr. Lee has demonstrated a decided reluctance to enforce our Nation's civil rights laws as intended, and in some cases his litigation efforts expose an outright hostility to it. The Civil Rights Division requires a better approach, and our courts, the Senate, and the Nation demand it. It is for that reason that I must oppose this unfortunate nomination.

Mr. President, I ask unanimous consent that I be permitted to enter into the RECORD several items that echo my concerns about Mr. Lee's record. I would like to enter a letter from 16 Republican members of the California congressional delegation; a statement from California Gov. Pete Wilson; and letters from Mr. Ward Connerly of the American Civil Rights Institute in California, and Ms. Susan Au Allen, president of the U.S. Pan-Asian American Chamber of Commerce.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, October 30, 1997.

Hon. ORRIN G. HATCH,
Chairman, Senate Committee on the Judiciary,
Washington, DC

DEAR MR. CHAIRMAN: We, the undersigned members of the California Congressional delegation, wish to express our deep concern regarding the confirmation of Mr. Bill Lann Lee as the Assistant Attorney General for Civil Rights. This confirmation is of particular concern to California.

California Governor Pete Wilson said, "All of the relevant evidence suggests that Mr. Bill Lann Lee will not enforce the civil rights laws as defined by the courts but as desired by special interest advocates of unconstitutional and unfair preferences. It is time we had a civil rights enforcer who enforced the law, not distorted it."

We find it very disturbing that Mr. Lee has actively advocated quotas and preferences. He attempted to force through a consent decree mandating racial and gender preferences in the Los Angeles Police Department. The Washington, DC-based Institute for Justice issued a twenty-page report on Lee's litigation for the NAACP Legal Defense Fund, which has furthered legal action challenging the California Civil Rights Initiative and supported racial preferences and forced busing. The study's author and Institute director Clint Bolick stated, "Lee's assault on Proposition 209 and his support of racial preferences raises serious questions about his suitability as the nation's top civil rights official." Mr. Bolick further stated, "Unless Lee makes clear he will not transfer his personal agenda to the Justice Department, the Senate should not confirm him."

It appears to be fundamentally incompatible for the Senate to confirm as the Assistant Attorney General for Civil Rights an individual with a record of advocating racial discrimination through quotas and preferences. We respectfully urge the Senate Judiciary Committee to carefully and thoroughly review Mr. Lee's philosophy on basic civil rights issues before voting on his confirmation.

Sincerely,

HOWARD "BUCK" MCKEON.
DANA ROHRBACHER.
KEN CALVERT.
JAMES E. ROGAN.
ED ROYCE.
FRANK RIGGS.
ELTON GALLEGLY.
DAVID DREIER.
JERRY LEWIS.
WALLY HERGER.
RON PACKARD.
SONNY BONO.
JOHN T. DOOLITTLE.
BRIAN BLBRAY.
TOM CAMPBELL.
"DUKE" CUNNINGHAM.

AMERICAN CIVIL RIGHTS COALITION,
Sacramento, CA, October 23, 1997.

Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: I watched with interest yesterday's hearing on the nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights. Prior to the hearing, my organization hesitated in taking a formal position on his nomination.

However, his comments of yesterday—namely, that he believes Proposition 209 is "unconstitutional" and that he disagrees with *Adarand v. Pena*—lead us to believe the most powerful civil rights law enforcement position in the United States belongs not to Mr. Lee, but to a nominee who respects the law of the land.

As of today, the American Civil Rights Institute is formally opposing Mr. Lee's nomi-

nation to this post and encourages your leadership in rejecting this nomination. An individual who neither understands or respects the people's and the court's commitment to race-neutral laws and policies does not deserve this important position.

Sincerely,

WARD CONNERLY,
Chairman.

STATE OF CALIFORNIA,
GOVERNOR'S COMMUNICATIONS OFFICE,
September 25, 1997.

[Memorandum]

To: John Kramer, Institute of Justice.

From: Kim Walsh.

Subject: Statement from Governor Wilson.

Summary: Below is a statement from Governor Pete Wilson regarding the nomination of Bill Lann Lee as Assistant Attorney General:

"All of the relevant evidence suggests that Mr. Bill Lann Lee will not enforce the civil rights laws as defined by the courts but as desired by special interest advocates of unconstitutional and unfair preferences. It is time we had a civil rights enforcer who enforced the law, not distorted it."

UNITED STATES PAN ASIAN
AMERICAN CHAMBER OF COMMERCE,
Washington, DC, October 28, 1997.

Re: Nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights.

Hon. ORRIN HATCH,
Chairman, Senate Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: Please vote against the nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights. I enclose a copy of the actual testimony I gave at Mr. Lee's nomination hearing before the Senate Committee on the Judiciary Last week.

Mr. Lee believes the California Civil Rights Initiative (Proposition 209) is unconstitutional. Thus, he is the wrong person to hold the nation's top civil rights enforcer position.

Proposition 209 mirrors the language of the Civil Rights Act of 1964. Mr. Lee's latest assertions during his nomination hearing, of his opposition against Proposition 209, adds to our apprehension that he will further divide America along racial lines because of his conviction that civil rights are not for all Americans, but select Americans based on their race and gender. Should he become the nation's top civil rights enforcer, he will have 250 lawyers to help him do the job. This must not happen. America cannot afford it.

I ask you to vote against his nomination as the Assistant Attorney General for Civil Rights.

Sincerely,

SUSAN AU ALLEN.

Mr. HATCH. Mr. President, I yield the floor.

Mr. ROBERTS addressed the Chair.
The PRESIDING OFFICER (Mr. INHOFE). The Senator from Kansas is recognized.

WAIVING MANDATORY QUORUM IN RELATION TO
H.R. 2646

Mr. ROBERTS. Mr. President, I ask unanimous consent, pursuant to rule XXII, that the mandatory quorum in relation to H.R. 2646 be waived.

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

UNITED STATES PRESENCE IN
BOSNIA

Mr. ROBERTS. Mr. President, yesterday those who cover national security

policy and issues within our Nation's press reported the best-kept nonsecret in Washington; namely, what has already been discussed or leaked or trial ballooned or decided upon and reported for weeks in the United States and the international media has finally become public—sort of.

In the last days of this session, the administration apparently will now consult with the Congress and today announce what has been obvious, and that is, Mr. President, that the United States has no intention of leaving Bosnia by the once stated deadline of the 8th of June of next year.

President Clinton has not said this outright. The position to date is that he has not ruled out staying beyond June 8. However, given the overall goals of the Dayton accords in juxtaposition with the ongoing ethnic apartheid reality in Bosnia, the concern of our allies, the coming of winter in Bosnia, and the crucial and obvious need for U.S. and allied commanders to have enough time for central planning have all forced the administration's hand.

Simply put, the clock is moving toward the stated deadline to have the SFOR mission in Bosnia completed. And simply put, whatever that mission is and despite recent and obvious changes under our stated mission, it is not complete.

It is long past the time for the President and his national security team to simply tell it like it is. Despite the past promises to limit our engagement to 1 year, and then 2 years, and now indefinitely—I might add, promises that should not have been made and could not be kept—we are in Bosnia, for better or worse, for the long haul.

First of all, our commanders and troops in the field know there are many actions that need to take place now or should have already taken place if, in fact, we are serious about ending the commitment in Bosnia in June 1998. From a military point of view, we have established significant infrastructure in Bosnia to support the SFOR troops, and unless we just intend at great cost to abandon what we have established—and we are not going to do that—the military needs a plan and time to remove equipment, to disassemble buildings, to conduct the environmental cleanup and a myriad of other tasks.

Several months ago, I visited Bosnia, and I saw firsthand the extent of our involvement and developed an understanding of the complexity required to extract the SFOR troops should that decision be made. On that same trip, I visited Taszar, Hungary, the staging base for U.S. troops going into and coming out of Bosnia. Taszar also provides operational support for logistics in Bosnia.

I asked the commanding general in Taszar, what is the drop dead time to support an orderly withdrawal from Bosnia and fully restore the facilities in country? And his answer was, 9 to 10

months to do the job right. Guess what? We are already past that deadline. We should have already made the decision and started to work. But apparently we have not because the President has not publicly admitted what is obvious to most people—we have no intention of leaving Bosnia in June 1998. All I am asking of the President and the administration is to be candid, come before the people and explain his intention concerning our commitment in Bosnia.

Even a casual reading, Mr. President, of U.S. and European newspapers reveals numerous stories spelling out the need for continued presence of NATO forces past June 1998. These stories frequently quote U.S. administration and NATO ally decisionmakers. Let me give you an example of what I am talking about.

New York Times, just last week: "Policymakers Agree on Need to extend U.S. Mission in Bosnia."

The Clinton administration's top foreign policymakers have reached a broad consensus on the need to keep some American troops in Bosnia after their mission ends in June of next year.

The article further quoted the White House National Security Adviser, Sandy Berger: "We must not forget the important interests that led us to work for a more stable, more peaceful Bosnia" including European stability and NATO's own credibility, he said at Georgetown University. "The gains are not irreversible, and locking them in will require that the international community stay engaged in Bosnia for a good while to come."

In the Great Britain Guardian, also last week; "Bosnia forces await US Green light."

Although the multinational NATO-led Forces are supposed to disband next June, plans for a follow-on force—unofficially the Deterrent force (D-Force)—

We are going from IFOR to SFOR to DFOR—

have already begun.

The article continues:

But senior military officials are reluctant to talk openly—

Let me repeat this, Mr. President—

But senior military officials are reluctant to talk openly until a skeptical United States Congress has been convinced there is no alternative to staying on.

The Financial Times as of Tuesday, October 14: "Solana plea over Bosnia support."

Javier Solana, the NATO secretary general, made his strongest plea to date for "a long-term commitment" by the alliance to peacekeeping in Bosnia.

Continuing, the article states:

Following the lead of US administration officials who have recently started to prepare public opinion for some residual US role in Bosnia after the middle of next year, Mr. Solana said: "NATO troops cannot and will not stay indefinitely, but NATO has a long-term interest in and commitment to Bosnia."

The French Press Agency, 3 weeks ago: "A 'dissuasion' force to replace SFOR in Bosnia."

A "dissuasion" force will take over from the NATO-led Stabilization Force in Bosnia. . . . Defense Minister Volker Ruehe told the weekly Der Spiegel. The new "Deterrent Force" will be significantly smaller than SFOR, which [now] numbers 36,000 men. . .

These, Mr. President, are but a few examples of reports of a debate and subsequent decisions that apparently have taken place on future actions in Bosnia involving NATO and United States forces. But the sad commentary is that the Congress and the American people have been left out of this important discussion.

All I am asking, Mr. President,—I am referring to President Clinton—is for you to be candid. Let us have straight talk. Come clean. Come to the Congress. Tell us your plan. Let us know what your thoughts are and the forces required after June 1998.

It is my understanding that this afternoon, at approximately 4:30, that many Members of Congress, the Senate, will go to the White House to enter into a discussion finally on the administration's decision in regard to Bosnia.

I have tried to understand why the President is reluctant to directly engage the Members of this body on this vital foreign policy matter. Perhaps it is because there has been some misunderstanding or maybe even he has misled us on his intent in Bosnia for the past 3 years.

"We'll be out in just 1 year." That was the first statement that is starting to ring a little hollow on the Hill. Does he think that we are so naive that we will not notice that the term "SFOR" has been replaced by "DFOR," and we will think he has kept his commitment to end SFOR in June 1998? I think not. Mr. President, the issue is not the name of the commitment but the commitment itself. The use of United States forces in Bosnia is what we are concerned about.

Some have suggested that the reluctance on the part of the President is the concern of two events: NATO enlargement and the decision on Bosnia will happen at about the same time next year and that both will be negatively impacted in the debate in Congress. That certainly could happen.

He could be right, if an examination into the commitment in Bosnia and the debate on enlarging NATO occurs at the same time—that debate should take place at about the same time—and there will be troubling questions raised.

But the fact remains that we are in Bosnia, SFOR ends in June 1998, and the administration has done much work on the follow-on forces in Bosnia. Again, however, the administration has failed to include the Congress in its decision process. That time is now.

These questions are not difficult. They are challenging, but they are obvious.

I would like to review the requirement added to the defense appropriations bill that requires the President to provide certain information on our

Bosnian policy. This is a matter of law. These provisions are about being honest with the American public.

I want to thank the distinguished chairman of the Senate Appropriations Committee for referring to these amendments as the Roberts amendment. We have had long talks about the need to become candid.

Specifically, these provisions require the President to certify to Congress by May 15 that the continued presence of United States forces in Bosnia is in our national security interest and why. He must state the reasons for our deployment and the expected duration of deployment.

He must provide numbers of troops deployed, estimate the dollar costs involved, and give the effect of such deployment on the overall effectiveness of our overall United States forces.

Most importantly, the President must provide a clear statement of our mission and the objectives.

And he must provide an exit strategy for bringing our troops home.

If these specifics are not provided to the satisfaction of Congress, funding for military deployment in Bosnia will end next May. Let me repeat: We are requiring the administration to clearly articulate our Bosnia policy, justify the use of military forces, and tell us when and under what circumstances our troops can come home.

I do not think that is asking too much.

In my view, events of recent weeks make this an urgent matter, Mr. President. It has become increasingly clear that in the wake of the Dayton accords this administration has, to some degree, lost focus and purpose in Bosnia.

Just consider the following:

After drifting for months, and with elections on the near horizon, and the crippling winter only days away, I believe the mission has been changed. We have gone from peacekeeping, which is the stated goal, to peace enforcement with very dubious tactics.

Item. Troop protection, refugee relocation, democracy building, and economic restoration and, the other policy goal, "Oh, by the way, if we run across a war criminal, well, let's arrest him"—that has all been replaced.

Today, we see increased troop strength—we are not revolving the troops home—have picked a United States candidate for president of Bosnia—we are no longer neutral—we have embarked upon aggressive disarmament and the location, capture and prosecution of war criminals.

Is this mission creep or long overdue action? We do not know.

The world was treated to the spectacle of American troops, the symbol of defenders of freedom, taking over a Bosnian television station in an effort to muzzle its news. And the troops were then stoned by angry citizens.

In our new role as TV executives in Bosnia, we actually suggested what kind of programs could be run and what kind of programs could not be

run. We ordered TV stations to read an apology concerning their inaccurate and unfair broadcasting. We wrote the message for them and required they read it every day for 5 days.

Gen. Wesley Clark is now a new TV executive in determining what goes on television and what does not.

The Washington Times reported United States troops have become the butt of jokes in Bosnia because of pregnancies. It seems the pregnancy rate among our female soldiers is between 7.5 to 8.5 percent. The Bosnia media joked that the peacekeepers are breeding like rabbits while turning a blind eye to war criminals on the lam.

In a country where any benevolent leader is very scarce, we have chosen up sides, we have picked our candidates, supporting the cause of one candidate over another. I might add, that candidate has lost support as a result.

Elections were conducted, but to cast ballots, many citizens had to be bussed back to their homes, which they now cannot live in or may never occupy, and then bussed out.

NATO forces, which include U.S. troops, have been cast into the role of cops on the beat, chasing war crimes suspects. Just to arrest Mr. Karadzic, we are told, try him for war crimes and our problems will be solved. But as the New York Times recently pointed out: "[Mr.] Karadzic reflects widely held views in Serbian society." If you bring him to trial in The Hague, somebody else will take his place.

Do these events reflect a sound and defensible Bosnian policy that is in our national interest? Or do they sound an ominous alarm as America is dragged down into a Byzantine nightmare straight out of a Kafka novel?

Ask the basic question, "Who's in charge and where are we heading?" and to date there has been silence from the administration. But that silence speaks volumes, Mr. President, about the lack of direction and focus of our Bosnian policy.

If the provisions of the defense appropriations bill do nothing else, they should force a major reexamination of our Bosnian involvement from top to bottom.

As Chairman STEVENS, the distinguished chairman of the Senate Appropriations Committee, will tell you, our involvement in Bosnia has come at a large price. There are approximately 9,000 American troops in Bosnia. That is closer to 15,000 today. That is nearly one-third of the NATO troops involved.

Dollar costs are escalating. From 1992 until 1995, the United States spent about \$2.2 billion on various peacekeeping operations in the Balkans. From 1996 through 1998, costs are estimated to be \$7.8 billion. That figure, too, is escalating.

In justifying our policy in Bosnia, the administration must include a plan to fund the costs. Do they intend to take these rising costs out of the current defense budget, money we need for

modernization, procurement, quality of life for the armed services to protect our vital national security interests? Or is the administration prepared to come clean and ask for the money up front?

Finally, I offer these thoughts, Mr. President. All of us in this body desperately want lasting peace in Bosnia. I know it is easy to criticize, but we want the killing to stop. We all want that. We want stability in that part of the world. We do not want a Palestine in the middle of Central Europe. Permanent peace, permanent stability, but wishing—wishing—it does not make it so.

Richard Grenier, writing for the Washington Times, put it this way:

... generally speaking, Serbs didn't love Croats, Croats didn't love Serbs, nor did either of them love Muslims. Reciprocally, Muslims loved neither Croats or Serbs.

What happened to the lessons we're supposed to have learned in Beirut and Somalia? What happened to our swearing off of mission creep? In Beirut we were intervening in Lebanese domestic affairs, which led to the death of 241 U.S. Marines. Our mission in Somalia, originally purely humanitarian, expanded like a balloon as we thought, given our great talent, we could build a new Somali nation. [We all saw] what happened.

But here we go again in Bosnia. Once again our goal was at first laudably humanitarian: to stop the killing.

We have done that, thank goodness.

But it expanded as we thought how wonderful it would be if we could build a beautiful, tolerant, multi-ethnic Bosnia, on the model of American multiculturalism. . .

Gen. John Sheehan, a Marine general, just stated in the press—and a remarkable candidate interviewed just this past week—we can stay in Bosnia for 500 years and we would not solve the problem. It is a cultural war. It is an ethnic war.

The Bosnian situation is complex. And it is shrouded by centuries of conflict that only a few understand. They have had peace and stability and order and discipline only a few times in their history—the latest being with an iron fist by Marshal Tito.

Is that what NATO is going to be all about? What we have seen in recent months is a lull in the fighting, unfortunately not its end. It is a fragile peace held together only by continued presence of military force. How long can that continue? Are we prepared to pay the price?

National Security Adviser Sandy Berger said the United States must remain engaged in Bosnia beyond June of next year, but that continued American troop presence has not been decided.

This afternoon, when Members of Congress meet at the White House, it is time to decide what the specifics of our Bosnian policy will be.

Compare that statement of our National Security Adviser, Sandy Berger, with that of the advice of former Secretary of State Dr. Henry Kissinger, who wrote just this past week: "America must avoid drifting into crisis with

implications it may not be able to master" and that "America has no [vital] national interest for which to risk lives to produce a multiethnic state in Bosnia."

Mr. President, no more drift. It is time for candor and clear purpose. Let the debate begin when the White House meets, finally, with Members of Congress this afternoon.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. DODD. Mr. President, I know we have a vote at about 11 o'clock and my colleague from Georgia wants to be heard before that time. I will try and move this along.

Mr. President, the vote around 11 o'clock is on a cloture motion dealing with a proposal that has been offered by my colleague from Georgia, whom I respect greatly and agree with on many issues. On this one we disagree, not because of his intent at all, but rather because I am concerned it is not the best use of scarce resources. Even though our budget situation is vastly improved from what it was even a few months ago—with the deficit now down around to unimaginably low levels—still we must make careful decisions about how to best invest those dollars.

When you are trying to help out working parents with the costs of raising children, the question becomes one of priorities in allocating resources. As I understand it, if the cloture motion that will be offered shortly were to be agreed to, an amendment that I would like to offer would be foreclosed because it would probably not pass the procedural test of being germane. I am concerned about that, and for that reason will oppose the cloture motion.

The amendment I would offer, Mr. President, would propose a substitute to what our colleague from Georgia has offered. My proposal would allow for a refundable tax credit for child care. As it is right now, we have some 2 million American families—working families; not on welfare, but working—who don't have any tax liability at all and, therefore, cannot claim the current child care tax credit.

The affordability and quality of child care, Mr. President, is an area in which most Americans are developing a growing sense of concern. The recent tragedy in Massachusetts that we have all been witness to over the last several days, highlights the concerns that millions and millions of American families have today about who will care for their children and whether they can afford to place them in a quality environment.

In contrast, when we are talking about education, choices do exist for parents. There are 53 million American children who are in our elementary and secondary schools at this very hour. About 90 percent of them are in public

schools, about 10 percent in private and parochial schools. There is a choice, Mr. President. Parents have a choice. Now, it is expensive in some private and parochial schools, but the choice of free public schooling is there. It is not a great choice in many areas because of the condition of our public schools, but at least affordability is not an issue.

When it comes to child care, Mr. President, there really are not many choices available to parents. If you are coming off welfare, if you are working, you have to place your children somewhere. The issues of quality and accessibility are obviously important, but if you can't afford it at all, if you can't afford the \$4,000 to the \$9,000 a year that it costs to place your child in a child care setting, you have no choices.

Today, when we have working families out there that are barely making it and we have about \$2 billion in tax credits we can offer, I ask the question of my colleagues of whether we can't do something to help. While we might like to do everything for everyone if we could, given the choice of providing a tax credit to someone making \$85,000 a year to send their child to a private school or saying to a working family that is barely making it, here are some resources that will allow you to place your child while you work in a decent child care setting, what choice do we make? Do we provide a tax break, with all due respect, to people who have a choice? Or do we offer a refundable tax credit of roughly the same cost as Senator COVERDELL's amendment to working families, struggling to hold body and soul together—people who have no choices.

Mr. President, the other day there was an article in the Hartford Courant about a woman who has three children, making \$6.50 an hour. She has a small apartment and a 1981 automobile. Now she is about to leave welfare. She will lose her welfare benefits of \$500 or \$600 a month. That ends this week. Now, at \$6.50 an hour, with three kids, trying to keep an apartment, trying to keep her family going, I would like to say to her I can't do everything for you with regard to your children as you go to work. But I would at least like to say that I can offer you a refundable tax credit—because at \$6.50 an hour you are not paying taxes—and give you a break to see that your three children can be in a child care setting where they may be safe.

The question is, do I try to help her? Or, with all due respect, do I instead help someone making—\$50,000, \$60,000, or \$70,000 a year to go to a private school in Washington, Maryland or Virginia? Those are the kind of choices we have to make.

I argue very strongly that when you have limited resources, let's put them to work for people who are struggling out there, who need the help the most. Because I can't offer an amendment that I think would make the right choice if cloture were adopted, with all due respect to the authors of the amendment, I will oppose cloture.

I yield the floor.

Mr. COVERDELL. Mr. President, I ask unanimous consent that I be permitted to complete my remarks prior to the scheduled 11 a.m. vote.

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

Mr. COVERDELL. Mr. President, originally we were allocated some 15 minutes for comments prior to the vote. Under this unanimous consent, I yield up to 7 minutes of my time to my distinguished colleague from New Jersey.

Mr. TORRICELLI. I thank the Senator from Georgia for yielding.

Mr. President, through the years there has been no more compelling voice on the floor of this Senate for the interests of children and families than Senator DODD. Today is no exception. Senator DODD has made a compelling case for the need for child care in America. I could not agree more strongly. I wish he had a chance on this day to have his amendment offered, and I would join in voting with him.

The choice before the Senate today is not a choice between Senator COVERDELL's proposal and Senator DODD. Both have merit. I would support each. Senator COVERDELL's proposal is fully paid for by offsetting the elimination of a corporate deduction. It has no negative impact on the budget. It is paid for, as Senator DODD's amendment, indeed, can also be paid for.

What the Senate has before it today is a chance to escape this continuing nonproductive dialog about whether or not we will engage in vouchers for private school or leave the plight to private school students unanswered. Senator COVERDELL has offered an imaginative answer by expanding what is indeed a proposal that the Senate adopted earlier in the year for HOPE scholarships offered by President Clinton. By that same concept of allowing families to save their own money to make their own choices for the education of their families, Senator COVERDELL's proposal would be expanded to high school and grade school.

It is an economic sense and a compelling answer to a real national dilemma. First, that the education of a child and some of those decisions be retained by families, where families use their own resources—not just mothers and fathers but aunts, uncles, sister and brothers—who may not be able to put away \$2,000 or \$2,500 in a year with limited resources, but can on every birthday and every anniversary and every holiday put away \$10, \$20, and \$100 so that during the course of a child's life those resources are available, families are involved, using their money.

Second, it isn't just a question of whether this money would be available for private school students. The Joint Committee on Taxation estimates that 70 percent of the families who would avail themselves of these resources would be public school students because under the proposal that money is available to buy home computers or

transportation for extracurricular activities, school uniforms or, most importantly in my mind, after-school tutors to help with the advancing math and science curriculum in our schools.

Third, also a compelling aspect of this case is not only is it private money, not only would much of it go to public school students, but it will also stop potentially the hemorrhaging loss of private schools in this country. A parochial school in America closes every week. We are not opening up enough public schools to make up the difference. At a time when education is the Nation's principal challenge to our economic well-being, the number of classrooms and chairs for American students is declining. This is the use of private savings, private resources, to stop that hemorrhaging loss.

Critics argue this is money that is going to help the wealthiest families in America when we should be doing more for working families. On the contrary. First, there is a cap in the legislation of \$95,000 for single filing taxpayers. Overwhelmingly, three-quarters of this money is going to families that earn less than \$70,000 a year. This is the answer to giving working families a chance to get involved in the education of their children.

Mr. President, I make no case for the procedures involved in this. There are worthwhile additions to this bill I would like to support. Senator LANDRIEU and Senator GRAHAM have a worthwhile proposal for prepaid tuitions. I believe in Senator DODD's proposal for day care and child care. I would like to see the Senate address both. Indeed, in time, I hope and I trust that we will.

But on this day we address the question of whether or not families will be able to use their own resources to become involved in their own planning for their children's public or private education. This Congress has been presented with a series of challenges by the President. One was to address new resources to education. We do it. Second, to get families back involved. We do it. Third, he has stated a great national goal to get every school in America online into the new century. We go beyond it. Sixty percent of American families and 85 percent of minority students have no access to a home computer. They are not going to school on an equal basis with all other American students. They don't have it for their homework, they don't have it for composition, they don't have it for research. The Internet and those computers are the principal tool for American students in the 21st century.

Under the Coverdell-Torricelli proposal not only will America schools be online but so will American families at home because these students can use these A-plus accounts to buy that equipment for home.

Mr. President, I join with Senator COVERDELL on this day, asking that this be a genuinely bipartisan answer

for a genuinely bipartisan problem. Education is the American issue of these last years of the 21st century. It is the question of whether or not America maintains our standard of living and is economically competitive. Education is an issue without par in this Congress and in this country. This may not be a total answer. It is certainly not the last of the answer but it is an important addition for the labyrinth of issues and questions we must walk through in answering the education question.

Mr. President, I thank the Senator from Georgia for yielding the time.

Mr. COVERDELL. Mr. President, I want to compliment the Senator from New Jersey for his remarks, and more importantly, for his steadfast support of this proposal, and not always under the easiest of circumstances. He has been a great colleague and advocate and I have enjoyed working with him on this proposal.

Where we find ourselves, moments away from this vote, Mr. President, is that the filibuster could not be broken last week and it was suggested that if we could just iron out a few amendments that both sides would come together.

Over the weekend we suggested that we would agree to two or three amendments on both sides and try to proceed. That would require a unanimous consent, or for those listening, a unanimous agreement—everybody will have to agree. The other side of the aisle cannot secure that.

Given the hour of this session, this is no time to open it up to a free-for-all. So the filibuster will probably continue and my prediction is, fall a vote or two short of ending the filibuster and proceeding with what would be easy passage of the education savings account. It is unfortunate, because every time we delay these ideas another week, another month, we just slow down the great need to get at the problems in education in grades kindergarten through high school. Every time we delay, we create another student whose economic opportunity, whose challenges in this society will be inhibited because of a lack of resources that might have been made available to that child.

However, the adoption of this concept is inevitable. The status quo, which has fought from day one and continues to do everything it can to block almost any new idea, will not prevail. The American people will override the status quo, and ideas like the education savings account are going to become law. My prediction is that, come February 1998, this proposal will be back before us and we will ultimately secure passage of it.

Just a reminder. Mr. President, the education savings account will allow families to save up to \$2,500 a year of their own aftertax money, and the interest buildup would not be taxed if the proceeds of the principal and interest are used to help an education purpose—

essentially, grades kindergarten through high school, which is where our problems are; although it could be used in college.

Senator DODD, in his remarks, inferred that these were resources that were going to allow somebody to enjoy private education. I think it's important that we take an overview of the entire proposal. The Joint Committee on Taxation says that the education savings account will be used by 14 million American families. That probably equates to 20 to 25 million children that would be the beneficiaries of this concept. That is almost half the school population in the United States that would benefit from this new structure, this education savings account. And 10.8 million of these families would be families with children in public schools. Seventy percent of all the value of these savings accounts will go to augment public schools. Thirty percent will augment those that are in a private school.

It is statistically insignificant, but it is a fact that some families will use the account to change schools. But in the overall picture, you are essentially bringing new dollars that don't have to be taxed, new dollars that people are saving themselves and, as Senator TORRICELLI said, families becoming involved, families setting aside money to augment the child's education deficiency.

Now, I call these dollars smart dollars. They are smart dollars because the family is directing their expenditure, and we know that it will, therefore, go to the exact child deficiency, which may be the fact that the child does not have a home computer; it may be that the child needs a math tutor; it may be that the child is experiencing dyslexia or some medical problem and the family will be able to augment and help support a learning disability. Well, the list goes on and on and on, as to the kind of particular or peculiar deficiencies that the child may suffer. This allows a resource to be gathered together to be put right on the problem. Unfortunately, you can't get that kind of utility for most public dollars.

As Senator TORRICELLI said, 70 percent of all these resources will assist families making \$75,000 or less. So it's going right to the hardest pressed, the middle class. It's right on target.

Mr. President, there is another unique feature about the education savings account. The education savings account, which for most people would resemble an IRA, is different in that it would allow sponsors to contribute to the account. That could be an extended family member, an uncle, aunt, cousin, grandparent. More importantly, it could be a church, it could be an employer, it could be a community assistance organization, it could be a labor union. The imagination can't even perceive the kinds of community activities. How often have we seen a law enforcement officer fall in the line of duty and the community wants to

come forward to help? This is the kind of tool that would be used. That community could set up an education savings account for the surviving children so that they would be more able to deal with their educational needs as they grow older without their father or mother.

I can envision a company saying, well, we will put \$50 a month in the account for the children that work for our employees if the employee will match it. By the end of the year, that would be half of the amount of money that is legally available; that would be \$1,200. So it's an instrument that allows the entire community, the entire family to bring together resources to help with whatever problem that child may confront when they get to school.

The other side has tried to describe it as a voucher. It's not. A voucher is public money given to the parents to decide what to do with. This is the parents' money. This is private money. We are allowing the parents an opportunity to get focused on that child's education, and just with the attention alone in creating 14 million family accounts like this, there will be an attitude change. You know, they can get focused on it and they think of their child and what that child needs, and they will have an exhilarated feeling of putting a resource in that account once a month, or every quarter, or on holidays, as Senator TORRICELLI said.

They have said this goes to the wealthy. It does not. It goes to the middle class. They have even said, at one point, well, it doesn't amount to much. If it doesn't, I can't imagine why in the devil I am facing this filibuster and why the President said he would veto the entire tax relief plan if this proposal were in the tax relief bill.

Mr. President, this is an idea whose time has come. The education savings account is going to become law. It is just a matter of time. I hoped we could do it in this session, but I think the filibuster is, once again, going to deny a good idea. America, as Senator TORRICELLI said, is focused on education. It will not accept the status quo. It is going to force new ideas. We cannot afford to have a failed elementary education system in place as we come to the new century.

So, Mr. President, I thank my colleagues on the other side of the aisle that have stood up to the special interests and have said we are going to change the status quo. I appreciate all the assistance from the colleagues on my side of the aisle.

I yield the floor.

Mr. GRAMS. Mr. President, today we will vote on whether to invoke cloture on a bill—H.R. 2646—that would allow parents to save money for their children's education without incurring tax liability.

The proposed new education savings account, which expands existing law, would allow families to contribute up to \$2,500 per year in a savings account for a variety of public or private education-related expenses. Congress had

earlier voted to support the Coverdell amendment 59 to 41, on June 27.

Currently, the reconciliation law we passed this year as part of the budget agreement, allows parents to save up to \$500 per year for their children's college education without penalty.

The new education savings accounts are more expansive in that they allow the money to be used for children's kindergarten through 12th grade education expenses as well as college.

Our adoption of this bill without further delay comes at a notable time, a time of increasing focus on the future of America's children. Just over a week ago, the White House held a summit intended to bring children's issues into the forefront as a national priority.

What better way to turn consensus-building into action than to give parents the practical tool which the Coverdell bill supplies; a tool which allows parents to better provide options for their children's education.

The education savings accounts help working families. They are a good complement to the \$500 per child tax credit I have long championed, which was included in the tax bill this year. They encourage savings and allow families to make plans which shape a child's future.

This provision is directed at low and middle income families, not wealthy families who currently have education options. All families should have a better opportunity to choose the best education for their children.

According to the Joint Committee on Taxation, the great majority of families expected to take advantage of the education savings accounts have incomes of \$75,000 or less.

In other words, in families where both parents are working, individual parent income is at the very most an average of \$37,500 in more than two-thirds of the families expected to take advantage of this legislation. Clearly, these are the families who need our help the most.

Mr. President, this important legislation offers a real solution for America's working families. We must act now to help families best provide for one of life's most basic necessities—a child's education.

Mr. KENNEDY. Mr. President, I oppose the Coverdell bill because it uses regressive tax policy to subsidize vouchers for private schools. It does not give any real financial help to low-income, working- and middle-class families, and it does not help children in the nation's classrooms. What it does is undermine public schools and provide yet another tax giveaway for the wealthy.

Public education is one of the great successes of American democracy. It makes no sense for Congress to undermine it. This bill turns its back on the Nation's long-standing support of public schools and earmarks tax dollars for private schools. This bill is a fundamental step in the wrong direction for education and for the Nation's children.

Senator COVERDELL's proposal would spend \$2.5 billion over the next 5 years on subsidies to help wealthy people pay the private school expenses they already pay, and do nothing to help children in public schools get a better education.

It is important to strengthen our national investment in education. We should invest more in improving public schools by fixing leaky roofs and crumbling buildings, by recruiting and preparing excellent teachers, and by taking many other steps.

If we have \$2.5 billion more to spend on elementary and secondary education, we should spend it to deal with these problems. We should not invest in bad education policy and bad tax policy. We should support teachers and rebuild schools—not build tax shelters for the wealthy.

Proponents of the bill claim that it deserves our support because the Joint Committee on Taxation estimates that almost 75 percent of funds will go to public school students.

But they're distorting the facts. According to the Department of Treasury, 70 percent of the benefit of the bill would go to those families in the highest income brackets. An October 28, 1997, Joint Tax Committee memorandum states that 83 percent of families with children in private schools would use this account, but only 28 percent of families with children in public schools would make use of it. It is a sham to pretend that the bill is not providing a subsidy for private schools. The overwhelming majority of the benefits go to high-income families who are already sending their children to private school, and does nothing to improve public education.

In fact, the Joint Tax Committee memorandum clearly confirms this basic point that the bill disproportionately benefits families who send their children to private schools. As the committee memorandum states, "The dollar benefit to returns with children in public schools is assumed to be significantly lower than that attributable to returns with children in private schools."

Proponents of the bill claim that 70 percent of the benefits from the Coverdell accounts would go to families that earn under \$70,000 a year.

But again, they're distorting the facts. The facts are that the majority of the benefits under the proposal go to upper income families. Only about 10 percent of taxpayers have incomes between \$70,000 and the capped income levels. Therefore, 30% of the benefits would go to just 10 percent of the taxpayers. In addition, the majority of the benefits for families who earn under \$70,000 a year go to those earning between \$55,000 and \$70,000 a year.

Other families will get almost no tax break from this legislation. Families earning less than \$50,000 a year will get a tax cut of \$2.50 a year from this legislation—\$2.50. You can't even buy a good box of crayons for that amount.

Families in the lowest income brackets—those making less than \$17,000 a year—will get a tax cut of all of \$1—\$1. But, a family earning over \$93,000 will get \$97.

Proponents also claim that these IRA's do not use public money. The money invested in the accounts, whether by individuals, their employer, or their labor union is their own money, not public funds.

But the loss to the Treasury is clear. This proposal will cost the Treasury \$2.5 billion in the first 5 years. It is nonsense to pretend that these funds are not a Federal subsidy to private schools.

Scarce tax dollars should be targeted to public schools, which don't have the luxury of closing their doors to students who pose special challenges, such as children with disabilities, limited English-proficient children, or homeless students. Private schools can decide whether to accept a child or not. The real choice under this bill goes to the schools, not the parents. We should not use public tax dollars to support schools that select some children and reject others.

We all want children to get the best possible education. We should be doing more—much more—to support efforts to improve local public schools. We should oppose any plan that would undermine those efforts.

This bill is simply private school vouchers under another name. It is wrong for Congress to subsidize private schools. We should improve our public schools—not abandon them.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Kelly Miller be granted floor privileges during this vote.

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

CLOTURE MOTION

The PRESIDING OFFICER (Mr. ALLARD). Pursuant to rule XXII, the clerk will report the motion to invoke cloture on H.R. 2646.

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, do hereby move to bring to a close debate on H.R. 2646, the Education Savings Act for Public and Private Schools.

Trent Lott, Paul Coverdell, Robert F. Bennett, Pat Roberts, Strom Thurmond, Gordon H. Smith, Bill Frist, Mike DeWine, Larry E. Craig, Don Nickles, Connie Mack, Jeff Sessions, Conrad Burns, Lauch Faircloth, Thad Cochran, and Wayne Allard.

CALL OF THE ROLL

The PRESIDING OFFICER. Under a previous order, the live quorum required under the rule has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 2646, the Education Savings Act for public and private schools, shall be brought to a close?

The yeas and nays are mandatory. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—56

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

NAYS—44

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

The PRESIDING OFFICER. On this vote the yeas are 56, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote and I move to table the motion.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for morning business until the hour of 12:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

Following morning business, the Senate would then stand in recess under the previous order until 2:30 p.m.

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

Mr. LOTT. Therefore, the next rollcall vote would occur at 2:30 p.m. That vote would be on the cloture motion with respect to the motion to proceed to the fast-track legislation.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

ADVANCE PLANNING AND COMPASSIONATE CARE ACT

Ms. COLLINS. Mr. President, last week I was pleased to join with my colleague from West Virginia, Senator ROCKEFELLER, in introducing S. 1345, the Advance Planning and Compassionate Care Act which is intended to improve the way we care for people at the end of their lives.

Noted health economist Uwe Reinhardt once observed that "Americans are the only people on earth who believe that death is negotiable." Advancements in medicine, public health, and technology have enabled more and more of us to live longer and healthier lives. However, when medical treatment can no longer promise a continuation of life, patients and their families should not have to fear that the process of dying will be marked by preventable pain, avoidable distress, or care that is inconsistent with their values or wishes.

The fact is, dying is a universal experience, and it is time to reexamine how we approach death and dying and how we care for people at the end of their lives. Clearly there is more that we can do to relieve suffering, respect personal choice and dignity, and provide opportunities for people to find meaning and comfort at life's conclusion.

Unfortunately, most Medicare patients and their physicians do not currently discuss death or routinely make advance plans for end-of-life care. As a result, about one-fourth of Medicare funds are now spent on care at the end of life that is geared toward expensive, high-technology interventions, and rescue care. While four out of five Americans say they would prefer to die at home, studies show that almost 80 percent die in institutions where they may be in pain, and where they are subjected to high-technology treatments that merely prolong suffering.

Moreover, according to a Dartmouth study released earlier this month, where a patient lives has a direct impact on how that patient dies. The study found that the amount of medical treatment Americans receive in their final months varies tremendously in the different parts of the country, and it concluded that the determination of whether or not an older patient dies in the hospital probably has more to do with the supply of hospital beds than the patient's needs or preference.

The Advance Planning and Compassionate Care Act is intended to help us improve the way our health care system serves patients at the end of their lives. Among other provisions, the bill makes a number of changes to the Patient Self-Determination Act of 1990 to facilitate appropriate discussions and individual autonomy in making difficult discussions about end-of-life care. For instance, the legislation requires that every Medicare beneficiary receiving care in a hospital or nursing facility be given the opportunity to discuss end-of-life care and the preparation of an advanced directive with an

appropriately trained professional within the institution. The legislation also requires that if a patient has an advanced directive, it must be displayed in a prominent place in the medical record so that all the doctors and nurses can clearly see it.

The legislation will expand access to effective and appropriate pain medications for Medicare beneficiaries at the end of their lives. Severe pain, including breakthrough pain that defies usual methods of pain control, is one of the most debilitating aspects of terminal illness. However, the only pain medication currently covered by Medicare in an outpatient setting is that which is administered by a portable pump.

It is widely recognized among physicians treating patients with cancer and other life-threatening diseases that self-administered pain medications, including oral drugs and transdermal patches, offer alternatives that are equally effective in controlling pain, more comfortable for the patient, and much less costly than the pump. Therefore, the Advance Planning and Compassionate Care Act would expand Medicare to cover self-administered pain medications prescribed for the relief of chronic pain in life-threatening diseases or conditions.

In addition, the legislation authorizes the Department of Health and Human Services to study end-of-life issues for Medicare and Medicaid patients and also to develop demonstration projects to develop models for end-of-life care for Medicare beneficiaries who do not qualify for the hospice benefit, but who still have chronic debilitating and ultimately fatal illnesses. Currently, in order for a Medicare beneficiary to qualify for the hospice benefit, a physician must document that the person has a life expectancy of 6 months or less. With some conditions—like congestive heart failure—it is difficult to project life expectancy with any certainty. However, these patients still need hospice-like services, including advance planning, support services, symptom management, and other services that are not currently available.

Finally, the legislation establishes a telephone hotline to provide consumer information and advice concerning advance directives, end-of-life issues and medical decision making and directs the Agency for Health Care Policy and Research to develop a research agenda for the development of quality measures for end-of-life care.

The legislation we are introducing today is particularly important in light of the current debate on physician-assisted suicide. As the Bangor Daily News pointed out in an editorial published earlier this year, the desire for assisted suicide is generally driven by concerns about the quality of care for the terminally ill; by the fear of prolonged pain, loss of dignity and emotional strain on family members. Such worries would recede and support for assisted suicide would evaporate if

better palliative care and more effective pain management were widely available. I ask unanimous consent that this editorial be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Ms. COLLINS. Mr. President, patients and their families should be able to trust that the care they receive at the end of their lives is not only of high quality, but also that it respects their desires for peace, autonomy, and dignity. The Advanced Planning and Compassionate Care Act that Senator ROCKEFELLER and I have introduced will give us some of the tools that we need to improve care of the dying in this country, and I urge my colleagues to join us in this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

EXPLOITATIVE CHILD LABOR

Mr. HARKIN. Mr. President, I want to speak for a few minutes about a very troubling shortcoming in the legislation to grant the President fast-track authority, and that is its failure to adequately address the issue of abusive and exploitative child labor.

First, let me discuss what I mean by exploitative child labor. It is a term well known in international relations. We are not talking about children who work part time after school or on weekends. There is nothing wrong with that. I worked in my youth. I bet the occupant of the Chair worked in his youth. There is nothing wrong with young people working. That is not the issue.

Exploitative child labor involves children under the age of 15, forced to work, many times in hazardous conditions, many under slave-like conditions, who sweat long hours for little or no pay. They are denied an education or the opportunity to grow and develop. It is the kind of work that endangers a child's physical and emotional well-being and growth. The International Labor Organization estimates that there are some 250 million children worldwide engaged in this sort of economic activity.

These are the kind of kids we are talking about. We are talking about this young Mexican girl, harvesting vegetables in the fields of Hidalgo State. They are out there working long hours, all day long. They are not in school. You know, my farmers in Iowa can compete with anybody around the world. That is why we have always believed in free trade. But we believe in a level playing field. My farmers cannot compete with this slave. That is what she is. You can dress it up in all kinds of fancy words and cover it up, but that girl out in that field is working under slave-like conditions because she has no other choice. And isn't that the definition of slavery?

She is not alone. It is in Pakistan and India, Bolivia, Southeast Asia, all around the world—children working under these kinds of conditions. I am not talking about after school. I am talking about kids who are denied an education, forced to work in fields and factories under hazardous conditions for little or no pay.

I have been working on this issue for a long time. In 1992 I introduced the Child Labor Deterrence Act, to try to end abusive and exploitative child labor. It would have banned the importation of all goods into the United States made by abusive and exploitative child labor.

Some have said this is revolutionary, but I don't believe so. I believe it is written in the most conservative of all ideas that this country stands for; that international trade cannot ignore international values.

Would the President of the United States ever send a bill to Congress dealing with free trade or opening up trade with a country that employed slave labor? Of course not; he would be laughed off the floor. But what about this young girl? What about the millions more like her around the world? They are as good as slaves because they don't have any other choice and they are forced to do this under the guise of free trade.

We, as a nation, cannot ignore, this. In 1993, this Senate put itself on record in opposition to the exploitation of children by passing a sense-of-the-Senate resolution that I submitted.

In 1994, as chairman of the Labor, Health and Human Services Appropriations Subcommittee, I requested the Department of Labor to begin a series of reports on child labor. Those reports, now three in number, represent the most thorough documentation ever assembled by the U.S. Government on this issue. They published three reports; the fourth will be completed shortly.

Earlier this year, I introduced a bill called the Child Labor Free Consumer Information Act, which would give consumers the power to decide through a voluntary labeling system whether they want to buy an article made by child labor or not. Every time you buy a shirt, it says on the shirt where it was made. It tells you how much cotton, how much polyester and how much nylon, et cetera, is in that shirt. It has a price tag on it and tells you how much it cost to buy. But it won't tell you what it may have cost a child to make that shirt or that pair of shoes or that glassware or that brass object or that soccer ball or any number of items, including the vegetables that this girl is harvesting in Mexico.

So we said, let's have a voluntary labeling system, and if a company wanted to import items into the United States, they could affix a label saying it was child labor free. In exchange for that label, they would have to agree to allow surprise inspections of their plants to ensure that no children were ever employed there.

To me, this puts the power in the hands of consumers. It gives us the information that we need to know. I still think this is the direction in which we ought to go, a labeling system, and we have experience in that.

Right now "RUGMARK" is being affixed to labels on rugs coming out of India and Nepal that verifies that rug was not made with child labor, and it is working. It is working well, because now the people authorized to use the "RUGMARK" label have to open up their plants for people to come in and make sure no children are employed there, and they get the label "RUGMARK," which certifies it was not made with child labor. The "RUGMARK" program also provides funds to build schools and provides teachers to educate these children so that they are not displaced. So if I, as a consumer, want to buy a nice hand-knotted rug, if I see that "RUGMARK" label, I know it was not made by child labor. More and more importers are importing "RUGMARK" rugs into this country. It has worked well in Europe, and now it is in the United States.

In October of this year, Congress passed into law another provision that I had worked on with Congressman SANDERS in the House. It is regarding section 307 of the Tariff Act of 1930, which makes it clear that goods made with forced or indentured labor are to be barred from entry into the United States. Section 307 of the tariff law of 1930 banned articles made by prison labor and forced labor from coming into this country. That has been on the books since 1930. What Congress passed was a clarification of that law or an explanation of that law to say that it also covers goods made by forced or indentured child labor. Congress passed it as part of the Treasury-Postal appropriations bill.

So you might say, Well, if you have done that, then there is nothing else to do. But that is only an appropriations bill, and it is only good for 1 year. We are now working with Customs officials to try to decide how they find those articles made by exploitative child labor. Again, it is only good for 1 year. Will we be able to put this into permanent law next year? I don't know. And that still does not address the issue of children who don't make goods bound for the U.S. market.

Right now, Mr. President, it is estimated somewhere in the neighborhood of 12.5 million kids around the world are involved in this kind of exploitative child labor, making goods that go into foreign trade that come into this country; 12.5 million kids, a large number being exploited for the economic gain of others.

Make no mistake about it, their economic gain is an economic loss for this child and their country and for the United States. Every child lost to the workplace in this manner is a child who will not learn a valuable skill to help their country develop economically or becoming a more active participant in the global markets.

We have done much to address the issue of exploitative child labor, but I am sorry to say that one of the most important measures that we will be asked to vote on this year or perhaps next year, depending on when it comes here for a vote—this bill, S. 1269, the so-called fast-track bill—does not recognize the depths of the problem of exploitative child labor and does little to help protect them from exploitation.

This bill protects songs. It protects computer chips. Let me read. Intellectual property. This bill, under part B, says, "the principal trade negotiating objectives." There are 15. Principal trade negotiating objectives. The first is reduction of barriers to trade in goods. The second is trade in services. The third is foreign investment. Fourth is intellectual property, and it says:

The principal negotiating objectives of the United States regarding intellectual property are—

And it has a bunch of things here. It says:

... to recognize and adequately protect intellectual property, including copyrights, patents, trademarks, semiconductor chip layout designs. . .

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I ask unanimous consent for 5 more minutes to finish up.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Three more minutes.

Mr. BOND. No objection.

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

Mr. HARKIN. Mr. President, I know people are here to speak. I just want to finish.

We are protecting semiconductor chip computer design layouts. If we can protect a song, we can protect a child. That is my bottom line on this. What do they do with child labor? Oh, it is back here on page 18, "It's the policy of the United States to reinforce trade agreements process by seeking to establish in the International Labor Organization"—the ILO—"a mechanism for the examination of, reporting on"—et cetera, and includes exploitative child labor. It doesn't mean a thing. I know all about the ILO. It is a great organization. It has absolutely zero enforcement powers.

If we can protect a song, why can't we protect a child? Why don't we elevate exploitative child labor to the same status as intellectual property rights? Let's make it a separate principal trade negotiating objective of this Government that when we negotiate a trade agreement with a country, yes, we will negotiate on trade in services and on foreign investment and intellectual property. But let's also put child labor right up there as one of the principal negotiating objectives of our Government.

I have an amendment drafted to that extent. It mirrors exactly what is done in intellectual property. We make this young girl the equivalent of a song or

a computer chip layout design. Anything less than that means that this fast-track legislation ought to be consigned to the trash heap of history. If we are not willing to take that kind of a step to announce it loudly and forcefully to the White House and to instruct the people who are involved in negotiating our trade agreements, then this body has no reason at all to pass fast-track legislation. We must elevate the issue of exploitative child labor to that level. Anything less will not do.

I yield the floor and thank my friend from Missouri for giving me the opportunity to finish my statement.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Missouri.

TRANSPORTATION REAUTHORIZATION BILL

Mr. BOND. Mr. President, I rise today to present to my colleagues what I think is a compromise that will help us get over a very difficult situation. I am very proud to be a member of the Environment and Public Works Committee and to have joined with the leadership of that committee—Chairman CHAFFEE, Senator WARNER, Ranking Member BAUCUS, and the other members of the committee, in reporting out what I believe is an excellent transportation reauthorization bill.

I think this is a bill that we need for the next 6 years. We need it for transportation, for safety, for economic development. The simple fact of the matter is, without discussing the whys, the "where we are" is we are not going to get that passed this year. There, in my view, is no way that we can get agreement, get it passed on the floor of the Senate, and agree with the House on a very different approach they are taking prior to the time we adjourn for the remainder of the year.

If we don't—and we had a hearing today in Environment and Public Works—No. 1, the Department of Transportation operations cannot continue, vitally needed safety programs cannot continue, transit programs cannot continue, and many States will not be able to let the contracts they need for major construction projects in the coming months because they will not have the obligational authority.

There is a lot of money in the States—over \$9 billion—that is unobligated that has been authorized, but the problem is very often it is in the wrong category. The States have money, but it may be in CMAQ when they need it in STP or the various different programs.

The question is, what are we going to do about it? Some in the House have presented a proposal that is sort of a 6-month extension. It keeps the old formula and tries to jam everything into 12 months. Frankly, that is very unfair to my State and quite a few other States that are known in this body as donor States.

I can assure you that any time we try to do something in the highway and

transportation area that gets us into a formula discussion, we are going to spend some time at it. I feel very strongly about the formulas, and I intend to express myself about them, as other Members should.

What are we going to do about it? What are we going to do about the fact that safety and transit programs run out and many States will not be able to let contracts they need for major projects at the end of the winter when they have to get ready for the summer construction season?

Today I presented to my colleagues in the Environment and Public Works Committee a compromise which I think enables us to continue these vitally important operations. Certainly highways and transportation are right at the top of the list of things that my constituents in Missouri want to see us do. It will enable us to come back after the first of the year, pass a 6-year reauthorization and do so without penalizing the States and the transit and the safety programs.

What we would do under my bill is provide 6 months of funding for the safety programs, the Department of Transportation operations and transit. For the unobligated balances, we would give the States complete flexibility. If they want to put surface transportation money into construction mitigation, they could do so, and they would be able to continue their operations and issue contracts through March 31.

Some States do not have enough unobligated balances to be able to continue their contracting authority through March 31 at the same rate they had done in this year or the previous year. So for those States, my measure would provide them an advance, an advance against what we are going to authorize in the bill that we must pass and that the President must sign so transportation can go forward in this country.

For most States, it means a small amount, but we would advance fund that money without regard to the formula. Say, for example, you had \$250 million in unobligated balances, but in the first 6 months in one of those years you obligated \$290 million. We would have the Department of Transportation advance \$40 million to that State so that between now and March 31, the State would be able to obligate \$290 million for transportation purposes.

Later on in the year, when that State's allocation is determined and, say, under the formula that State would get \$500 million from probably, say, \$800 million for the year, that \$40 million would be deducted from the allocations under the new authorization, and they would get \$760 million.

What this does, Mr. President, is allow us to keep things operating, keep contracts being let, keep transit programs and safety programs operating without getting bogged down in the formula fight.

As I said earlier, when I say "bogged down," I look forward to the very active discussion of the funding formula.

It is one of the most important things that we need to do around here in terms of economic development, transportation and safety. But it will take some time. I would envision that whenever the majority leader wants to schedule it, it would take at least a couple of weeks and maybe more. So while we are doing that, we should not cut off the transit, the safety, or the contracting obligation that the States would normally do.

As I said, we presented this at the EPW hearing this morning. We had a very good discussion with representatives of the National Governors' Association and the Department of Transportation.

Mr. President, the National Governors' Association has sent a letter signed by 39 Governors. Getting 39 Governors—having been one—I can tell you, to sign on a letter is not easy. But the Governors very simply said:

... it is imperative for the Senate to consider and pass short-term legislation providing funding for highway, transit, and safety programs and to complete a conference on that legislation with the House of Representatives. Such legislation would minimize the interruption in funding to State and local governments. It would also avoid the disastrous effects that a several-month lapse in authorization would have on many States' transportation programs.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

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

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, November 4, 1997.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT AND SENATOR DASCHLE: Given the very limited time remaining in this legislative session, it is imperative for the Senate to consider and pass short-term legislation providing funding for highway, transit, and safety programs and to complete a conference on that legislation with the House of Representatives. Such legislation would minimize the interruption in funding to state and local governments. It would also avoid the disastrous effects that a several-month lapse in authorization would have on many states' transportation programs.

Sincerely,

Governor George V. Voinovich; Governor Thomas R. Carper; Governor Edward T. Schafer, Co-Chair, Transportation Task Force; Governor Paul E. Patton, Co-Chair, Transportation Task Force; Governor Mike Huckabee; Governor Roy Romer; Governor Lawton Chiles; Governor Philip E. Batt; Governor Terry E. Brandstad; Governor Mike Foster; Governor Parris N. Glendening; Governor Arne H. Carlson; Governor Marc Racicot; Governor Jeanne Shaheen; Governor Jane Dee Hull; Governor Pete Wilson; Governor John G. Rowland; Governor Zell Miller; Governor Frank O'Bannon; Governor Bill Graves; Governor Angus S. King Jr.; Governor John Engler; Governor Mel Carnahan; Governor Bob Miller; Gov-

ernor Christine T. Whitman; Governor James B. Hunt Jr.; Governor David M. Beasley; Governor Don Sundquist; Governor Howard Dean, M.D.; Governor Gary Locke; Governor Tommy G. Thompson; Governor Benjamin J. Cayetano; Governor John A. Kitzhaber; Governor William J. Janklow; Governor Michael O. Leavitt; Governor Roy Lester Schneider, M.D.; Governor Cecil H. Underwood; Governor E. Benjamin Nelson; Governor Pedro Rosselló.

Mr. BOND. Mr. President, in conclusion, let me say that we have had good ideas from both sides of the aisle in the EPW Committee. We look forward to working with Chairman WARNER, Senator BAUCUS, Chairman CHAFEE, the other members of the committee.

I hope this is something that we could agree on and move forward on quickly so that our States and the traveling public will not suffer while we go through the very important discussions on coming up with a new highway funding formula.

I invite comments. I look forward to working with my colleagues. This one I hope we can do on a bipartisan basis without the regional differences that will inevitably arise when we begin discussion of the funding formula.

Mr. President, I appreciate the time, and I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, November 3, 1997, the Federal debt stood at \$5,427,078,768,247.28 (Five trillion, four hundred twenty-seven billion, seventy-eight million, seven hundred sixty-eight thousand, two hundred forty-seven dollars and twenty-eight cents).

Five years ago, November 3, 1992, the Federal debt stood at \$4,068,937,000,000 (Four trillion, sixty-eight billion, nine hundred thirty-seven million).

Ten years ago, November 3, 1987, the Federal debt stood at \$2,392,685,000,000 (Two trillion, three hundred ninety-two billion, six hundred eighty-five million).

Fifteen years ago, November 3, 1982, the Federal debt stood at \$1,142,065,000,000 (One trillion, one hundred forty-two billion, sixty-five million).

Twenty-five years ago, November 3, 1972, the Federal debt stood at \$435,625,000,000 (Four hundred thirty-five billion, six hundred twenty-five million) which reflects a debt increase of nearly \$5 trillion—\$4,991,453,768,247.28 (Four trillion, nine hundred ninety-one billion, four hundred fifty-three million, seven hundred sixty-eight thousand, two hundred forty-seven dollars and twenty-eight cents) during the past 25 years.

ENSURING THE HEALTH OF INTERNATIONALLY ADOPTED CHILDREN UNDER 10

Mr. ABRAHAM. Mr. President, I rise to express my support for H.R. 2464,

legislation to exempt internationally adopted children under age 10 from the immunization requirement that was contained in last year's immigration bill.

Mr. President, in my view it is important that the Federal Government not unnecessarily burden American parents who adopt foreign born children. The process of adopting a child abroad is already quite arduous and involves great emotional risk. The Federal Government should not make that process yet more difficult. It is particularly important that we not endanger the health of these children.

Last year's immigration bill unnecessarily and unintentionally made the process of adopting foreign born children more difficult.

I am, however, concerned that this bill did not go far enough. There are adopted children 10 years of age and older who do not need to be treated differently than those under 10 years old. Moreover, the problems with infected needles in many countries should give us serious pause as to whether immigrant children who are not adopted are undergoing undue risk.

I also want to call attention to a provision that I would have preferred not be in this bill—the provision requiring that parents of the exempted adopted children must sign an affidavit promising to vaccinate their children within 30 days or when it is medically appropriate. I think we do not want to imply in this or other legislation that the Federal Government cares more about children than parents do and, unfortunately, I think that is what this provision says.

Despite these reservations, I think that this is a good bill and it is an important bill for the many Americans who will be adopting children internationally both this year and in the years to come. I want to commend the sponsors of the bill and commend the leadership on this issue of the two Senators from Arizona, Senator KYL and Senator MCCAIN, who have helped see to it that this important correction in law will become a reality and thus help ensure the safe adoption of foreign-born children by American citizens.

ONE-CALL NOTIFICATION PROVISIONS

Mr. FAIRCLOTH. I would like to clarify the intent of the Commerce Committee's ISTEA transportation safety amendment as it relates to State one-call—call-before-you-dig—programs. It is my understanding that the one-call provisions of this amendment are the same as the provisions of S. 1115, the Comprehensive One-Call Notification Act of 1997.

Mr. LOTT. The Senator is correct. The minority leader and I introduced as S. 1115 on July 31. Thirteen of our colleagues have joined us as cosponsors to the bill, and the Committee on Commerce, Science, and Transportation held a hearing on the bill on September

17. I will be happy to respond to the Senator's questions.

Mr. FAIRCLOTH. I have received a number of calls and letters from North Carolina contractors concerned about this bill and its inclusion in ISTEA. As the leader knows, these companies are overwhelmingly small businesses, and they provide a large number of jobs for people in our States. However, when they think of the Federal Government and its regulators, they think of the Occupational Safety and Health Administration. Their experience with OSHA has not been good. The contractors are definitely not interested in seeing a toehold established for further regulation of this type under the guise of one-call notification. Can the leader tell me that the provisions we are talking about here will not be converted into a Federal regulatory program affecting small business?

Mr. LOTT. I can assure the Senator, most emphatically, that this will not happen. This is not a regulatory bill. The Lott-Daschle bill presumes that each State provides the legislative foundation for the one-call notification program in that State. Remember, all one-call programs are currently State programs, and this will remain unchanged. The sole aim of the bill is to encourage States to act voluntarily to improve their own State one-call programs by providing fiscal assistance for those States who want to do more.

Furthermore, this legislation does not regulate through the back door by imposing a Federal mandate on the States to modify their existing one-call programs. Rather, it makes funding available to improve these programs. To be eligible for the funding, the programs must meet certain minimum standards, but even those standards are performance-based, not prescriptive. And States will be involved in the rule-making which establishes these standards. No State has to apply for these funds if it doesn't wish to.

The bill does not preempt State law. Let me repeat that; no State law will be preempted. States continue to their responsibility for the regulations for notification prior to excavation and for location and for marking of underground facilities. Nothing in this bill changes this. States prescribe the details of one-call notification programs. This not something the Federal Government should do or is able to do effectively.

This bill is not intended to lead to a Federal regulatory program on the backs of small business. It is not intended to do this, and it will not do this.

Mr. FAIRCLOTH. I thank leader for that assurance.

Among the minimum standards required for a one-call notification program to be eligible for Federal assistance is the requirement for "appropriate participation" by all excavators and underground facility operators. "Appropriate participation" would be determined based on the "risks to pub-

lic safety, the environment, excavators and vital public services."

Contractors who visited my office see this as a loophole that could actually weaken State programs. The contractors are very concerned that the Federal Government would declare some situations to be low risk, and this would in turn encourage facility operators to seek exemptions from one-call requirements because their participation would be deemed no longer "appropriate".

Mr. LOTT. First, let me say to my colleague that I am very much in favor of encouraging Federal and State agencies put regulatory effort where the real risks are. We don't have so much money and so much desire to regulate that we can afford to spend our time and money regulating nonexistent risks. There is far too much regulating of fictitious risks going on in our economy today. So I think the emphasis on looking at actual risk is desirable. And the other side of it is that situations that pose a real risk should be covered, absolutely should be covered. We think the Lott-Daschle bill will encourage the States to look at risks that are not now covered and increase participation in one-call notification programs accordingly.

In answer to the contractors' contention, I would reply to them that the intent of this bill is to strengthen State one-call programs and not to weaken them. This is what the Congress is saying to the States with the Lott-Daschle bill: "Strengthen your programs. Strengthen your programs, and you will be rewarded."

And the Department of Transportation, which will administer this program, is saying the same thing. I recently received a letter from Secretary of Transportation Rodney E. Slater supporting the Lott-Daschle one-call notification bill. I put that letter in the RECORD of October 22. In his letter, Secretary Slater says, "safety is the Department of Transportation's highest priority."

Secretary Slater is not interested in weakening State one-call notification programs. A State that submits a grant application to the Department of Transportation with a weakened State one-call program is not going to see that application approved. The Department of Transportation will make sure of that.

Finally, the Lott-Daschle bill does not provide for a one-size-fits-all Federal determination of what constitutes a risk. Under the bill the intent is that the determination of risk will be made at the State level, where local conditions and practices can be taken into account.

This is another reason that I'm sure we don't need to be concerned about weakening State laws. States with strong laws are not going to undertake to weaken them in order to apply for a grant from the DOT under this bill. They know that DOT is trying to strengthen these laws. It just wouldn't make any sense.

A State which successfully confronted special interests and enacted a strong one-call program would be both unlikely and foolish to try to use this bill to weaken these programs. If a State were that misguided, the DOT is certain to reject their application.

This bill will mean stronger State one-call notification laws, more participation and better enforcement. That's why 15 Senators want to advance this legislation.

Mr. FAIRCLOTH. The contractors who visited my office felt that the bill is a dagger pointing at them, and that it unfairly singles out excavators as the cause of accidents at underground facilities. Can the bill be made more evenhanded?

Mr. LOTT. I believe the bill does attempt to be evenhanded. For example, finding (2) of the bill points to excavation without prior notice as a cause of accidents, but in the same phrase it includes failure to mark the location of underground facilities in an accurate or timely way as a cause as well. In truth, these are both causes of accidents, and the bill proposes to deal with both.

Both excavators and underground facilities can stand to improve performance in the area of compliance with one-call requirements. There is no intent in this bill to blame one side or the other. If the Senator believes that the bill unfairly stigmatizes contractors, I would want to right the balance, because that is not what is intended.

What we are trying to do is to set up a process where the States can address problems we all know are there. There are too many accidents at underground facilities. Let's see what we can do to improve that situation. Let's see what we can do cooperatively, underground facility operators and contractors, Federal agencies and State agencies. Let's use incentives rather than preemption and regulation. That is what this bill is trying to do.

Mr. FAIRCLOTH. I thank the leader for these clarifications.

BEING ON TIME

Mr. GRASSLEY. Mr. President, in the spirit of legislation I am sponsoring with Senator WYDEN, I want to make something clear. I want to make it a matter of public record that I am putting a hold on the nominations for ambassador of individuals being considered for posts in Bolivia, Haiti, Jamaica, and Belize. I am also asking to be consulted on any unanimous-consent agreements involving the Foreign Service promotion list if it should come up for consideration.

I am taking this step to make it clear to the State Department and the administration that the Congress takes the law seriously. Something the administration appears not to do. Under the law, the administration is required to submit to the Congress on November 1 of each year the names of countries that the administration will certify for

cooperation on drugs. Last year, the administration was late in submitting that list. The administration had asked for more time and we gave it to them. Although I believe 6 weeks was pushing it.

The Congress made it clear then, however, that being late was not a precedent. We gave the administration an extra month in law. And they missed that deadline. They asked for more time last year and we gave it to them. We made it clear, though, that giving more time last year was not to become an excuse for being tardy in the future.

This point seems to have gotten lost. This year, again, the administration has not submitted the list as required by the law on the date specified. And there is no indication just when or if it may arrive. This is simply not acceptable. This leisurely approach and irresponsible attitude needs an appropriate response.

It appears we need to get the administration's attention so that they will abide by the law. This needs to be done especially on a law involving drug control issues at a time of rising teenage use. In the spirit, then, of reminding the administration that we in Congress actually do mean the things we say in law, I am putting a hold on these nominations.

The countries in question have been on past lists, and therefore there is a link to my hold now. That hold will remain in place until such time as we receive the list in question. If we do not receive a timely response, I may consider adding to my list of holds.

Let me note, also, that by "timely response" I do not mean a request for more time. I mean having the list in hand. The November 1 deadline is not a closely held secret. The fact that the list is due is not an annual surprise. Or it shouldn't be. I hope that the administration will find it possible to comply with the law, late though this response now is. And that they will do the responsible thing in the future. I thank you.

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. ABRAHAM. 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 remarks of Mr. ABRAHAM, Mr. GRAMS, and Mr. D'AMATO pertaining to the introduction of S. 136 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS UNTIL 2:30

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:30 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

CLOTURE MOTION

The PRESIDING OFFICER. The Chair directs the clerk to report the motion to invoke cloture on the motion to proceed to the fast track legislation.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 198, S. 1269, the so-called fast-track legislation.

Trent Lott, Bill Roth, Jon Kyl, Pete Domenici, Thad Cochran, Rod Grams, Sam Brownback, Richard Shelby, John Warner, Slade Gorton, Craig Thomas, Larry E. Craig, Mitch McConnell, Wayne Allard, Paul Coverdell, and Robert F. Bennett.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate shall be brought to a close on the motion to proceed to S. 1269, the so-called fast track legislation?

The rules require a yea or nay vote. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 31, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—69

Abraham	Dodd	Landrieu
Akaka	Domenici	Lautenberg
Allard	Frist	Leahy
Ashcroft	Glenn	Lieberman
Baucus	Gorton	Lott
Bennett	Graham	Lugar
Biden	Gramm	Mack
Bingaman	Grams	McCain
Bond	Grassley	McConnell
Breaux	Gregg	Moynihan
Brownback	Hagel	Murkowski
Bryan	Hatch	Murray
Bumpers	Helms	Nickles
Chafee	Hutchinson	Robb
Cleland	Hutchison	Roberts
Coats	Inouye	Rockefeller
Cochran	Jeffords	Roth
Collins	Johnson	Sessions
Coverdell	Kempthorne	Smith (OR)
Craig	Kerrey	Thomas
D'Amato	Kerry	Thompson
Daschle	Kohl	Warner
DeWine	Kyl	Wyden

NAYS—31

Boxer	Ford	Sarbanes
Burns	Harkin	Shelby
Byrd	Hollings	Smith (NH)
Campbell	Inhofe	Snowe
Conrad	Kennedy	Specter
Dorgan	Levin	Stevens
Durbin	Mikulski	Thurmond
Enzi	Moseley-Braun	Torricelli
Faircloth	Reed	Wellstone
Feingold	Reid	
Feinstein	Santorum	

The PRESIDING OFFICER. On this vote the yeas are 69, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECIPROCAL TRADE AGREEMENT OF 1997—MOTION TO PROCEED

The Senate proceeded to consider the motion.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, under the rule, I would like to yield 1 hour that I have to the distinguished ranking member of the Senate Finance Committee, Senator MOYNIHAN.

The PRESIDING OFFICER. If the Senator will suspend for a moment, the Senate is not in order. If Members will take their conversations off the floor? The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the generosity of my good friend and colleague on the Finance Committee, the Senator from Nevada. He is, as ever, generous and not without a certain wisdom because this debate could be going on for a long time.

I yield the floor.

The PRESIDING OFFICER. The question is on the motion to proceed to the bill. Is there further debate?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, could I clarify with the Presiding Officer the parliamentary situation? My understanding is that we are in a postcloture period of up to 30 hours debate?

The PRESIDING OFFICER. The Senator is advised we are under postcloture debate, 30 hours of consideration.

Mr. DORGAN. Might I ask the Parliamentarian how that debate will be managed and or divided? My understanding is that each Senator is allowed to speak for up to 1 hour during the postcloture period, is that correct?

The PRESIDING OFFICER. The Senator is correct. A maximum of 1 hour.

Mr. DORGAN. With the exception being that time can be provided, up to 3 hours, to managers of the bill, is that correct, if another Senator would yield his or her hour?

The PRESIDING OFFICER. The Senator is correct. Each manager and each leader may receive up to 2 hours from other Senators, and then of course with their own hour the total would be 3.

Mr. DORGAN. Would I be correct to say that in a postcloture proceeding of this type, that the manager on each side can be a manager on the same side of the issue?

The PRESIDING OFFICER. That could occur.

Mr. DORGAN. So I then ask the managers, if I might yield to them for a response, because we will be involved here in a period of discussion prior to the vote on the motion to proceed, and that discussion is a period provided for

up to 30 hours, I would like to ask my colleagues how we might decide that all sides will have an opportunity for full discussion of this?

I guess what I would ask the ranking manager, and the chairman of the Finance Committee as well, is how they would envision us proceeding in this postcloture period? I will be happy to yield to the chairman of the Senate Finance Committee for that purpose.

The PRESIDING OFFICER. Does the Senator from North Dakota yield the floor?

Mr. DORGAN. No. I do not. As I understand it, the Presiding Officer was intending to move to put the question on the motion to proceed. Because the Presiding Officer was intending to do that, I sought recognition and the Presiding Officer recognized me. My understanding is we are now in a postcloture period providing up to 30 hours of discussion.

The PRESIDING OFFICER. The Senator is correct. The 30 hours of consideration.

Mr. DORGAN. Consideration. Then I seek to be recognized, inasmuch as no one else was intending to be recognized and inasmuch as I certainly want time to be used to discuss this issue. I was simply inquiring of the chairman of the Finance Committee and the ranking member of the Finance Committee the process they might engage in, in terms of using this time that we are now in, in postcloture. I was intending to yield—not yield the floor, but I was intending to ask a question so we might have a discussion about how we use this time.

If I am unable to do that, I will just begin to use some time, I guess, if that would be appropriate.

I invite again—I didn't seek the floor for the purpose of intending to speak ahead of those who perhaps should begin this discussion. But neither did I want the Presiding Officer to go to the question, which the Presiding Officer was intending to do.

Is the Senator—

The PRESIDING OFFICER. The Senator presumes to know what the Presiding Officer was intending to go do. He may or may not be correct in that assertion.

Mr. DORGAN. The Presiding Officer announced his intention, which was the reason I sought the floor. If it is not inappropriate, then, I would simply begin a discussion. But I don't want to do that if the chairman of the Finance Committee, who I think should certainly have the opportunity to begin the discussion, or the ranking member, wish to do that. I was simply inquiring about the opportunity on how we might divide some of the time as we proceed.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. DORGAN. Mr. President, having invited that response, if there is no response I will be happy to begin a discussion in the postcloture period. But again I certainly want to—

Mr. ROTH. Parliamentary inquiry, doesn't he have to yield the floor to get a response?

The PRESIDING OFFICER. The Chair would advise, in response to the question of the Senator from Delaware, that the Senator who has the floor has no right to pose the question to another Senator unless he yields the floor.

Mr. DORGAN. Mr. President, I make the point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROTH. Mr. President, it is unthinkable that the Senate would not revive the fast-track trade negotiation authority enjoyed by previous Presidents.

Since its inception, the United States has been a trading state, and from the Jay treaty that ended the Revolutionary War to the Uruguay round agreements that established the World Trade Organization, we have, in the main, pursued a policy of free and open commerce with all nations.

That legacy has helped bring us unrivaled prosperity. We are in the seventh year of sustained economic expansion, and during that same period, the United States has registered the greatest rise in industrial production of any developed nation, an increase over the last decade of 30 percent.

It is no coincidence that our economic growth has taken place at a time when we have struck a series of international agreements that have sharply lowered barriers to American trade abroad. The opponents of trade and economic growth do not want you to hear that the United States has been a significant winner in those agreements.

In the Uruguay round, we cut our tariffs an average of 2 percentage points, while trading partners cut theirs between 3 and 8 percent.

In NAFTA, while we eliminated the average 2-percent tariff on Mexican imports, Mexico eliminated its 10-percent average tariffs, as well as a host of nontariff barriers that inhibited United States market access.

That job is not done. In most developing countries which represent the markets of the future for U.S. goods and services, tariffs on many products range up to 30 percent and higher. Developed countries continue to maintain high barriers in sectors where the United States has a tremendous comparative advantage. In Europe, for example, tariffs on our dairy products exceed 100 percent. In Japan, the tariffs on United States dairy products exceed 300 percent, and tariffs on our wheat exports, most of it grown in Mid-

western States such as North Dakota, remain above 150 percent. In other words, we have vastly more to gain from trade than we do to lose.

Let's agree on this much: We cannot legislate reduction in foreign tariffs or market access. That has to be done at the negotiating table. For that, the President needs negotiating authority. Simply put, a vote for fast track recognizes the fact that today, more than ever, our economic well-being is tied to trade.

Exports now generate one-third of all economic growth in the United States. Export jobs pay 10 to 15 percent more than the average wage. In the last 4 years alone, exports have created 1.7 million well-paying jobs and, by some estimates, as many as 11 million jobs, and this country now depends directly on exports.

As a result, when asked why the Senate would extend fast-track authority to the President, I offered a very practical answer. In 1989, General Motors exported three automobiles to Mexico. This past year, the third full year after we reached a trade agreement with Mexico that many have criticized, General Motors exported over 60,000 vehicles. That amounts to \$1.2 billion in sales and paychecks for workers in General Motors' facilities and those of their U.S. suppliers.

I also explained that trade benefits all of us in many other ways. By producing more of what we are best at and trading for those goods in which we do not have a comparative advantage, we ensure that every working American has access to a wider array of higher quality goods at lower prices. In that respect, using the fast-track authority to liberalize trade acts just like a tax cut; we leave more of each consumer's paycheck in their pocket at the end of each month by ensuring that they get the highest quality goods at the lowest price.

I think it is also worth underscoring that trade does not mean fewer jobs. By increasing the size of the economic pie, trade means more jobs and better pay, as the figures I noted attest. Higher wages depend on rising productivity, a growing economy and rising demand for labor. Each of those factors depend on expanding our access to foreign markets, and to expand our access to foreign markets, the President needs fast-track authority.

I do not, therefore, view the question before this body as simply whether another, in a long line of bills, will pass. The question before this body is whether the United States will maintain its leadership role as the world's foremost economic power and assure our future economic prosperity.

Some might ask why the United States should continue to bear that responsibility. The answer lies in our own history. It relates those times when we have forsaken our traditional policy of open commerce in favor of protectionism, as some would have us do now.

The Smoot-Hawley tariff and the retaliation it engendered among our trading partners gravely deepened the Great Depression. Economic deprivation left citizens in many countries easy prey for the political movements that led directly to the Second World War. And it is worth remembering that the foundations of the current international trading system were built on the ashes of that great conflict. America led the way in establishing the current economic order as a means of ensuring that the trade policies of the past would not—and I emphasize would not—lead to similar devastating conflicts in the future.

It was, in fact, the effects of the Smoot-Hawley tariff and the Depression that led to the original grant of tariff negotiating authority and the namesake of this bill: Reciprocal Trade Agreement Act of 1934.

On the strength of that grant of negotiating authority, President Roosevelt and his Secretary of State Cordell Hull, a distinguished former Member of this body and a member of the Finance Committee, created the trade agreements programs that reversed the protectionist course of trade relations and laid the groundwork for the post-war economic order. Five decades and eight multilateral rounds of trade negotiations have helped us to build this burgeoning economy.

The lessons of the postwar years are easy to forget. It is easy to forget that Congress' grant of trade negotiating authority to the President was one of the key components of our economic success, and led to reduction in tariffs among developed countries from an average of over 40 percent to just 6 percent at the end of the Uruguay Round.

It is easy to forget that on the strength of those grants of negotiating authority, Democratic and Republican Presidents alike helped forge economic relationships with our allies that have seen us through the succeeding decades to the dawn of a new era.

American firms and American workers now compete in a global marketplace for goods and services, and the economic future of each and every American now depends on our ability to meet that challenge. The changes we see in the marketplace and in our daily lives represent the benefits and costs of technological change. We should not make trade a scapegoat, as some do, for that process.

Progress brings dislocation and requires adjustment. Indeed, with every expansion of our economy there are dislocations. This is an inevitable part of the economic process. Every expansion exposes inefficiency.

At its most basic and personal level, economic progress occurs when an individual worker shifts from an inefficient way of doing things to a more efficient one, from stage coach driver, the original teamster, to railroad engineer, to truck driver, to pilot for an overnight air delivery system.

Such transitions, of course, are not always easy. I firmly believe that the

many who benefit from expanding trade and economic growth must help those who do not. But that adjustment is the inevitable effect of technological progress and economic growth, not the grant of fast-track authority.

There are some who argue that the cost of these transitions is too high, that we are doing just fine economically without further trade agreements, and that there is no need for fast-track negotiating authority. My reply is simple and straightforward. We need fast-track authority now more than ever. Without the ability to take a seat at the negotiating table, we will be giving up the ability to shape our own economic destiny. If we leave it to others to write the rules for the new era of international competition, we will be leaving our economic future in their hands, and we will lose the ability to shape the rules of the new global economy to our liking.

The evidence of that is already mounting. Our trading partners are proceeding without us and giving their firms a competitive advantage over American businesses in the process. Canada and Mexico have, for example, negotiated free-trade arrangements with Chile while we have debated the merits of fast track. And because Chilean tariffs average 11 percent, our firms now compete at an 11-percent disadvantage against Canadian and Mexican goods in the Chilean market.

The same holds true more broadly in the rest of the rapidly growing markets of Latin America and Asia. A recent article in the Wall Street Journal described the efforts of European trade negotiation to steal a march on the United States and Latin America while the debate on fast-track authority continues here.

There is even more at stake in upcoming negotiations in the World Trade Organization. We are scheduled to complete talks on opening foreign markets to our financial services, a sector in which the United States has a strong comparative advantage.

Without fast-track authority, the President is unlikely to be able to conclude these terms or these talks on terms most favorable to the United States. In a little over a year, the World Trade Organization will once again take up the difficult and contentious issue of barriers to trade and agriculture.

I know of no one in the agricultural sector who was entirely satisfied with the outcome of the Uruguay round talks. It is difficult, as a consequence, to conceive of a more harmful message to send our own agricultural community than derailing fast-track negotiating authority that will allow the United States to participate fully in those talks.

Thus, we in this body face a simple choice—we can reject our heritage as the world's greatest trading state, or we can vindicate the faith of our forefathers and America's ability to compete anywhere in the world where the

terms of competition are free and fair. We can focus only on the possible economic dislocations that occur when trade barriers are lowered, or we can look at the common good that results from economic growth. We can leave our economic fate in the hands of others, or we can step forward to shape our own economic destiny.

For me, the choice is clear. We must move forward to maintain our economic leadership in the eyes of the world, as well as provide the fruits of an expanding economy to our citizens. Enacting the pending legislation is indeed essential to that effort. Our trading partners will not negotiate trade agreements with us unless we as a nation can speak with one voice.

That is what this bill does. It allows two branches of the Government, the President and the Congress, to speak with one voice on trade. This bill creates a partnership between two branches that allows us to speak with one voice and does so to a degree greater than previous fast-track bills.

As it has since the original grant of fast-track authority, Congress establishes the negotiating objectives that will guide the President's use of this authority. The negotiating objectives also serve as limits on the Executive, since the bill ensures that only agreements achieving the objectives set out in the bill will receive fast-track treatment.

In that regard, I want to emphasize the effort we have made to ensure that the negotiating objectives restore the proper focus of the fast-track authority. This authority is granted for one reason alone, to allow the President to negotiate the reduction or elimination of barriers to U.S. trade.

Authority granted in this bill is not designed to allow the President to rewrite the fundamental objectives of our domestic laws. Rather, the fast-track process applies solely to those limited instances in which legislation is needed to ensure that U.S. law conforms to our international obligations.

There is one trade negotiating objective that has drawn particular attention. It relates to foreign government regulations. It includes labor and environmental rules that may impede U.S. exports and investments in order to provide a commercial advantage to locally produced goods and services.

Indeed, in this provision is the concern that foreign governments might lower their labor, health and safety or environmental standards for the purpose of attracting investment or inhibiting U.S. exports. I want to emphasize that this negotiating objective is limited to affecting conduct by foreign governments in these areas. It does not authorize the President to negotiate any change in U.S. labor, health, safety or environmental laws at either the Federal or State level, nor does it authorize a negotiation of any rules that would otherwise limit the autonomy of our Federal or State governments to set their own health, safety, labor or

environmental standards as they see fit.

I view these provisions of the bill as protecting everyone's interests in these areas. I know of no one who is an advocate of labor or environmental interests that would want the President to be able to negotiate international trade agreements that effectively weaken U.S. standards and then submit the implementing legislation on a fast-track basis. Under this bill, no President can negotiate an agreement that raises or lowers U.S. labor or environmental standards and then submit an implementing bill for consideration on a fast-track basis.

Beyond setting the specific negotiating objectives, we have also strengthened Congress' role in the trade agreement process in several ways.

First, we have ensured the right of the two committees of the Congress that have general trade jurisdiction to veto at the outset any negotiation that might ultimately rely on fast-track authority if those committees disagreed with the President's objective. This check on the Executive applies to all negotiations, not merely bilateral free trade negotiations as under prior law. The only exceptions are for negotiations already underway, such as financial services negotiations in the World Trade Organization, those anticipated with Chile.

Second, the bill strengthens Congress' role and the partnership with the President by requiring greater consultation by our trade negotiators than has ever occurred in the past.

The bill requires the U.S. Trade Representative to consult closely and on a timely basis throughout the process and even immediately before the agreement is initialed. The bill obliges the President to explain the scope and terms of any proposed agreement, how the agreement would achieve the policy purposes and objectives set out in this bill, and whether implementing legislation on nontrade items would also be necessary since only trade provisions are entitled to fast-track treatment.

Any nontrade items would be handled under the regular practices and procedures of the Senate, which allow for amendment and unlimited debate. Clearly, many in the Congress have been displeased in the past with cursory and nontimely consultation. The legislation in our report makes clear that this will no longer do.

The bill provides an explicit provision allowing Congress to withdraw the fast-track procedures with respect to any agreement for which consultation has not been adequate. So not only does the legislation exhort the trade negotiators to consult; it provides sanctions if they do not adequately do so.

Third, the bill carefully circumscribes the scope of the implementing legislation that can be considered under fast-track procedures. Basically, to qualify, the implementing legislation must be a trade bill. It must be limited to approving a trade agree-

ment, which is defined to include only, one, reducing or eliminating duties and barriers and, two, prohibiting or limiting such duties or barriers.

Moreover, the implementing legislation may only include provisions necessary to implement such trade agreement and provisions otherwise related to the implementation, enforcement, and adjustment to the efforts of such trade agreement that are directly related to trade.

Examples of such provisions would include amendments to our anti-dumping laws and extensions of trade adjustment assistance such as those reauthorized with this bill.

Finally, the implementing bill may include pay for provisions needed to comply with budget requirements. Since this component of the implementing legislation does not address the agreement and its implementation but is included only to satisfy interim budget requirements, some have suggested that this portion of the implementing legislation be fully amendable.

The Finance Committee decided to follow previous fast-track legislation out of concern that allowing amendments to this portion would make passage of the implementing bill more difficult. There was concern about turning every implementing bill into a general tax bill, that pay for provisions might be offered by opponents to cause mischief, and that adopting amendments would create the need for conference with the House and would invite deadlock over nontrade issues.

In sum, the terms of the partnership between Congress and the President are these: If the President adheres to the trade objectives expressed in the bill to which fast-track procedures apply, if he provides us an opportunity to disapprove of a specific negotiation at the outset, if he consults with us closely throughout the negotiation right up to the time the agreement is to be initialed, if the agreement is a trade agreement as defined in the bill, and if the implementing legislation contains only the trade-related items I noted, Congress agrees to allow an up-or-down bill after 30 hours of debate on the implementing legislation.

Now, I think for Congress that is a very good deal. I fully appreciate the important role and responsibility this body has in American Government: The right to offer amendments, to debate the merits of an issue as long as necessary, are rights not to be laid aside lightly. That is why at every juncture we have sought to refocus the fast-track procedure on reducing trade barriers.

We have done our best to make sure that matters of domestic policy remain outside the limited scope of the fast-track procedure. Such matters of domestic policy should and will remain subject to the traditional practices and procedures of the U.S. Senate. I would not support this limited exception to our Senate traditions were it not absolutely essential to our continued economic leadership around the world.

This is a critically important accommodation. It is not unprecedented. Grants of similar authority for the President, in effect, exceptions to our Senate rules, have been provided in the past, dating back to the Trade Act of 1974.

As recently as 1988 a Democrat-controlled Congress provided a Republican President the legal assurance that America would speak with one voice on trade. I hope that a similar spirit of bipartisanship envelops us today.

Let me say in conclusion that if in 1988 my colleagues on the other side of the aisle do, for the good of this country, see fit to entrust a President from another party with this authority, that today it would help us in extending this authority to President Clinton.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I rise with a measure of ebullience. By a solid majority of both sides of the aisle, we have just voted to do exactly what our revered chairman said ought to be done, and reported how in the past it has been done. The vote was 69 to 31. I think that augurs well.

I would particularly like to note a fact about this legislation which has been little remarked, the fact that with great felicity and sense of historic importance, the chairman has given to the bill the title the Reciprocal Trade Agreements Act of 1997. The Reciprocal Trade Agreements Act, hearkening back almost two-thirds of a century to 1934 when Cordell Hull, a former member of the Finance Committee, as Secretary of State helped the Nation out of the ruin that had been brought about by the Smoot-Hawley Tariff Act of 1930, a tariff meant to raise living standards and do all the things that seem so easy if you don't think them through.

If you were to make a list of five events that led to the Second World War and the horror of that war, that tariff bill of 1930 would be one of them. If there was a harbinger of the reemergence of the civilized world and the re-institution of intelligent analysis of public policy, it was the Reciprocal Trade Agreements Act of 1934.

I might like to take a preliminary effort to note that in 1934 the United States, in fact, did two things of note regarding legislation before the Senate today. We passed the Reciprocal Trade Agreements Act, and the President proposed and Congress agreed to our membership in the International Labor Organization, two parallel but distinct measures. We began opening our trade and in the same year, same Congress, moved to join the International Labor Organization for purposes not different than ones we have expounded in this legislation, which speaks directly to that issue. Now, the matter before the Senate is of the highest portent and urgency. Just yesterday in the Washington Post our—how do I say it? Has Bob

Dole been gone long enough to be called fabled, legendary? Certainly vastly embraced by this institution on both sides of the aisle. Senator Dole, Republican candidate in the last election, wrote in yesterday's *Post*, "the fate of fast-track legislation this fall may determine whether the President ever will negotiate another free trade agreement." He urged that we give the President this power, a power which every President since President Ford has had and which under the original Reciprocal Trade Agreements Act has been in place for two-thirds of a century.

Since the fast-track authority lapsed, as it did 3 and one half years ago, the United States has effectively been reduced to the status of an observer as unprecedented new trading arrangements, bilateral and multilateral, have been put in place. The changes in trade and patterns and arrangements that you see very much correspond to the change in techniques of production, in modes of manufacture and in the information age of which we have heard so much. They reflect the technological underpinnings which have changed the economies of the developed world, are changing the developing world, and in consequence, change the economy.

For example, as the chairman remarked, Mexico and Chile negotiated a free trade agreement in 1991 and now are engaged in talks to expand the scope of that agreement by the end of this year. On July 2 of this year, Canada's free trade agreement with Chile entered force, giving Canadian exports just that advantage, the 11-percent tariff advantage, that the chairman has spoken of. Remember, the pattern of Canadian production and exports is very like ours. We are in a competing world with them. We wish them every success. But there is no point in hindering our own ability to negotiate and trade in the same way.

If I may remind the Senator, we have been here before. On March 4, 1974, President Nixon's Special Trade Representative, William D. Eberle, testified before the Finance Committee in support of the legislation that established the first fast-track procedures for non-tariff matters. He said, "Without the fast-track authority, our trading partners will continue to negotiate but they will do so bilaterally and regionally, to the probable exclusion of the United States."

Do not suppose that cannot happen again. The United States is at a position of unparalleled influence and importance in the world. That can produce an unparalleled resentment with consequences that will move through the generations to come. Do not be overconfident in a moment such as this, and certainly do not be fearful. We have nothing to fear from world trade. We gain from it. We have gained from it. And now I am confident with that resounding bipartisan vote, we will.

Of course, in 1994 we created the World Trade Organization. It took us a long time. In the aftermath of World War II it had been understood we would have an international trade organization to correspond with the World Bank and the International Monetary Fund. That never came to pass. It came to grief, in point of fact, in the Finance Committee.

The WTO, the World Trade Organization, is beginning negotiations on agricultural trade, protection of intellectual property. By intellectual property, think Silicon Valley, think Microsoft, think of all the innovations we have made in the world, and the innovators have the right to see their work protected. And, again, international trade in services, think banking, insurance, all those areas in which we have been particularly excluded in the developing world and which we can now negotiate.

The Uruguay round of negotiations represented the first serious attempt to address barriers to American farm products, but a great deal needs to be done. The last area of economic activity which is freed from protection will always be farm matters. It is one of the great events of our age that the great agricultural States in this Nation have seen what trade can do for them and are supporting these measures. Agriculture is always protected, always subsidized, but in 1999, the World Trade Organization on that matter will begin and we ought to take these negotiations seriously. We ought to be part of them and now we will be.

American farm exports in 1996 reached \$60 billion in an overall global market estimated at something more than half a trillion. So we have something like 10 percent of that trade. This export sector alone represents about 1 million American jobs.

A similar situation exists with respect to services trade, which was addressed for the first time in the Uruguay round, and the financial services, banking, insurance, securities, are scheduled to wrap up in December in an important round of talks. Another round will begin on January 1 of the year 2000 involving a full range of services, including such sectors as health care, motion pictures, and advertising, where American companies are among the strongest in the world. I don't think it would be in any way inappropriate to recall the remarks of President Jiang Zemin of the People's Republic of China just a few feet off the floor here a week ago, in which he described the formative experience of his college years when he watched the film "Gone With the Wind." It is America that makes the movies for the world to see. Getting them in is a matter of negotiation. Now we can do it.

I would like to make a point of particular importance to the matter before us. First of all, this is not a new authority, untested or untried. We have been with it for two-thirds of a century. The Smoot-Hawley Act, in which Congress, line by line, set more

than 20,000 tariffs, resulted in an average tariff rate, by the estimate of the International Trade Commission, of 60 percent. The result was ruinous, not only to us, but to our trading partners. The British abandoned their free trade policy and went to empire preferences. The Japanese went to the Greater East Asian Co-Prosperity Sphere. In that year, Adolf Hitler became chancellor of Germany in a free election. Such was the degree of unemployment and seeming despair that the consequences of the First World War would never be over.

Next came one of the largest trade events of the postwar period, the Kennedy round, which came about because of the Trade Expansion Act of 1962. I make the point, sir, that there were persons at that time, as now, concerned about the impact of expanding trade on American workers and American firms. As a condition of a Senate vote on giving the President the power to negotiate what became the Kennedy round—it was named for the President who began it—we had to negotiate a separate agreement, the Long-Term Cotton Textile Agreement, and three persons were sent to do this negotiation: W. Michael Blumenthal, Deputy Assistant Secretary of State; Hickman Price, Jr., an Assistant Secretary of Commerce; and myself, then an Assistant Secretary of Labor. We negotiated to limit surges of imports that might come about from drops in tariffs. It was meant to be a 5-year matter, as I recall. That was 35 years ago, and it's still in place. It was succeeded by the Multi-Fiber Agreement. We have not been unattending to the needs of our workers in these matters. To the contrary. We began Trade Adjustment Assistance in the 1970's. We have more Trade Adjustment Assistance in this legislation. We negotiate these matters with the interests of the American worker in mind, and the evidence is the standard of living we have achieved in this country, of which there is no equal.

With that point, sir, I would like to call attention to a very special issue. We are asked by some to include in this legislation a requirement that trade agreements include provisions, in effect, statutory requirements, concerning labor and the environment. At first, it seems a good idea. Why not? But let me tell you why not, and if I can just presume on age at this point, which is getting to be a factor in my perspective. I have been there and it doesn't happen, it doesn't work.

If you go to a developing country and say to them, "We would like to enter into a trade arrangement whereby you will reduce your tariffs and barriers—non-tariff barriers—we will do the same, so we can have more trade," and at the same time, in the same setting, say, "We want you to adopt higher environmental standards and higher labor standards," right or wrong, the negotiating partners will say, "Oh, you want us to lower our tariff barriers and

raise our costs." Well, they won't do it. "You are asking that we be put at a double disadvantage. We put those tariffs in to protect ourselves against you, and our environmental and labor standards are those of a developing nation. Now you want to put us at a double disadvantage." It won't happen. There will be no such agreements.

I can speak to this. I was Ambassador to India when our trade was at a very, very low level. The great anxiety of the Government of India was that we would somehow use trade in a way that would disrupt their internal affairs, which was never our intention, but it was a perception, and will be even more so now. That is why I point to the serendipity, if you would like, of the provisions in this bill. I made the point that the Reciprocal Trade Agreements Act—the original one—was enacted in 1934, and the United States joined the International Labor Organization in 1934—a measure of great importance at that time. President Roosevelt was very firmly in favor of it, and Frances Perkins—and I talked to her about it—thought it was one of the central initiatives. They saw it as parallel to trade—parallel.

Over the years, the International Labor Organization has developed a series of what are called the ILO Core Human Rights Conventions. There are a great many important conventions, but they tend to be on technical matters. These go right to the rights of working people. And there are not many. They are the Forced Labor Convention of 1930; Freedom of Association and Protection of the Right to Organize Convention of 1948; Right to Organize and Collective Bargaining Convention of 1949; Equal Remuneration Convention, equal pay for men and women, of 1951; Abolition of Forced Labor Convention of 1957.

In 1991, I stood on the floor of this Senate, with Claiborne Pell, then chairman of the Foreign Relations Committee, and we called that up, and it passed the U.S. Senate unanimously. It is our law now because we chose to make it our law. We passed it. It is a treaty and we passed it as such. And then there was the Discrimination (Employment and Occupation) Convention of 1958, and the Minimum Age Convention—a child labor convention—of 1973.

Now, in this bill before you is an extraordinary initiative. We fought for an initiative by the United States to promote respect for workers' rights by seeking to establish in the International Labor Organization a mechanism for the systematic examination of and reporting on the extent to which ILO members promote and enforce the freedom of a subsidization, the right to organize and bargain collectively, prohibition on the use of forced labor, prohibition on exploitive child labor, and a prohibition on discrimination in employment.

We have never before made such a proposal. It has enormous possibilities.

The ILO is the oldest of our international organizations. But it comes from an era when the idea of sending inspectors into a country to see whether that country was keeping an agreement would have been thought much too radical. That all changed in the aftermath of World War II.

Just this moment, we are going through something of a crisis with Iraq over the right of American members of the inspection team from the International Atomic Energy Agency to look into Iraqi production of nuclear power and the possibility of nuclear weapons. That begins with the International Atomic Energy Agency, which is part of the United Nations system. You send inspectors in to see what they are doing. It is now a common practice over a whole range of international concerns.

What we propose is that the International Labor Organization bundle, if you like, the core labor standards, and then set about an inspection system, to see to it how China is doing on prison labor, or child labor, or how the United States is doing—we will be looked into, too—and how countries around the world have done. Now, this will take energy. I would like to think that, somewhere in the executive branch, someone is listening to this debate because these measures were proposed by the President. But it takes energy in the executive to get this done. Come to think of it, Alexander Hamilton's definition of good government was "energy in the executive."

I would like to think that our Trade Representative, our Department of Labor, our Department of Commerce, will be actively involved. I say the Department of Commerce because business is involved. The ILO is a tripartite group. Business has a vote, the U.S. Council for International Business, as does the AFL-CIO. They each have a vote, and the U.S. Government has two votes. This is a business-labor enterprise. We have been involved with it for a very long time. Herbert Hoover, as Secretary of Commerce under President Harding, sent delegates to the ILO conference in Geneva from the Chamber of Commerce and from the AFL-CIO. So we are addressing concerns about the environment and labor standards in their proper context and setting. If you want them, you have to do it there.

If you only want not to have more open trade, you can try it in negotiations. But Mr. President, it won't work. The trading partners just will not agree. And if you want to take the time to find it out, very well, but for the moment, I think you will find that the overwhelming judgment of economists is that what we have here is a clean measure. That is the way to go. And this is what we now need to do—give the President fast-track authority, which will enable him to enter negotiations that will result in agreements, and with those agreements in place, we will go into the 21st century proud of what we began in the 20th.

Mr. President, I again thank my chairman for the felicity with which he chose to give the name Reciprocal Trade Agreements Act of 1997 to this legislation.

For the purpose of the RECORD, I ask unanimous consent that the description of the ILO Core Human Rights Conventions be printed in the RECORD at this time.

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

ILO HUMAN RIGHTS (CORE) CONVENTIONS

The ILO's human rights conventions, commonly referred to as "core" conventions, are receiving more attention as the debate on trade and labor standards continues after the World Trade Organization's ministerial meeting last December.

Informal agreement on which ILO conventions are human rights standards dates at least as far back as 1960. Formal recognition was achieved when the Social Summit in Copenhagen in 1995 identified six ILO conventions as essential to ensuring human rights in the workplace: Nos. 29, 87, 98, 100, 105, and 111. In addition, the United Nations High Commissioner for Human Rights now includes these conventions as the list of "International Human Rights Instruments."

The Governing Body of the ILO subsequently confirmed the addition of the ILO Convention on Minimum Age, No. 138 (1973), in recognition of the rights of children. An ILO convention banning intolerable forms of child labor is in preparation and is scheduled for a vote on adoption in 1998.

Conventions Nos. 87 and 98 form the cornerstone of the ILO's international labor code. They embody the principle of freedom of association, which is affirmed by the ILO Constitution and is applicable to all member states. A complaint for non-observance of this principle may be brought against a member state under a special procedure, whether or not the member state has ratified these two conventions.

The following list presents the seven core conventions and their coverage. The chart on the reverse side of this sheet shows which countries have ratified them as of December 31, 1996.

NO. 29—FORCED LABOR CONVENTION (1930)

Requires the suppression of forced or compulsory labor in all its forms. Certain exceptions are permitted, such as military service, convict labor properly supervised, emergencies such as wars, fires, earthquakes . . .

NO. 87—FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANIZE CONVENTION (1948)

Establishes the right of all workers and employers to form and join organizations of their own choosing without prior authorization, and lays down a series of guarantees for the free functioning of organizations without interference by the public authorities.

NO. 98—RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING CONVENTION (1949)

Provides for protection against anti-union discrimination, for protection of workers' and employers' organizations against acts of interference by each other, and for measures to promote collective bargaining.

NO. 100—EQUAL REMUNERATION CONVENTION (1951)

Calls for equal pay and benefits for men and women for work of equal value.

NO. 105—ABOLITION OF FORCED LABOR CONVENTION (1957)

Prohibits the use of any form of forced or compulsory labor as a means of political coercion or education, punishment for the expression of political or ideological views,

workforce mobilization, labor discipline, punishment for participation in strikes, or discrimination.

NO. 111—DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION (1958)

Calls for a national policy to eliminate discrimination in access to employment, training and working conditions, on grounds of race, color, sex, religion, political opinion, national extraction or social origin and to promote equality of opportunity and treatment.

NO. 138—MINIMUM AGE CONVENTION (1973)

Aims at the abolition of child labor, stipulating that the minimum age for admission to employment shall not be less than the age of completion of compulsory schooling.

Mr. MOYNIHAN. Mr. President, without further comment, I yield the floor once again with a sense of ebullience. We are going to do this. We kept the faith. We followed the convictions and the experience of Presidents going all the way back to the 1930's.

So I close simply by quoting again, Senator Dole in his fine op-ed piece in yesterday's Washington Post:

The decision to give the President fast-track authority is urgent and must be made now. Very simply, passing fast track is the right thing to do. Our Nation's future prosperity, the good jobs that will provide a living for our children and grandchildren, will be created through international trade. Today it is more important than ever that the debate between advocates of free trade and protectionism is over. Global trade is a fact of life rather than a policy position. That is why we cannot cede leadership in developing markets to our competitors through inaction, thereby endangering America's economic future and abandoning our responsibility to lead as the sole remaining superpower.

Mr. President, I thank the Chair for his courteous attention and I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened with interest to the two presentations. They are thoughtful Senators, but Senators with whom I disagree. I would like to spend some time describing my view of where we are. Let me start by saying what this debate is not about.

This debate is not about whether we should be involved in global trade. Nor is it about whether expanded global opportunities are going to be part of this country's future. That is not what this debate is about. There are some who will always say, the minute you start talking about trade, that there are those of us who believe in free trade and then there are the rest of you who don't understand. They say that there are those of us who believe in the global economy and the benefits and fruits that come from being involved in expanded trade in a global economy, and then there are the rest of you who are xenophobic isolationists who want to build a wall around America. That is the way it is frequently described when we discuss trade.

But that is not what this discussion is about; not at all. It is about our

trade strategy and whether it works. When I think of our trade strategy I think of watching a wedding dance when I was a little boy. A man and woman were trying to dance. One was dancing the waltz and the other was dancing the two-step. Needless to say, it didn't work out.

We have a trade strategy that is a unilateral free trade strategy that says we are going to confront others, who have managed trade strategies, with our trade strategy. Somehow this strategy is going to work out. We are going to open our markets but we are not going to pressure other countries to do the same. We are going to pass free trade agreements and we are going to move on to the next agreement without enforcing the agreement we had.

I would like to just take inventory, if I might. Let's take some inventory about what we have experienced in trade. For those who are color conscious, the red in this chart would not be considered good. Red represents deficits. This chart represents this country's merchandise trade deficit. We have had 21 straight years of trade deficits. The last 3 years have been the worst three in the history of this country, and we will set a new record again this year. In 36 out of the past 38 years we had current account deficits. We had 21 merchandise trade deficits in a row. This year will mean 4 years of higher record trade deficits.

I want to ask a question. When you suffer these sort of merchandise trade deficits every year—and they are getting worse, not better—is this a country moving in the right direction? Is this a trade strategy we want more of? Or should we, perhaps, decide that something is wrong and we ought to stop and evaluate what doesn't work and how do we fix it?

We are choking on red ink in international trade. This trade strategy doesn't work. So the debate is going to be between those of us who want change and those who want to cling to the same old thing. There are those of us who believe this policy isn't working and we want to change that policy. We want to reduce and eliminate these trade deficits and expand this country's trade opportunities. We want to do it in a way that is fair to this country and improves this country's economy. Then there are those who say no, and who are against change. They are for the same old thing. They support the same, tired, shopworn strategy that I say doesn't work. That is what this debate is about.

The last debate we had about trade was a few years ago. It was on NAFTA, the North American Free Trade Agreement. And you had fast track for that. It is a trade agreement with Canada and Mexico. Before we adopted that trade agreement we had an \$11 billion trade deficit with Canada and we adopted that agreement and the trade deficit has doubled. Before we adopted this trade agreement we had a \$2 bil-

lion trade surplus with Mexico and that has collapsed to a \$16 billion trade deficit.

According to an Economic Policy Institute recent study, 167,000 jobs were lost to Canada, 227,000 jobs lost to Mexico, 395,000 jobs lost as a result of NAFTA. The combined accumulated deficit as a result of NAFTA cannot possibly be anything that anyone around here wants to stand up on the floor and raise their hand about and say, "Yes, that's what I envisioned. I voted for that. That's what I was hoping would happen."

Surely we must have someone who will come to the floor and say I voted for this but boy, this turns out to be a pretty sour deal. We didn't expect the deficits to expand and mushroom. Is there someone who will suggest that somehow this hasn't worked out the way we expected? Or is this, in fact, the kind of thing that we embrace? Do we have a trade strategy that no matter how bankrupt, we continue to say, "Yes, we are the parents. This is ours. This is our conception." I am wondering when enough is enough?

Let's look at the trade treaty tally. We are told that if you don't have fast-track procedures given to this President, he can't do anything about trade. They ask who on Earth would negotiate with him? Well, there have been countries apparently that will negotiate, because there have been 220 some separate trade agreements negotiated by the USTR since 1993. That is the President's own statement. He has negotiated 220 agreements. Only two of them have used fast track. He didn't need fast track on the rest of them. So why would they have negotiated with him if he didn't have fast track?

Fast track has been used five times in this country's history: The Tokyo round in 1975; United States-Canada, 1988; United States-Israel, 1989; NAFTA, 1993 and the Uruguay round and WTO—GATT, in 1994.

Let me show you what has happened with respect to each of these areas. When the Tokyo round took effect, we had a \$28 billion annual merchandise trade deficit. Then we had a United States-Canada free trade agreement. By that time the trade deficit was \$115 billion. Go to NAFTA, \$166 billion. Then the Uruguay round it was \$173 billion. We now are up to a \$191 billion merchandise trade deficit and it is getting worse, not better. Does anybody here think we are moving in the right direction? If you do, tell us we need more of this. I guess that is what we are hearing. This is working so well. Let's have more of this red ink. Let's accumulate more of these deficits.

Let me describe this here. I mentioned the trade agreements, NAFTA, and others. We have bilateral trade arrangements with Japan and China that also yield huge deficits for this country. One of our problems in this trade strategy that doesn't work is that we negotiate bad agreements, No. 1; and then, No. 2, we don't enforce the agreements we negotiated.

The American Chamber of Commerce in Japan said the following:

Indeed, the American Chamber of Commerce in Japan was astonished to learn that no U.S. Government agency has a readily accessible list of US-Japan agreements or their complete texts. This may indicate it has often been more important for the two Governments to reach agreement and declare victory than to undertake the difficult task of monitoring the agreements to ensure their implementation produces results.

My point is this. We go out and negotiate trade agreements and don't even keep track of them let alone enforce them. We can't even get a list of them. No Federal agency had a list of the trade agreements we had with Japan. Does that tell you they are probably not being enforced, aside from the fact they were not negotiated well? I can give chapter and verse on negotiations with Japan on which we are able to lose almost in a nanosecond.

Senator HELMS reminded me the other day of something I read previously by Will Rogers. He said many years ago, "The United States has never lost a war and never won a treaty." That is certainly true with respect to trade. Take a look at these records and tell me whether you think this country is moving in the right direction in trade.

So, what is this about? One of the columnists for whom I have very high regard in this town is David Broder. I think he is one of the best journalists in Washington, DC, and he writes a column today that could have been written by virtually anybody in this town because they all say the same thing: If Clinton fails to win fast-track negotiating authority, "it would threaten a central part of his overall economic policy, it would signal a retreat by the United States from its leadership role for a more open international marketplace."

I have great respect for him. I think he is one of the best journalists in town. Yet my point is that he says what they all say. There becomes a "speak" in this town, about these issues. Then because everybody says it, they think it is true.

It is not the case that if this Congress doesn't give fast-track trade authority to this President, that we will not be able to have future trade agreements and will not be able to expand our international trade. It is the case that some of us believe we ought to stand up for the economic interests of this country.

Let me go through a few points because we are going to deal with this issue in macroeconomic terms. We are going to be hearing the debate about theory, and all of the trade concepts that people have. Then we negotiate trade agreements and then the jobs leave and people lose their jobs and it doesn't matter, I guess, to some because these are just the details.

Jay Garment Corporation had two plants with 245 jobs in Portland, IN and Clarksville, TN. They produced blue jeans. They moved the plants to Mex-

ico where they could get people to work for 40 cents an hour.

For the past 75 years in Queens, NY, workers have been making something called Swingline brand staplers. They had 498 workers. They are now moving the plant to Mexico. Nancy Dewent is 47 years old. She has been working at that plant for 19 years and was making \$11.58 an hour. Manufacturing jobs are often the better jobs, paying better wages and better benefits. That assembly job, now, making staplers, will be in Mexico at 50 cents a hour. That plant owner expects to save \$12 million a year by moving that plant to Mexico and selling the products back into the United States.

Borg Warner is closing a transmission plant in Muncie, IN. That means 800 people will lose their jobs, jobs that were paying an average of \$17.50 an hour. Production is moving to Mexico.

Atlas Crankshaft, owned by Cummins Engine, literally put its plant on trucks and moved the plant from Fostoria, OH, to San Luis Potosi in Mexico; 200 jobs gone south.

In North Baltimore, OH, the Abbott Corporation produces wiring harness for Whirlpool appliances, closed its plant; 117 jobs moved to Mexico.

Bob Bramer, who worked 31 years at Sandvik Hard Metals in Warren, MI, watched his plant closed down. The equipment was put on trucks and moved to Mexico. Another 26 American jobs gone south.

People say you don't understand. That is the natural order of things. If we can't compete, tough luck for us. If we can't compete we lose our jobs.

The question we ought to ask ourselves in this discussion is not whether this is a global economy. It is. Not whether we are going to have expanded trade, we should. We are a recipient for massive quantities of goods produced in China, massive quantities of goods produced in Japan and in Mexico and elsewhere. The question is not whether our economy is going to assimilate and purchase much of those goods. The question is what is fair trade between us and these countries? I hope, in this discussion, we might get to this question. Is there anything—is there anything that would concern Members of Congress about what is called the free market system and accessing the American marketplace with foreign production?

For example, is it all right to hire 12-year-old kids and pay them 12 cents an hour and work them 12 hours a day and have them produce garage door openers? Is that all right? Is that fair trade? And then ship those garage door openers to Pittsburgh, Los Angeles, Fargo, and Denver and then compete with someone in this country who produces the same garage door openers, hires American workers, has to abide by safety laws, by child labor standards, by workplace safety laws, and pay minimum wages? Is that fair trade? Is it fair competition?

The answer clearly is no. If we allow producers to decide that in the world marketplace you can pole vault over all the discussions we have had for 50 years and you can produce where there is a lot less hassle, you can move your plant and move your jobs to a foreign land, and you can dump the chemicals in the water, you can pollute the air, hire kids and pay a dime an hour and you can bloat your profits and ship that product to Delaware, to North Dakota, to Colorado, and to New York, is that fair trade?

It is not fair trade where I come from. That is not fair trade. This country ought to be concerned about the conditions of trade and about the circumstances of trade that we are involved with. That is why we have these swollen trade deficits year after year after year. I know those who push fast track and push the current system, the same old thing, say, "We are the ones for expanded trade." I don't think so at all.

The reason we have not gotten our products into foreign markets, at least not with the success we should have, is this country doesn't have the nerve and the will to require it, and the other countries know it. They know there are going to be enough in the Senate and enough in the House to stand up and make these claims that if you don't support the current trade strategy and you don't support expanded trade, that you are a protectionist. Other countries know that. This country doesn't have the nerve and the will to say to Japan and China, Mexico, and others that if our market is open to you, you had better understand that your market is required to be open to us. Our country simply has not required that of our trading partners. Until it does, we will continue to run these huge swollen trade deficits.

The question that we will get to soon will be a narrower question of fast-track trade authority. Very simply, for those who don't know what that means, it means that the President will go off and negotiate a trade treaty through his trade negotiators, bring it back to the Congress, and then fast-track authority means no one in Congress may offer any amendments.

I have been through this with the United States-Canada trade agreement. I want to describe for my colleagues why I feel so passionate about this.

The United States-Canada Free-Trade Agreement passed the Congress. I was in the House of Representatives at the time and on the Ways and Means Committee, where it passed by a vote of 34 to 1. I was told just before the vote, "We have to have a unanimous vote here in the House Ways and Means Committee. We need to get everybody voting for this. You can't be the only holdout. How would you feel about 34 to 1? What does that say, 34 to 1?"

I said, "No, that is not a source of trouble to me, that is a source of enormous pride, because you are engaging in a trade agreement with Canada that

fundamentally sells out the interests of the American farmers."

"We don't do that," they said. "In fact, we'll provide you paper," and they shoved all this paper at me saying that we guarantee, we promise and they made all the promises in the world, and I still voted against it.

Guess what is happening? The United States-Canada trade agreement went into effect and our farmers, especially in North Dakota and the northern part of this country, have seen a virtual deluge of Canadian grain coming into our country undercutting our markets, taking \$220 million a year out of the pockets of North Dakota farmers—durum wheat, barley. So we complain about it and say this is unfair trade. It is clearly and demonstrably unfair trade.

It comes in from a state trading enterprise in Canada called the Canadian Wheat Board, which would be illegal in our country. It is clearly unfair trade. Just as clearly to me, it violates our antidumping laws because every bushel that comes in comes in with secret prices. In our country, when you sell grain, prices are fully disclosed. With the Canadian Wheat Board those are secret prices by a state trading enterprise that would be illegal in this country.

For 8 years this has gone on, and we can't correct it. Why? Because this trade agreement was so incompetently negotiated that we traded away our ability to solve the trade problems resulting from it.

I come here to say this. I have great respect for this President. This President has taken some of the few enforcement actions that have ever been taken with respect to some of our trading partners. But, until this President and until these trade negotiators and others involved in our current trade strategy in our country demonstrate the nerve, the will and the interest to stand up for the interests of American producers and, yes, farmers and manufacturers and workers; until they demonstrate a willingness and ability to stand up for the interests of this country, I do not intend to vote for fast-track trade authority.

Once we decide as a country we are willing to stand up for our economic interests and say to China, "You cannot continue to run up a \$50 billion trade surplus with us; we cannot continue to stand a \$50 billion trade deficit with you," or say to Japan, "We will not allow you year after year after year every year to have a \$50 to \$60 billion trade surplus with this country"—we have a deficit with them; they have a surplus with us.

What does that mean. The past 21 years of merchandise trade deficits contribute a combined nearly \$2 trillion to our current accounts deficit? It means somebody has to pay the bill some day. When we pay the bill, we will pay it with a lower standard of living in this country, all because we had a trade strategy that did not stand up

for the economic interests of this country's producers.

I know there are people here who say, "Gosh, look how well things are going in this country; things are going so well." In fact, we have a proclivity in this country to measure how well we are doing every month by what we consume. If we have good consumption numbers, boy, we are doing well.

It is not what we consume that measures the economic health of a nation, it is what we produce. No country will long remain a strong economically healthy country, a country with a strong economy, unless it retains a strong, vibrant and growing manufacturing base. That is not the case in this country, because we have decided with trade agreements that it is fine for American producers to get in a small plane, circle the globe, find out where they can relocate their plant and pay pennies an hour and not be bothered by child labor laws or by environmental restrictions or by minimum wages or all the other things we fought about for 50 to 75 years in this country, move the production there, produce the same product and ship it back here. The net result is a trade loss for this country, a loss of good-paying, important manufacturing jobs for this country, and a continued erosion of this country's manufacturing base. That, I think, is moving in the wrong direction.

Mr. President, I am not going to take the full hour allotted to me at this point. I intend to, at another point in this process, speak more about the issue, but I want to finish by saying, once again, that we will have, I assume, a discussion that represents the same old discussion, and that is an attempt to portray those who don't support this fast-track proposal as those who don't support expanded international trade.

Let me portray it the way I think it really is. We have some people clinging to a failed trade strategy that has produced the largest trade deficits in the history of this country, clinging to it with their life because they resist change at every turn. There are those of us who understand that this trade strategy does not strengthen this country. It weakens this country. Increasing deficits don't strengthen this country. They undermine this country. Those of us who believe that it is time to change our trade policies.

Do we want to change by keeping imports out? No. Do we want to change by retreating from the international economy? No. We want to change by insisting and demanding that it should be fashionable for a while to stand up for the economic interests of this country and that those who do so should not be called protectionists. Those of us who stand up, do so in a way that is designed to strengthen and to expand our country's economic opportunity in the years ahead.

So, Mr. President, we will have many hours this week to talk about trade. I come from a State that needs to find a

foreign home for much of what it produces. I am not someone who wants to retard trade. I want to expand trade. But I am someone who believes our Nation's trade strategy has not worked. Instead, we need a new trade strategy to expand exports, to expand opportunity and to diminish and eliminate these bloated trade deficits that threaten, in my judgment, this country's economic future. Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, in the trial of a case, when you present a witness such as a doctor or an engineer, you qualify the witness by providing his background and experience. I am in the same position of having to qualify myself—not that I am expert on any particular thing—because only yesterday in a discussion on the floor, one of my esteemed colleagues said, "I know how you are going to vote with respect to fast track because you are against trade." Mr. President, nothing could be further from the truth.

Let me say at the very beginning that I was raised and still live in a port city. I worked in that port two summers, paying my way through college with a coastal geodetic survey before World War II, when we were laying submarine nets in the harbor.

I also was a lawyer later on in life, practicing before the U.S. Customs Court with the Honorable Judge Paul Rayall of New York. As an attorney, I also represented the South Carolina Port Authority. So I am familiar with the field of trade law.

Later, as Governor of South Carolina, I had the privilege of putting in all the expanded facilities for our State ports, such as grain elevators for our farmers so that they could compete, but more particularly. During my tenure as Governor, I also was one of the first elected representatives to take trips abroad to promote trade and to encourage foreign companies to open plants in the United States.

I was just thinking the other day, when the President was going for the first time to Latin America, that I took that trip to Buenos Aires, Argentina, back in 1960. I have been there a half dozen times since then. And I have been not just to Sao Paulo but to the port of Santos in Brazil and to Caracas, where we buy now a majority of our oil.

I learned early on in looking for trade opportunities that my hometown of Charleston is 350 miles closer to Caracas, Venezuela, and the Latin American markets than New Orleans. Look at it sometimes—the offset of the South American continent—and you will see that my hometown of Charleston is about on the same latitude as the Panama Canal.

So I went after trade and have been working on trade for at least 40 years, as an attorney and as Governor. Today,

my office in Charleston is in the Customs House.

I have participated in the various trade debates in my 30 years in the U.S. Senate. I have heard the same things come up time and time again without any understanding of the fact that we do not have a trade policy. We have a foreign policy.

A friend who says you are against trade and he is for foreign aid is not for trade. We were fat, rich, and happy after World War II, and, yes, we taxed ourselves to the tune of what would be equal to some \$80 billion in today's amounts. We couldn't even get taxes to pay our own bills, much less the vanquished enemy in Europe and in the Pacific, but we taxed ourselves and we sent over not just the best expertise to tell them how to develop industrially, but more particularly, Mr. President, the best machinery.

I have always heard people talk about textile fellows. According to critics, we want subsidies and protectionism. Now, we have asked for enforcement of and protection under U.S. international trade agreements, but we never have asked for subsidies like the airline manufacturers receive, for example.

And of course, much of our technology comes from Defense. Then we make sure that it is financed under the Export-Import Bank. And incidentally, the \$3 billion contract with China, you might as well count on only a percentage of that—China is in part trading with itself, because it has Boeing China where they make the tail assemblies, and they make the electronic parts in Japan, and everything else of that kind, so we can look at really where the contract is being sourced.

Unfortunately, Mr. President, we are exporting our most precious technology. General Motors, for example, has agreed not only to produce cars in the People's Republic of China, but also China has required, Mr. President, that they design the automobiles. So the new cars that we in America will be buying here at the turn of the century will be designed in downtown Shanghai with the finest computerization and machinery being installed there now by American companies.

So we watch this particular trend. And we understand that the administration and those championing fast track are totally off-base with respect to the welfare of the United States of America, with respect to the security of the United States of America.

Mr. President, the Nation's security rests on a three-legged stool. The three legs comprise our defense, values, and economy. And we have the one leg that is military power, which is unquestioned. Our troops and our military technologies are without equal in the world today. This leg is sound.

The second leg is that of our Nation's values. This leg, too, is sound, our values unquestioned. We commit ourselves to freedom, democracy, and individual rights the world around—from Haiti

and Bosnia. We work hard in all the councils of the world to promote the health and welfare of the free world. Our commitment to democracy and human rights is unwavering and our democratic values still are strong, as was noted here just last week on the visitation of Jiang Zemin.

But, Mr. President, the third leg of our Nation's security—and this must be emphasized—is the economic leg. Unfortunately, the economic leg has been fractured over the last 50 years, somewhat in an intentional manner.

I mentioned the Marshall plan. I mentioned the expertise we supplied to our vanquished foes. I mentioned the attempt to build up freedom and capitalism around the world, continuing today with the fall of the wall in Europe and the capitalistic trends even in People's Republic of China. And we have succeeded in this policy, so we do not regret it. But too often over the last 50 years we have given in to our competitors.

When 10 percent of U.S. textile consumption was provided by imports, President John F. Kennedy declared an emergency, and under the law he appointed a cabinet commission. And he had the Secretaries of Treasury, Agriculture, Commerce, Labor and State meet. In May, 1961, complying with national security provisions, they determined that before President Kennedy could move, he was required to find that the particular commodity was important to our national security.

At the Department of Defense, this particular commission found that next to steel, textiles were the commodity most important to our national security. After all, our Government could not send our soldiers to war in a Japanese-made uniform. So President Kennedy took action and formulated a 7-point program with respect to textiles. But this program has never been enforced.

I continue to say that if we were to go back to our dumping laws and enforce them, we wouldn't have to have a debate of this kind on the floor of the U.S. Senate. But they are not enforced, Mr. President, and now two-thirds of the clothing worn here on the floor of the U.S. Senate is imported. And 86 percent of the shoes are imported.

While I am on this subject, Mr. President, we have gradually gone out of the role of a productive United States of America to a become a consuming people.

I ask unanimous consent to have printed in the RECORD a ratio of imports to domestic consumption of various items.

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

1996 Data	
Industry/commodity group	Ratio imports to domestic consumption in percents
Metals:	
Ferroalloys	52.8
Machine tools for cutting metal and parts	44.3
Industry/commodity group	
Steel Mill products	16.7
Industrial fasteners	29.5
Iron construction castings	46.2
Cooking and kitchen ware	59.5
Cutlery other than tableware	31.8
Table flatware	63.6
Certain builders' hardware	19.5
Metal and ceramic sanitary ware	18.2
Machinery:	
Electrical transformers, static converters, and inductors	38.6
Pumps for liquids	29.8
Commercial machinery ..	19.7
Electrical household appliances	18.2
Centrifuges, filtering, and purifying equipment	51.2
Wrapping, packing, and can-sealing equipment ..	26.7
Scales and weighing machinery	29.8
Mineral processing machinery	64.2
Farm and garden machinery and equipment	21.7
Industrial food-processing and related machinery	23.0
Pulp, paper, and paper-board machinery	34.4
Printing, typesetting, and bookbinding machinery	54.8
Metal rolling mills	61.4
Machine tools for metal forming	61.4
Non-metal working machine tools	44.1
Taps, cocks, valves, and similar devices	27.6
Gear boxes, and other speed changers, torque converters	30.5
Boilers, turbines, and related machinery	48.0
Electric motors and generators	21.1
Portable electric hand tools	27.4
Nonelectrically powered hand tools	34.1
Electric lights, light bulbs and flashlights ...	31.0
Electric and gas welding equipment	18.4
Insulated electrical wire and cable	30.9
Electronic products sector:	
Automatic data processing machines	59.3
Office machines	48.0
Telephones	26.2
Television receivers and video monitors	53.4
Television apparatus (including cameras, and camcorders)	74.7
Television picture tubes	33.8
Diodes, transistors, and integrated circuits	60.6
Electrical capacitors and resistors	68.1
Semiconductor manufacturing equipment and robotics	21.9
Photographic cameras and equipment	84.0
Watches	95.9

<i>Industry/commodity group</i>	<i>Ratio imports to domestic consumption in percents</i>
Clocks and timing devices	54.9
Radio transmission and reception equipment ...	47.9
Tape recorders, tape players, VCR's, CD players	100
Microphones, loudspeakers, and audio amplifiers	67.6
Unrecorded magnetic tapes, discs and other media	48.2
Textiles:	
Men's and boys' suits and sport coats	39.4
Men's and boys' coats and jackets	56.3
Men's and boys' trousers	37.7
Women's and girls' trousers	47.9
Shirts and blouses	54.8
Sweaters	71.1
Women's and girls' suits, skirts, and coats	55.9
Women's and girls' dresses	26.9
Robes, nightwear, and underwear	51.0
Body-supporting garments	37.0
Neckwear, handkerchiefs and scarves	55.5
Gloves	68.5
Headwear	50.5
Leather apparel and accessories	70.2
Rubber, plastic, and coated fabric material	86.4
Footwear and footwear parts	83.1
Transportation equipment:	
Aircraft engines and gas turbines	47.5
Aircraft, spacecraft, and related equipment	30.5
Internal combustion engine, other than for aircraft	19.9
Forklift trucks and industrial vehicles	21.5
Construction and mining equipment	28.6
Ball and roller bearings ..	24.9
Batteries	26.4
Ignition and starting electrical equipment ...	22.3
Rail locomotive and rolling stock	22.8
Carrier motor vehicle parts	19.5
Automobiles, trucks, buses	39.0
Motorcycles, mopeds, and parts	51.8
Bicycles and certain parts	54.5
Miscellaneous manufacturers:	
Luggage and handbags ...	76.9
Leather goods	37.4
Musical instruments and instruments	57.7
Toys and models	72.3
Dolls	95.8
Sporting Goods	32.0
Brooms and brushes	26.5

*1996 data from ITC publ. 3051

Mr. HOLLINGS. Mr. President, my time is limited. It is unfortunate we have forced cloture. We have had no debate. This is an arrogant procedure: on a Friday afternoon, late on Friday when everyone was gone, they put in

the so-called bill with the cloture motion, and now the world's most deliberative body is not going to have a chance in the world to deliberate. We had no debate on Monday, and now after forcing a vote on Tuesday they say, "All right. You've got an hour." Oh, isn't that fine. Isn't that polite? Isn't that courteous? Isn't it Senatorial? Not at all. Not at all.

What we really need is an extended debate on the most important item that faces this country—our economic security.

Today we practically are out of business in manufacturing. People talk about the manufacturing jobs that have been created, but 10 years ago we had 26 percent of our work force in manufacturing. We are down to 13 percent of jobs now in manufacturing.

I go right to one of our adversaries, who is one of the finest industrialists in the history of man, Akio Morita of Sony Corp. And on a seminar in the early 1980's, in Chicago, we were talking about the developing Third World countries. And he said, "Oh, no. They cannot become a nation state until they develop a strong manufacturing capacity." And later on in that seminar he pointed to me and said, "By the way, Senator, that world power that loses its capacity of manufacturing will cease to be a world power."

We are going to have Veterans Day here very shortly. And I think back to my the 3-year jaunt overseas in World War II and the invasion of North Africa, and Corsica, and Southern France. And I remember well how valiant our fighting men were. And I take pride in average citizens from the main streets and farms of America volunteering to fight and die for our Nation.

In those days, when we looked up at the skies we saw our wonderful Air Force. And we saw them bombing the adversary into smithereens, to the point where they had no productive industrial manufacturing capacity. We, in contrast, were turning out five B-29's a day at the Marietta plant just outside of Atlanta. They were not turning out any planes at all. Their plants had been destroyed. And so we had a superiority of equipment and everything else as we moved forward through Alsace and across the Rhine.

And as much as congratulating all the veterans on Veterans Day, I will be making talks like other politicians. I want to emulate Rosy the Riveter who, back home, kept things going. It was the wonderful productive capacity of the United States of America that kept this world free. Let us never forget it. So when we talk of trade, we are talking of something of historic proportions here.

I will go to the history here in the unlimited time because in a few hours—in an hour and a half, to be exact—the Commerce Committee, with the Capitol Historical Society, will celebrate the 181st anniversary of the Committee of Commerce, Space, Science, and Transportation.

That brings us back to our earliest days and the mistaken idea that there is somewhere, somehow, other than here in the United States, free trade, free trade, free trade, free trade. There is absolutely no free trade in the world. Trade is reciprocal and competitive. The word "trade" itself means something for something. If it is something for nothing, it is a gift.

I know some people talk about different subsidies and different nontariff trade barriers, and that is what they mean. But what has come about, as we have been setting the example by just that, with free trade with Chile, our average tariff was 2 percent. The average tariff in Chile is 11 percent. So the people in Chile now almost have free trade. We have almost nothing left to swap in order to bring them to terms to open their markets.

As long as we cry and moan and grown, "free trade, free trade," like the arrogant nonsense that somehow our way is the only way, we are going to wake up in America like the United Kingdom. They told Great Britain at the end of World War II, "Don't worry, instead of a nation of brawn, you're going to be a nation of brains. And instead of producing products, you're going to provide services. And instead of creating wealth, you're going to handle it and be a financial center." And England has gone to hell in an economic handbasket; downtown London is an amusement park. Poor Great Britain: it is not great any longer. And that is the road that we are on here in the United States.

I want to get off that road and sober these folks up and let them stop, look, and listen to what they are talking about. I would like, Mr. President, to emphasize what the global competition is. Some act as if it's something new, and we have just come into it. No. We started 220-some years ago, in the earliest days of our republic.

Thinking today about this particular celebration we are going to have this evening, I realized that in 1816, when the Commerce Committee was first started, it was started as the Committee of Commerce and Manufacturing. Commerce and Manufacturing was the name of it.

That was foremost in the minds of the Founding Fathers when they thought about our relations with Great Britain, the mother country, once we had won our freedom and were a fledgling colony. The British wanted to trade with us under the doctrine of competitive advantage. They said at that particular time that what you ought to do back in the colony is trade with what you can produce best and we will trade back with the little fledgling colony from the United Kingdom what we produce best—free trade, free trade, Adam Smith, Adam Smith, free trade, consumption.

Well, Alexander Hamilton wrote "Report on Manufactures," and there is one copy left that I know of over at the Library of Congress under lock and

key. I won't read it—I would if we had extended time where we can debate this and begin to understand the Founding Members. In a line in that booklet, Alexander Hamilton told Great Britain essentially, bug off, we are not going to remain your colony. The second act ever enacted by Congress—which had a mindset of competition and building, rather than buying votes with consumption and tax cuts and free trade and all that kind of nonsense—passed a tariff of 50 percent on some 60 articles, which included textiles, iron, and just about everything else.

What we said was “no, thank you.” We are going to follow Friedrich List, who said that the strength of a nation is measured not by what it can consume but rather by what it can produce. And the Founders said that they we going to produce our own industrial backbone, beginning with tariffs and instituting a Committee of Commerce and Manufactures.

This mindset continued through President Lincoln. His advisors told the President during the construction of the transcontinental railroad, “Mr. President, we ought to get that steel cheap from England.” And he said “No, we are going to build the steel mill, and when we get through we not only will we have the transcontinental railroad but we will have a steel capacity to make the weapons of war and the tools of agriculture.”

And in the darkest days of the Depression we passed price supports for America's agriculture which this Senate supports. It is not like we are against the farmer. I have had the pleasure of being elected six times, and each time the farm vote has either put me over the top or saved me. I have been elected six times. I have the greatest respect and we had not only the price supports but protective quotas, import quotas.

Eisenhower, in 1955, put in oil import quotas so we could build up our own capacity of oil production. So we have been practicing that until we have been overcome, so to speak, with the multinational singsong.

You see the policy of building up capitalism the world around has worked. I was with the manufacturers in the early 1950's. They hated to fly all the way to the Far East and come back. But after a while they found out they could produce cheaper by producing overseas.

We had this testimony and we had the hearing before the Finance Committee which is a procedure of parliamentary fix. We had hearings that proved that 30 percent of the cost of manufacturing is in labor and you can save as much as 20 percent of your labor costs by moving offshore to a low-wage country. In other words, if you have a volume or sales of \$500 million, you can keep your headquarters and sales force here but move your production overseas and save tens of millions of pretax dollars; or you can con-

tinue to stay home and work your own work force and go bankrupt.

That is the jobs policy of this Congress. That is the jobs policy of this fast track. That is the jobs policy of President Clinton and his administration. That is why I am so strongly opposed to this kind of nonsense.

They come around here with talking about consulting and retraining and everything else of that kind but the truth of the matter is, I will take them down to Andrews or some other towns in my State of South Carolina. We have lost, since NAFTA, some 23,500 jobs when counted last May and over 25,000 jobs easily since then.

Go to where they make simple T-shirts, in Andrews, SC, where they had 487 workers. The age average is 47 years. And let's do it Washington's way, let's retrain the 487 workers so tomorrow morning they are all computer operators. Are you going to hire the 47-year-old computer operator or the 21-year-old computer operator? You are not going to take on the health care costs, the retirement costs of the 47-year-old. Andrews is drying up. They are gone with all this retraining. We don't need retraining. I have the best training facilities. That is how I get Hoffmann-La Roche, BMW and all the sophisticated plants, Honda and otherwise, that are coming into my State.

So we say with knowledge that we are not against trade; we have experience in this field. In South Carolina, we have the best industries on the one hand, 2.8 percent unemployment in Greenville County. But go down to Williamsburg County and you have 14 percent unemployment.

On October 28, one week ago, the Washington Post published an editorial by James Glassman. Obviously, Mr. Glassman does not understand exactly what is at issue here.

I ask unanimous consent to have the article printed in the RECORD.

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

[From the Washington Post, Oct. 28, 1997]

CONSUMERS FIRST

(By James K. Glassman)

We work in order to eat, not vice versa. In other words, an economy should, first and foremost, benefit consumers, not producers—individuals rather than the established interests of business and labor.

This simple truth, which is regularly ignored by politicians and the media, is at the heart of many of our current debates—over free trade, taxes and, most recently, the antitrust action against Microsoft.

Adam Smith said it best in 1783: “Consumption is the sole end and purpose of all production, and the interest of the producers ought to be attended to, only in so far as it may be necessary for promoting that of the consumer.”

That's why free trade is so beneficial. If we make it easy for Italy to export inexpensive shoes to us, then U.S. shoemakers may have to find jobs in other fields. But, meanwhile, the 260 million Americans who wear shoes every day get a bargain. The money they save can be used to buy other things and start businesses, such as software, in which Americans have a clear advantage.

In its defense of fast-track to boost trade deals, the Clinton administration has completely ignored this approach: that the main reason we trade is to get good, low-priced imports, which, incidentally, help keep down inflation. Politicians have spent so much of their time helping producer interest groups (a term that always includes big labor) that they've forgotten the best argument for free trade—that it's a tremendous boon to consumers.

But consumers, who, by their very nature, are unorganized, are consistently given short shrift—even by groups, such as Ralph Nader's, that purport to represent them. Take Attorney General Janet Reno's million-dollar-a-day fine against Microsoft, hailed by Nader and based on her claim that the company is “forcing PC manufacturers to take one Microsoft product as a condition of buying a monopoly product like Windows 95.”

Yes, producers are forced to do something they may not like, but consumers get something free—a browser that helps them move around the Internet. It's difficult to see how the aggressive, even vicious, competitive tactics of companies like Microsoft and Intel have hurt consumers, who now enjoy more and more computer power for less and less money.

It's nonsense to believe that a computer industry in a constant state of revolution will thwart individuals unless government steps in. It's consumers who determine whether a product succeeds or fails. For an economy to reward the best producers, consumers have to be given free rein to make choices and send signals about what they really want.

Unfortunately, the history of antitrust—not to mention trade policies like high tariffs, quotas and anti-dumping rules—reveals a pattern of enforcement that benefits politically powerful producers, while paying only lip service to consumers.

If I seem overly agitated about producer-favoritism, it's because I've seen the deadly results. I just returned from a trip to Germany, a country which, only a few years ago, U.S. politicians held up as an ideal. Today, there's a complacency and hopelessness about the economy. Unemployment is 11.7 percent. “This has little to do with the business cycle,” Otto Graf Lambsdorff, the respected former economics minister, told me. “It is structural unemployment.”

Germans are—stereotypically and actually—precise, diligent, well-educated and technically proficient. But between 1990 and 1996, their total industrial output actually declined by 3 percent while that of the United States rose 17 percent. (Output in Japan, another producer-oriented economy that's in the dumps, fell 5 percent.)

Why? One reason is the drag imposed by the sheer size of the German welfare state, but at least as important is an economic policy that consistently stymies the interests of consumers.

For instance, wage agreements, enshrined in law, are set by the big manufacturers and their unions, then imposed on smaller companies—a process that prevents serious competition that would drive down prices and help Germans live better.

German regulations also keep new entrants out of the marketplace. The medieval guild system still rules, and it's hard to start a business without the certification of companies that are already in it. Three people told me the same story: Bill Gates never could have launched Microsoft in Germany because it's illegal to work in a garage—no windows.

The most glaring example of producers-first is the law that sets nationwide operating hours for retail businesses. Exactly a

year ago, those hours were finally extended—for just 90 minutes. Now, businesses have to close Monday through Friday at 8 p.m. and on Saturdays at 4 p.m. On Sundays, only bakeries can open.

Why have such a law at all? While some in the Bundestag argued that longer hours hurt family life and church-going (then why not ban telecasts of soccer games?), the main opposition came from producers themselves (and their attendant unions). Cartels love the status quo. Allow innovation, and new firms might drive us out of business. In other words, the consumer be damned.

Economic policy really isn't as complicated as it seems. Since, as Adam Smith pointed out, the consumer comes first, then the first question should always be: Does this help consumers, not in some imagined future but in the here and now? Free trade does. Microsoft's free browser does. A tax system that stresses low rates, simplicity and no breaks for special interests does.

The people who run Germany may never learn this important axiom, but most Americans know it instinctively. Now, if only the politicians and the press would catch on.

Mr. HOLLINGS. "Since as Adam Smith pointed out, the consumer comes first."

Come on, that is historically inaccurate. If we would have done that, we would still be a colony. He doesn't know what he is talking about. They didn't land here from the Mayflower looking for consumption and a cheap T-shirt. They came here to build a nation. You don't build it without a strong manufacturing capacity and you can find more silly articles running around loose. There is one by David Broder. He was quoted by my distinguished colleagues from New York and from North Dakota on both sides of the issue, but I want to read one paragraph, and I ask unanimous consent this article be printed in the RECORD.

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

[From the Washington Post, Nov. 4, 1997]

FAST TRACK, HEAVY FREIGHT

(By David S. Broder)

For President Clinton, the big trade vote scheduled later this week represents "Double Jeopardy."

If Clinton fails to win the same "fast track" negotiating authority that previous presidents have carried into international bargaining, it would threaten a central part of his overall economic policy and rattle already jumpy world stock markets. It would signal retreat by the United States from its leadership role for a more open international marketplace and—by the sober judgment of the embassies of at least two key allies—could set off serious trade wars.

Chances are, it won't come to that. The Senate, which is scheduled to vote first, seems likely to approve the fast-track procedure in which trade agreements are voted up or down by Congress but are not subject to amendment. In the House, which is slated to follow on Friday, Clinton faces an uphill struggle, but one he might still win.

The cost of victory may be high, however. By every calculation, more than two-thirds of the affirmative votes will have to come from Republicans. The more Clinton has to turn to Speaker Newt Gingrich and his allies, the higher the price they can extract on other issues. Gingrich, still trying to shore up his own shaky position after last summer's failed coup, simply cannot afford to be altruistic.

The reason Clinton may have to pay a high price is that he has signally failed to persuade his own party of the rightness of his trade policy. In 1993, after a vigorous campaign by Clinton, only 40 percent of House Democrats supported NAFTA—the free trade agreement with Mexico and Canada. "On fast track, he will lose 20 or more people who voted for NAFTA," House Democratic Whip David Bonior of Michigan, an ardent opponent, told me over the weekend. A key House Democratic supporter conceded that Clinton is unlikely to get many more than 30 percent of the 206 Democrats to go along—a figure low enough that it could prove fatal.

Clinton aides blame the problem on organized labor, which has led the fight against "fast track," just as it did against NAFTA. "This is the most blatant example of the corrupting effect of campaign finances on Washington policy-making I know," one high administration official said.

Even if you accept AFL-CIO lobbyist Peggy Taylor's assurance that "we have not threatened to cut off contributions to anyone," there is no doubt the dependence of most congressional Democrats on unions for their bedrock financing makes them receptive to the arguments Taylor and other labor lobbyists offer.

But there's more than money involved. In the 1994 midterm election, a year after the NAFTA vote, union activists, stung by losing that fight to Clinton and by the president's failure to get a Democratic Congress even to vote on his promised health care reform, deserted their posts. Phone banks went unmanned; the turnout of union families plummeted; 40 percent of those who bothered to vote backed GOP candidates, and the Democrats lost the House for the first time in 40 years.

In 1996, by contrast, labor, under new leadership, targeted Gingrich and the GOP early, boosted its share of the electorate and helped the Democrats to a 10-seat gain. Understandably, its arguments are heeded.

Labor is less monolithic than it appears, however. The growing unions—notably those representing public employees and service industries—care much less about the trade issue than do the teamsters or the big industrial unions. Vice President Al Gore, despite his pro-NAFTA and pro-fast-track stance, has at least as many allies among top unionists as his prospective opponent for the 2000 nomination, Minority Leader Dick Gephardt of Missouri, who is leading the fight for labor.

What Clinton and the White House have been slow to realize is that Gephardt has convinced many of his colleagues that demanding stronger worker and environmental protections as part of future trade agreements is a way of helping their constituents—not undercutting a successful Clinton economic policy. Until very recently, the president let the opposition dominate the public debate.

As a result, Clinton will not get the votes of such thoughtful Democrats as Rep. Ron Kind, a moderate freshman from a marginal district in Wisconsin, who concedes he is adopting the "parochial concern" of dairy farmers frustrated by their post-NAFTA dealings with Canada. "Very few of us oppose giving the president the authority to negotiate," he said, "but he should have elevated this to a national debate on what the rules of trade should look like in the 21st century. That is what Ronald Reagan would have done."

As a result of that failure, Clinton will pay Gingrich a high price if he is to avoid a truly devastating defeat.

Mr. HOLLINGS. The article reads in part:

Clinton aides blame the problem on organized labor which has led the fight against fast track just as it did against NAFTA. "This is the most blatant example of the corrupting effect of campaign finances on Washington policy-making I know," one high administration official said.

Boy, oh boy, is it. Is it one of the most scandalous, corrupting effects of campaign finances. Why? Mr. President, 250 of these multinational corporations are responsible for 80 percent of the exports. That is the moneyed crowd that came with the white tent on the lawn for NAFTA. That is the moneyed crowd and the Business Advisory Council that sent around a month ago, "We are allocating \$50,000 for this debate." Each of your corporate entities, send the money in so we can buy the TV to bamboozle those silly Senators in Congress.

It is one of the most corrupting—not labor. God bless labor. At least they are fighting for what Henry Ford said: "I want to make sure that the man that produces the car can buy the car." And he brought in good, responsible wages. That is what labor is trying to get—a responsible wage and working conditions and no child labor and no environmental degradations.

Since I'm talking, I want everyone to know I'm just not reading things. I have been there and I have seen, as Martin Luther King, Jr. said, the other side. So at Tijuana, Mr. President, you go there and you think you are in Korea. Go across from San Diego into Tijuana—beautiful industries, mostly Korean, and what happens? Then you go out to the living conditions, some 150,000 to 200,000 people in that dust bowl. The mayor comes up and he says, "Senator, I want you to meet with 12 people if you don't mind." I said I would be glad to. "I would like you to listen to what they are talking about."

It so happens that in that area, the mills have the flag, whether American or Korean, they have a beautiful lawn, a nice, clean factory on the outside and the living conditions are squalid—literally, five garage doors put together as a hovel to live in, no running water, the electric power is one little electric line where I was visiting and the fellow had a car battery to turn on his TV because if he turned on the light and TV everything blew up.

There wasn't any sewage, there weren't any roads or streets. When they had a heavy rain and when the rains came at the turn of the year, it washed down all that mud, dust and what have you, and their homes were literally being washed away. Trying to save them, they missed a day's work, these 12 workers. Later in February, one of the workers in a plastic coat hanger factory—a factory that had moved down from Los Angeles, CA, to Mexico, a low-wage thing, maquiladora is the word for it—had lost his eyesight from the dust flicked up in his eyes by the coat hangers. That caused real concern because they had been docked having missed 1 day's work. They were docked under the work rules. They lost

4 days' pay. And now they were losing one of their companion workers and his eyesight, and around the first of May the most popular supervisor was expecting childbirth and she went to the front office and said, "I'm feeling badly and I have to go home this afternoon," and the plant managers said, "Oh, no, you are not, you are working out there," and she stayed that afternoon and miscarried.

So these 12 that the mayor had meet said they were going to get a union and they went up to Los Angeles. You know what they found, Mr. President? These are labor rights they have down in Mexico. They found they already had a union. When the plants had moved down there 3 years before they had signed a legal document back there in Los Angeles between lawyers for the so-called union that they never saw, never saw. The union master or anything else of that kind never visited the plant, and under Mexican law, since they had a union, these workers were fired because you are not allowed to try to organize a union when you have one. That is labor rights in Mexico. So they lost their jobs. And the mayor was pointing them out to me.

Labor is there working so that the United States can go out and spread its values. I talked about our values as a Nation, the strength of them, and it isn't to get a cheap T-shirt or cheap production. It is to extend those rights. We had the highest standard of living here in the United States, and we are trying to extend that standard of living so that others can buy and purchase. If we had the time, Mr. President, I would go into overcapacity. I remember when Bill Greider published his book a couple of years ago, "One World, Ready or Not." He talked about overcapacity; at the time, commentators ridiculed Greider, but now they find that we in the United States have the capacity to produce 500,000 more cars than we can sell; in the European sector, they have the capacity to produce 4 to 5 million more cars than they can sell, and with the yen down, you can watch automobiles coming in here like gangbusters.

Now, what are we saying? They don't know what they are talking about. We are trying to produce consumers to go and buy those cars. And what did we get out of NAFTA? Instead of \$1 an hour workers' wages have gone down. Read the American Chamber of Commerce report in Mexico earlier this year. Instead of \$1 an hour they now make 70 cents an hour. They can't buy the car. There are no consumers there; that is why there is the overcapacity. They act like we have equals; they say in a naive fashion that 96 percent of the consumers are outside the United States, when all that they are doing is looking at population figures.

They don't know what they are talking about. They are not consuming. They are not able. I wish I had the Boston Globe article about the shoe manufacturer. I don't want to mention the

name because I want to be accurate. But the tennis shoes were being made by three young women who slept on the floor, without a window, in a shack down in Malaysia, and their monthly salary was less than the cost of one pair of the shoes they were making. Now, come on. These are facts we must bring out in this debate. Wait a minute here, we know how to compete, how to open up markets. Via Friedrich List, we have been trying for 50 years to get into Japan and we have had little success.

If you want to sell textile products, you have to go to the textile industry of Korea and get permission or you don't get it. In Europe, the VCR's shipped there—there are nontariff trade barriers. They put VCR's up in Dijon, France. It took a year to get up there and clear all the redtape, get them released from the warehouse. Automobiles stayed on the dock in Europe—Toyota—and are still there. If you want to buy a 1998 model, you are going to have to wait until October 1, 1998, not October 1, 1997, because the '98 models that just came out, they have a year to inspect.

The competition, Mr. President, out there in this global economy is the Friedrich List model, not the Adam Smith model. We just need to get that through the hard heads of the State Department and the White House and the leadership in this Congress. Labor is being derided because they are trying to bring the benefits to all so they can become consumers, so, yes, as a result all will be able to purchase these products. But we are roaring blindly into an overcapacity problem the world around and the global economy, and we are headed for deflation. Remember that we said it first here in the beginning of November in 1997.

Mr. President, I have the article I was mentioning earlier. It was Reebok. My staff has just given that to me.

We have learned the hard way. We know our responsibility. That is what really boils me. Here comes this crowd from the White House: "Give the President the authority, give him the authority." He has had the authority to negotiate since 1934 under the Reciprocal Trade Act. We delegated that negotiating authority on behalf of the Congress. I am reminded of my friend Congressman Mendel Rivers, who used to be chairman of the Armed Services Committee. He had a seal in front of his desk that said "Congress of the United States." When Secretary McNamara would come up, Chairman Rivers would lean over and say to Robert McNamara, "Not the President, not the Supreme Court, but the Congress of the United States shall raise and support armies," article I, section 8. Also in article I, section 8 it says "the Congress of the United States shall regulate foreign commerce," not the President, not the Supreme Court, but the Congress of the United States. That is not only our authority, it is our responsibility. But they say: Fast track,

fast track, fast track. Forget your responsibility constitutionally. Take it or leave it.

How do they get NAFTA passed? The White House amends the treaty. Mr. President, in that particular debate, we remembered there were some 16 amendments. One Congressman down in Texas got 2 additional C-17's and he gave in his vote. Another distinguished Congressman, my good friend Jake Pickle, got a trade center. Another group down in Florida got a citrus amendment to take care of their concerns, and the Louisiana vote was taken care of with sugar, and for the Midwest, up by the border, it was a Durum wheat amendment. I could go down the list of the 16 amendments. What I am saying to this body is that we, the Congress, can't amend the treaties, but the White House can. It is the most arrogant, unconstitutional assault and usurpation. Said George Washington in his farewell address, if in the opinion of the people the distribution of powers under the Constitution be in any particular wrong, "then let it be amendable in the way that the Congress designates, for in the usurpation may in the one instance be the instrument of good, it is the customary weapon by which free governments are destroyed." And so we are in the hands of the Philistines, the multinationals.

As I started out saying, the program of spreading capitalism has worked. That is what defeated the Soviet Union and brought about the fall of the wall. We all glory in it. But in the meantime, those who had gone abroad spreading that subsidized initiative learned that they could produce cheaper overseas, that they could save one-third of their sales of volume cost. So they began moving overseas their offshore production. And then the banks financing this movement—Chase Manhattan and Citicorp, as of the year 1973—I remember that debate—made a majority of their profits outside of the United States. IBM is no longer an American company. They have a majority of workers outside of the United States. We could go down the list. But they had the banks and then the nationals were becoming multinationals. Then they had all the consultants and the think tanks that they financed to grind out all these papers. They come around babbling, "free trade, free trade." So you have the multinationals, the banks, the consultants, the think tanks, the college campuses—oh, yes, and the retailers.

Every time we debated the textile bill—five times we passed it—I would go down to Herman's and find a catcher's mitt, one made in Michigan and one made in Korea, both for \$43, the same price. We went down to Bloomingdale's and got a ladies' blouse made in Taiwan and one made in New Jersey, both for \$27.

My point was that they get their imports, bring it in for the large profit, and only give a little bit of the overrun of the particular sales to Grand Rapids

in New Jersey. They are not lowering their price as a result of competition. The retailers put out all of this nonsense about Smoot-Hawley. Paul Krugman said the best of the best—we had some quotes from him. We had that debate.

I will ask, Mr. President, to have printed in the RECORD the quote with respect to Smoot-Hawley because we heard that same thing here a little earlier today.

I ask unanimous consent to have printed in the RECORD at this point the record on Smoot-Hawley made by our distinguished colleague, the late Senator John Heinz, in 1983, where he made a studied report of it.

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

THE MYTH OF SMOOT-HAWLEY

MR. HEINZ. Mr. President, every time someone in the administration or the Congress gives a speech about a more aggressive trade policy or the need to confront our trading partners with their subsidies, barriers to import and other unfair practices, others, often in the academic community or in the Congress immediately react with speeches on the return of Smoot-Hawley and the dark days of blatant protectionism. "Smoot-Hawley," for those uninitiated in this arcane field, is the Tariff Act of 1930 (Public Law 71-361) which among other things imposed significant increases on a large number of items in the Tariff Schedules. The act has also been, for a number of years, the basis of our countervailing duty law and a number of other provisions relating to unfair trade practices, a fact that tends to be ignored when people talk about the evils of Smoot-Hawley.

A return to Smoot-Hawley, of course, is intended to mean a return to depression, unemployment, poverty, misery, and even war, all of which apparently were directly caused by this awful piece of legislation. Smoot-Hawley has thus become a code word for protectionism, and in turn a code word for depression and major economic disaster. Those who sometimes wonder at the ability of Congress to change the country's direction through legislation must marvel at the sea change in our economy apparently wrought by this single bill in 1930.

Historians and economists, who usually view these things objectively, realize that the truth is a good deal more complicated, that the causes of the Depression were far deeper, and that the link between high tariffs and economic disaster is much more tenuous than is implied by this simplistic linkage. Now, however, someone has dared to explode this myth publicly through an economic analysis of the actual tariff increases in the act and their effects in the early years of the Depression. The study points out that the increases in question affected only 231 million dollars' worth of products in the second half of 1930, significantly less than 1 percent of world trade; that in 1930-32 duty-free imports into the United States dropped at virtually the same percentage rate as dutiable imports; and that a 13.5 percent drop in GNP in 1930 can hardly be blamed on a single piece of legislation that was not even enacted until midyear.

This, of course, in not to suggest that high tariffs are good or that Smoot-Hawley was a wise piece of legislation. It was not. But it was also clearly not responsible for all the ills of the 1930's that are habitually blamed on it by those who fancy themselves defenders of free trade. While I believe this study

does have some policy implications, which I may want to discuss at some future time, one of the most useful things it may do is help us all clean up our rhetoric and reflect a more sophisticated—and accurate—view of economic history.

Mr. President, I ask that the study, by Don Bedell of Bedell Associates, be printed in the RECORD.

The study follows:

BEDELL ASSOCIATES,

Palm Desert, Calif., April 1983

TARIFFS MISCAST AS VILLAIN IN BEARING BLAME FOR GREAT DEPRESSION—SMOOT/HAWLEY EXONERATED

(By Donald W. Bedell)

SMOOT/HAWLEY, DEPRESSION AND WORLD REVOLUTION

It has recently become fashionable for media reporters, editorial writers here and abroad, economists, Members of Congress, members of foreign governments, UN organizations and a wide variety of scholars to express the conviction that the United States, by the single act of causing the Tariff Act of 1930 to become law (Public Law 361 of the 71st Congress) plunged the world into an economic depression, may well have prolonged it, led to Hitler and World War II.

Smoot/Hawley lifted import tariffs into the U.S. for a cross section of products beginning mid-year 1930, or *more than 8 months following the 1929 financial collapse*. Many observers are tempted simply repeat "free trade" economic doctrine by claiming that this relatively insignificant statute contained an inherent trigger mechanism which upset a neatly functioning world trading system based squarely on the theory of comparative economics, and which propelled the world into a cataclysm of unmeasurable proportions.

We believe that sound policy development in international trade must be based solidly on facts as opposed to suspicious, political or national bias, or "off-the-cuff" impressions 50 to 60 years later of how certain events may have occurred.

When pertinent economic, statistical and trade data are carefully examined will they show, on the basis of preponderance of fact, that passage of the Act did in fact trigger or prolong the Great Depression of the Thirties, that it had nothing to do with the Great Depression, or that it represented a minor response of a desperate nation to a giant world-wide economic collapse already underway?

It should be recalled that by the time Smoot/Hawley was passed 6 months had elapsed of 1930 and 8 months had gone by since the economic collapse in October, 1929. Manufacturing plants were already absorbing losses, agriculture surpluses began to accumulate, the spectre of homes being foreclosed appeared, and unemployment showed ominous signs of a precipitous rise.

The country was stunned, as was the rest of the world. All nations sought very elusive solutions. Even by 1932, and the Roosevelt election, improvisation and experiment described government response and the technique of the New Deal, in the words of Arthur Schlesinger, Jr. in a New York Times article on April 10, 1983. President Roosevelt himself is quoted in the article as saying in the 1932 campaign, "It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something."

The facts are that, rightly or wrongly, there were no major Roosevelt Administration initiatives regarding foreign trade until well into his Administration; thus clearly suggesting that initiatives in that sector were not thought to be any more important than the Hoover Administration thought

them. However, when all the numbers are examined we believe neither. President Hoover nor President Roosevelt can be faulted for placing international trade's role in world economy near the end of a long list of sectors of the economy that had caused chaos and suffering and therefore needed major corrective legislation.

How important was international trade to the U.S.? How important was U.S. trade to its partners in the Twenties and Thirties?

In 1919, 66% of U.S. imports were duty free, or \$2.9 Billion of a total of \$4.3 Billion. Exports amounted to \$5.2 Billion in that year making a total trade number of \$9.6 Billion or about 14% of the world's total. See Chart I below.

CHART I.—U.S. GROSS NATIONAL PRODUCT, 1929-33

(Dollar amounts in billions)

	1929	1930	1931	1932	1933
GNP	\$103.4	\$89.5	\$76.3	\$56.8	\$55.4
U.S. international trade ..	\$9.6	\$6.8	\$4.5	\$2.9	\$3.2
U.S. international trade percent of GNP	\$3	7.6	5.9	5.1	\$5.6 ¹

¹ Series U, Department of Commerce of the United States, Bureau of Economic Analysis.

Using the numbers in that same Chart I it can be seen that U.S. imports amounted to \$4.3 Billion or just slightly above 12% of total world trade. When account is taken of the fact that only 33%, or \$1.5 Billion, of U.S. imports was in the Dutiable category, the entire impact of Smoot/Hawley has to be focused on the \$1.5 Billion number which is barely 1.5% of U.S. GNP and 4% of world imports.

What was the impact? In dollars Dutiable imports fell by \$462 Million, or from \$1.5 Billion to \$1.0 Billion, during 1930. It's difficult to determine how much of that small number occurred in the second half of 1930 but the probability is that it was less than 50%. In any case, the total impact of Smoot/Hawley in 1930 was limited to a "damage" number of \$231 Million; spread over several hundred products and several hundred countries.

A further analysis of imports into the U.S. discloses that all European countries accounted for 30% or \$1.3 Billion in 1929 divided as follows: U.K. at \$330 Million or 7½%, France at \$171 Million or 3.9%, Germany at \$255 Million or 5.9%, and some 15 other nations accounting for \$578 Million or 13.1% for an average of 1%.

These numbers suggest that U.S. imports were spread broadly over a great array of products and countries, so that any tariff action would by definition have only a quite modest impact in any given year or could be projected to have any important cumulative effect.

This same phenomenon is apparent for Asian countries which accounted for 29% of U.S. imports divided as follows: China at 3.8%, Japan at \$432 Million and 9.8% and with some 20 other countries sharing in 15% or less than 1% on average.

Australia's share was 1.3% and all African countries sold 2.5% of U.S. imports.

Western Hemisphere countries provided some 37% of U.S. imports with Canada at 11.4%, Cuba at 4.7%, Mexico at 2.7%, Brazil at 4.7% and all others accounting for 13.3% or about 1% each.

The conclusion appears inescapable on the basis of these numbers; a potential adverse impact of \$231 Million spread over the great array of imported products which were available in 1929 could not realistically have had any measurable impact on America's trading partners.

Meanwhile, the Gross National Product (GNP) in the United States had dropped an unprecedented 13.5% in 1930 alone, from

\$103.4 Billion in 1929 to \$89 Billion by the end of 1930. It is unrealistic to expect that a shift in U.S. international imports of just 1.6% of U.S. GNP in 1930, for example (\$231 Million or \$14.4 Billion) could be viewed as establishing a "precedent" for America's trading partners to follow, or represented a "model" to follow.

Even more to the point an impact of just 1.6% could not reasonably be expected to have any measurable effect on the economic health of America's trading partners.

Note should be taken of the claim by those who repeat the Smoot/Hawley "villain" theory that it set off a "chain" reaction around the world. While there is some evidence that certain of America's trading partners retaliated against the U.S. there can be no reliance placed on the assertion that those same trading partners retaliated against each other by way of showing anger and frustration with the U.S. Self-interest alone would dictate otherwise, common sense would intercede on the side of avoidance of "shooting oneself in the foot," and the facts disclose that world trade declined by 18% by the end of 1930 while U.S. trade declined by some 10% more or 28%. U.S. foreign trade continued to decline by 10% more through 1931, or 53% versus 43% for worldwide trade, but U.S. share of world trade declined by only 18% from 14% to 11.3% by the end of 1931.

Reference was made earlier to the Duty Free category of U.S. imports. What is especially significant about those import numbers is the fact that they dropped in dollars by an almost identical percentage as did Dutiable goods through 1931 and beyond: Duty Free imports declined by 29% in 1930 versus 27% for Dutiable goods, and by the end of 1931 the numbers were 52% versus 51% respectively.

The only rational explanation for this phenomenon is that Americans were buying less and prices were falling. No basis exists for any claim that Smoot/Hawley had a distinctively devastating effect on imports beyond and separate from the economic impact of the economic collapse in 1929.

Based on the numbers examined so far, Smoot/Hawley is clearly a mis-cast villain. Further, the numbers suggest the clear possibility that when compared to the enormity of the developing international economic crisis Smoot/Hawley had only a minimal impact and international trade was a victim of the Great Depression.

This possibility will become clear when the course of the Gross National Product (GNP) during 1929-1933 is examined and when price behaviour world-wide is reviewed, and when particular Tariff Schedules of Manufacturers outlined in the legislation are analyzed.

Before getting to that point another curious aspect of the "villain" theory is worthy of note. Without careful recollection it is tempting to view a period of our history some 50-60 years ago in terms of our present world. Such a superficial view not only makes no contribution to constructive policy-making. It overlooks several vital considerations which characterized the Twenties and Thirties:

1. The international trading system of the Twenties bears no relation to the interdependent world of the Eighties commercially, industrially and financially in size or complexity.

2. No effective international organization existed, similar to the General Agreement for Tariffs and Trade (GATT) for example for resolution of disputes. There were no trade "leaders" among the world's nations in part because most mercantile nations felt more comfortable without dispute settlement bodies.

3. Except for a few critical products foreign trade was not generally viewed in the "econ-

omy-critical" context as currently in the U.S. As indicated earlier neither President Hoover nor President Roosevelt viewed foreign trade as crucial to the economy in general or recovery in particular.

4. U.S. foreign trade was relatively an amorphous phenomenon quite unlike the highly structured system of the Eighties; characterized largely then by "caveat emptor" and a broadly laissez-faire philosophy generally unacceptable presently.

These characteristics, together with the fact that 66 percent of U.S. imports were Duty Free in 1929 and beyond, placed overall international trade for Americans in the Twenties and Thirties on a very low level of priority especially against the backdrop of world-wide depression. Americans in the Twenties and Thirties could no more visualize the world of the Eighties than we in the Eighties can legitimately hold them responsible for failure by viewing their world in other than the most pragmatic and realistic way given those circumstances.

For those Americans then, and for us now, the numbers remain the same. On the basis of sheer order of magnitude of the numbers illustrated so far, the "villain" theory often attributed to Smoot/Hawley is an incorrect reading of history and a misunderstanding of the basic and incontrovertible law of cause and effect.

It should also now be recalled that, despite heroic efforts by U.S. policy-makers its GNP continued to slump year-by-year and reached a total of just \$55.4 billion in 1933 for a total decline from 1929 levels of 46 percent. The financial collapse of October, 1929 had indeed left its mark.

By 1933 the 1929 collapse had prompted formation in the U.S. of the Reconstruction Finance Corporation, Federal Home Loan Bank Board, brought in a Democrat President with a program to take control of banking, provide credit to property owners and corporations in financial difficulties, relief to farmers, regulation and stimulation of business, new labor laws and social security legislation.¹

So concerned were American citizens about domestic economic affairs, including the Roosevelt Administration and the Congress, that scant attention was paid to the solitary figure of Secretary of State Cordell Hull. He, alone among the Cabinet, was convinced that international trade had material relevance to lifting the country back from depression. His efforts to liberalize trade in general and to find markets abroad for U.S. products in particular from among representatives of economically stricken Europe, Asia and Latin America were abruptly ended by the President and the 1933 London Economic Conference collapsed without result.

The Secretary did manage to make modest contributions to eventual trade recovery through the Most Favored Nation (MFN) concept. But it would be left for the United States at the end of World War II to undertake an economic and political role of leadership in the world; a role which in the Twenties and Thirties Americans in and out of government felt no need to assume, and did not assume. Evidence that conditions in the trade world would have been better, or even different, had the U.S. attempted some leadership role cannot responsibly be assembled. Changing the course of past history has always been less fruitful than applying perceptively history's lessons.

The most frequently used members thrown out about Smoot/Hawley's impact by those who believe in the "villain" theory are those which clearly establish that U.S. dollar decline in foreign trade plummeted by 66 per-

cent by the end of 1933 from 1929 levels, \$9.6 billion to \$3.2 billion annually.

Much is made of the co-incidence that world-wide trade also sank about 66 percent for the period. Chart II summarizes the numbers.

CHART II.—UNITED STATES AND WORLD TRADE, 1929-33
(In billions of U.S. dollars)

	1929	1930	1931	1932	1933
United States:					
Exports	5.2	3.8	2.4	1.6	1.7
Imports	4.4	3.0	2.1	1.3	1.5
Worldwide:					
Exports	33.0	26.5	18.9	12.9	11.7
Imports	35.6	29.1	20.8	14.0	12.5

^a Series U Department of Commerce of the United States, League of Nations, and International Monetary Fund.

The inference is that since Smoot/Hawley was the first "protectionist" legislation of the Twenties, and the end of 1933 saw an equal drop in trade that Smoot/Hawley must have caused it. Even the data already presented suggest the relative irrelevance of the tariff-raising Act on a strictly trade numbers basis. When we examine the role of a world-wide price decline in the trade figures for almost every product made or commodity grown the "villain" Smoot/Hawley's impact will not be measurable.

It may be relevant to note here that the world's trading "system" paid as little attention to America's revival of foreign trade beginning in 1934 as it did to American trade policy in the early Thirties. From 1934 through 1939 U.S. foreign trade rose in dollars by 80% compared to world-wide growth of 15%. Imports grew by 68% and exports climbed by a stunning 93%. U.S. GNP by 1939 had developed to \$91 billion, to within 88% of its 1929 level.

Perhaps this suggests that America's trading partners were more vulnerable to an economic collapse and thus much less resilient than was the U.S. In any case the international trade decline beginning as a result of the 1929 economic collapse, and the subsequent return by the U.S. beginning in 1934 appear clearly to have been wholly unrelated to Smoot/Hawley.

As we begin to analyze certain specific Schedules appearing in the Tariff Act of 1930 it should be noted that sharp erosion of prices world-wide caused dollar volumes in trade statistics to drop rather more than unit-volume thus emphasizing the decline value. In addition, it must be remembered that as the Great Depression wore on, people simply bought less of everything increasing further price pressure downward. All this wholly apart from Smoot/Hawley.

When considering specific Schedules, No. 5 which includes Sugar, Molasses, and Manufactures Of, maple sugar cane, sirups, adonite, dulcete, galactose, inulin, lactose and sugar candy. Between 1929 and 1933 import volume into the U.S. declined by about 40% in dollars. In price on a world basis producers suffered a stunning 60% drop. Volume of sugar imports declined by only 42% into the U.S. in tons. All these changes lend no credibility to the "villain" theory unless one assumes, erroneously, that the world price of sugar was so delicately balanced that a 28% drop in sugar imports by tons into the U.S. in 1930 destroyed the price structure and that the decline was caused by tariffs and not at least shared by decreased purchases by consumers in the U.S. and around the world.

Schedule 4 describes Wood and Manufactures Of, timber hewn, maple, brier root, cedar from Spain, wood veneer, hubs for wheels, casks, boxes, reed and rattan, tooth-picks, porch furniture, blinds and clothes pins among a great variety of product categories. Dollar imports into the U.S. slipped by 52% from 1929 to 1933. By applying our

¹ Beard, Charles and Mary, New Basic History of the United States.

own GNP as a reasonable index of prices both at home and overseas, unit volume decreased only 6% since GNP had dropped by 46% in 1933. The world-wide price decline did not help profitability of wood product makers, but to tie that modest decline in volume to a law affecting only 6½% of U.S. imports in 1929 puts great stress on credibility, in terms of harm done to any one country or group of countries.

Schedule 9, Cotton Manufactures, a decline of 54% in dollars is registered for the period, against a drop of 46% in price as reflected in the GNP number. On the assumption that U.S. GNP constituted a rough comparison to world prices, and the fact that U.S. imports of these products was infinitesimal, Smoot/Hawley was irrelevant. Further, the price of raw cotton in the world plunged 50% from 1929 to 1933. U.S. growers had to suffer the consequences of that low price but the price itself was set by world market prices, and was totally unaffected by any tariff action by the U.S.

Schedule 12 deals with Silk Manufactures, a category which decreased by some 60% in dollars. While the decrease amounted to 14% more than the GNP drop, volume of product remained nearly the same during the period. Assigning responsibility to Smoot/Hawley for this very large decrease in price beginning in 1930 stretches credibility beyond the breaking point.

Several additional examples of price behaviour are relevant.

One is Schedule 2 products which include brick and tile. Another is Schedule 3 iron and steel products. One outstanding casualty of the financial collapse in October, 1929 was the Gross Private Investment number. From \$16.2 Billion annually in 1939 by 1933 it has fallen by 91% to just \$1.4 Billion. No tariff policy, in all candor, could have so devastated an industry as did the economic collapse of 1929. For all intents and purposes construction came to a halt and markets for glass, brick and steel products with it.

Another example of price degradation world-wide completely unrelated to tariff policy is Petroleum products. By 1933 these products had decreased in world price by 82% but Smoot/Hawley had no Petroleum Schedule. The world market place set the price.

Another example of price erosion in world market is contained in the history of exported cotton goods from the United States. Between 1929 and 1933 the volume of exported goods actually increased by 13.5% while the dollar value dropped 48%. This result was wholly unrelated to the tariff policy of any country.

While these examples do not include all Schedules of Smoot/Hawley they clearly suggest that overwhelming economic and financial forces were at work affecting supply and demand and hence on prices of all products and commodities and that these forces simply obscured any measurable impact the Tariff Act of 1930 might possibly have had under conditions of several years earlier.

To assert otherwise puts on those proponents of the Smoot/Hawley "villain" theory a formidable challenge to explain the following questions:

1. What was the nature of the "trigger" mechanism in the Act that set off the alleged domino phenomenon in 1930 that began or prolonged the Great Depression when implementation of the Act did not begin until mid-year?

2. In what ways was the size and nature of U.S. foreign trade in 1929 so significant and critical to the world economy's health that a less than 4% swing in U.S. imports could be termed a crushing and devastating blow?

3. On the basis of what economic theory can the Act be said to have caused a GNP drop of an astounding drop of 13.5% in 1930

when the Act was only passed in mid-1930? Did the entire decline take place in the second half of 1930? Did world-wide trade begin its decline of some \$13 Billion only in the second half of 1930?

4. Does the fact that duty free imports into the U.S. dropped in 1930 and 1931 and in 1932 at the same percentage rate as dutiable imports support the view that Smoot/Hawley was the cause of the decline in U.S. imports?

5. Is the fact that world wide trade declined less rapidly than did U.S. foreign trade prove the assertion that American trading partners retaliated against each other as well as against the U.S. because and subsequently held the U.S. accountable for starting an international trade war?

6. Was the international trading system of the Twenties so delicately balanced that a single hastily drawn tariff increase bill affecting just \$231 Million of dutiable products in the second half of 1930 began a chain reaction that scuttled the entire system? Percentage-wise \$231 Million is but 0.65% of all of 1929 world-wide trade and just half that of world-wide imports.

The preponderance of history and facts of economic life in the international area make an affirmative response by the "villain" proponents an intolerable burden.

It must be said that the U.S. does offer a tempting target for Americans who incessantly cry "mea culpa" over all the world's problems, and for many among our trading partners to explain their problems in terms of perceived American inability to solve those problems.

In the world of the Eighties U.S. has indeed very serious and perhaps grave responsibility to assume leadership in international trade and finance, and in politics as well.

On the record, the United States has met that challenge beginning shortly after World War II.

The U.S. role in structuring the United Nations, the General Agreement on Tariffs and Trade (GATT), the International Monetary Fund, the Bretton Woods and Dumbarton Oaks Conference on monetary policy, the World Bank and various Regional Development Banks, for example, is a record unparalleled in the history of mankind.

But in the Twenties and Thirties there was no acknowledged leader in international affairs. On the contrary, evidence abounds that most nations preferred the centuries-old patterns of international trade which emphasized pure competition free from interference by any effective international supervisory body such as GATT.

Even in the Eighties examples abound of trading nations succumbing to nationalistic tendencies and ignoring signed trade agreements. Yet the United States continues as the bulwark in trade liberalization proposals within the GATT. It does so not because it could not defend itself against any kind of retaliation in a worst case scenario but because no other nation is strong enough to support them successfully without the United States.

The basic rules of GATT are primarily for all those countries who can't protect themselves in the world of the Eighties and beyond without rule of conduct and discipline.

The attempt to assign responsibility to the U.S. in the Thirties for passing the Smoot/Hawley tariff act and thus set off a chain reaction of international depression and war is, on the basis of a preponderance of fact, a serious mis-reading of history, a repeal of the basic concept of cause and effect and a disregard for the principle of proportion of numbers.

It may constitute a fascinating theory for political mischief-making but it is a cruel hoax on all those responsible for developing

new and imaginative measures designed to liberalize international trade.

Such constructive development and growth is severely impeded by perpetuating what is no more than a symbolic economic myth.

Nothing is less worthwhile than attempting to re-write history, not learning from it. Nothing is more worthwhile than making careful and perceptive and objective analysis in the hope that it may lead to an improved and liberalized international trading system.

Mr. HOLLINGS. Mr. President, the crash occurred October 29, and Smoot-Hawley passed June 19, 8 months later. It didn't cause any crash. It didn't have any effect on the economy. Neither President Hoover nor President Roosevelt had any particular concern with it, because it was less than 2 percent, a little over 1 percent of GNP. Trade now is 18 percent of the GDP. But it was less than 2 percent at that particular time, and two-thirds of the trade was duty free. The two-thirds duty free was affected the same as the Smoot-Hawley tariff type trade. While in the year 1933, under reciprocal free trade, reciprocity, we came back with a plus balance of trade. So we have to listen to these things about we are going to start a domino effect with Smoot-Hawley again coming in.

I can tell you that right now, I would be glad to debate Smoot-Hawley at any particular time.

Well I just read the book called "Agents of Influence." This takes place 7 or 8 years ago. The gentlemen was a Vice President of TRW and he lost his job because he wrote the truth. He said one country, Japan, had over 100 law firms, consultant firms in Washington representing itself, at the cost of \$113 million. The consummate salary of the 100 Senators and 435 House Members is only \$73 million. The people of Japan, by way of pay, are better represented in Washington than the people of America.

When are we going to wake up? I have been sitting on the Commerce Committee for 30 years and I see the front office fill up on every kind of trade matter that comes about. Why? Because the multinationals. Now, by gosh, not just 41 percent, but the majority, let's say over 50 percent of what they are producing has been manufactured offshore and brought back in. So if they are going to lead the cheer "free trade, free trade, Japan, Korea, People's Republic of China, right on, brother, you lead the way, we will follow you."

Do you blame the People's Republic of China for not agreeing to anything? I have to note one agreement. Oh, boy, it turned everybody upside down in this town 2 weeks ago. We had an agreement with Japan relative to our maritime services, and our ships would go into the ports of Tokyo and the other ports in Japan. And they had finally came around agreeing to the same privileges that we grant them, the stevedores. They actually handle the goods and so forth. The Japanese ship that comes into Charleston can have its own stevedore, but the American ships going in to Japan could not,

up until this time. And we have been trying for years—and they have all kinds of controls over us in shipping that are absolutely burdensome. They agreed—Japan and the United States—in April. At that particular time in April, when they agreed, we sat down and said, fine, let's go with it. They passed four deadlines, in June, July, August and September. Every time we added a drop-dead date, when are you going to do it? Oh, we are going to do it. So we stopped the ships coming in. You know what happened? My phone rang off. The 100 lawyers, the ports authority lawyers, the lobbyists—Christmas wasn't going to happen, children weren't going to get any toys, the world was going to end, but we had one distinguished gentlemen with his maritime commission, Hal Creel, the chairman, who I want to praise this afternoon. He held his guns. The State Department later came in, and I will credit Stuart Eizenstat with sticking up for the United States. But it was many times that they came before we got them finally to agree.

So, we stuck to the guns, and who was on our side? The shipping industry of Japan, because organized crime had taken over, in many instances, in these ports. And they, the shipping industry in Japan, had been trying to do something, too. It wasn't until we stopped veritably the Japanese ship from coming into the American harbor that they finally sat down and got to the table. The White House was calling: Give in, give in. Oh, this is going to be a hard incident. This is going to be terrible. Chicken Little, the sky is falling, we are going to start a trade war and everything else of that kind.

Mr. Creel stuck to his guns. That is what I am talking about on trade. That is the global competition.

The other day former Majority Leader Dole wrote an op-ed regarding fast track. Don't give me Bob Dole writing the thing is a fact. The distinguished gentleman should put under there that he represents the Chilean salmon industry. Don't give me our good friend, Jay Berman. Everyone knows he lost out for the recording industry on the last two agreements. He said, I'm not going to lose out, I am going to be the President's handler, I am going to handle the Congress for the White House.

We are in the hands of the Philistines. The country is going down the tubes and all they are doing is the rich folks are hollering, give the President authority. He has the authority, but give me my constitutional duty of doing just exactly what we did.

Come on, we have had, as the Senator from North Dakota said, in 221 years hundreds of trade agreements. We had one this morning in committee. It was an OECD shipbuilding trade agreement that we approved between 16 nations at the Commerce Committee just today, without fast track. We negotiated the telecommunications agreement, an international agreement with 123 countries, without fast track.

I better stop. I don't know that I have any time left. Mr. President, I thank the distinguished body for yielding me this time. I hope I have some time left here, because we have plenty more to debate to wake up this country and start competing.

There is nothing wrong with the industrial worker of the United States. He is the most competitive, the most productive in the world. Look at any of the figures. What is not producing and not competitive is the Government here in Washington. It has to stop.

I yield the floor. I reserve the remainder of my time.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that full floor privileges be granted to Grant Aldonas during the pendency of S. 1269 and the House corresponding bill, H.R. 2621, during this Congress, and that, too, the privilege of the floor be granted to Robert M. Baker with respect to the same bills during the first session.

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have enjoyed listening to my friend, the distinguished Senator from South Carolina, who knows this subject up and down, back and forward, around and around. I thank him for the contribution he has made to the debate. I wish he had another hour.

Mr. President, there has been a great deal of discussion during the past several months about fast track. Sadly, little of that discussion has been enlightening or informative. The administration, which submitted the Export Expansion and Reciprocal Trade Agreement Act of 1997 in September, has apparently decided that misleading, exaggerated, and vacuous rhetoric is necessary if it is to win fast track renewal. Thus, the U.S. Trade Representative—for whom I have great respect—has described the President's fast track proposal to the Senate in the following terms:

What is at stake in your consideration of this proposal is nothing less than whether the United States will continue to be at the forefront of nations seeking the reduction of trade barriers and the expansion of more open, equitable and reciprocal trading practices throughout the world.

Let me say that again:

What is at stake in your consideration [meaning the consideration by the Congress] of this proposal is nothing less than whether the United States will continue to be at the forefront of nations seeking the reduction of trade barriers and the expansion of more open, equitable and reciprocal trading practices throughout the world . . . This is not the time to shrink from the future, but to seize the opportunities it holds.

Let me assure you, Mr. President, that I am fully in favor of "seizing the future." I, too, seek the reduction of trade barriers, and I long for "more open, equitable and reciprocal trading practices." That is why I am firmly and implacably opposed to fast track.

Mr. President, I did not come here today to add to the miasma of confusion that fast track supporters have created with their murky logic and overheated rhetoric. My purpose is to shed a little light, if I may, into the murk by exploring the institutional and practical problems that fast track presents. I believe that it is my duty toward my colleagues and my constituents to lay out in clear, simple and direct language the reasons for my opposition to fast track.

I haven't been invited down to the White House. I presume that my good friend from South Carolina has not had an invitation down there.

Mr. HOLLINGS. No.

Mr. BYRD. I haven't been invited down. I am not looking for an invitation. I do not expect any invitation to change my mind. I have had the master of arm twisters ahold of my arm, Lyndon B. Johnson. He was the master arm twister. But I said no to him.

When my first grandchild was born I gave to my daughter, the mother of that grandchild, a Bible. In that Bible I wrote these words: "Teach him to say no." That's all I wrote, "Teach him to say no."

Mr. President, it doesn't make any difference if you have a vocabulary of 60,000 or 600,000 words. If you can't say no, then all these other words at some point or another in your lifetime are going to find you sadly lacking—if you can't say no. I am telling this story in my autobiography, of how I said no to Lyndon B. Johnson on more than one occasion. It was hard to do, because he put me on the Appropriations Committee when I first came here. And I felt as though I had been put through a wringer after going through a 30-minute skirmish with Lyndon Johnson but still saying, "No. No, Mr. President."

So, I haven't been invited down to the White House. But I can still say no and would be glad to.

So, if the President wants to hear me say no, all he has to do is call me on this. He doesn't have to invite me down to the White House. I'll bet the Senator from South Carolina won't get any invitation either.

Mr. HOLLINGS. No.

Mr. BYRD. I don't blame those who accept the invitation. I assume some of them will say no likewise.

I don't expect to convince my colleagues, all of them or maybe any of them. But I do hope to lay the groundwork for the healthy, open and honest debate about fast track that this Chamber and this country sorely need.

So let me start by making clear that Congress has and must continue to have a central role in regulating trade with foreign countries. The Constitution—here it is, right out of my shirt pocket. Here is the anchor of my liberties, the Constitution. Let's see what it says.

Article I, section 8 assigns to the Congress the power "to regulate Commerce with foreign Nations, and among the several States, and with the Indian

Tribes," assigns the power "to regulate Commerce with foreign Nations," and to "lay and collect * * * Duties, Imposts, and Excises." Pursuant to this authority, Congress may, for example, impose tariffs, authorize reciprocal trade agreements, grant or deny most-favored-nation status, and regulate international communication. All this Congress can and must do according to the Constitution of the United States.

Nor is this the extent of Congress' involvement in matters of foreign trade. It scarcely needs to be pointed out that Congress' central function—Congress' central function as laid out in the first section of the first article of the Constitution, the very first sentence—its central function is to make the laws of the land. This means that any trade agreements that are not self-executing, meaning that they require changes in domestic law, can only take effect if and when Congress passes implementing legislation codifying those changes.

So it should be clear from the Constitution that the framers assigned Congress broad authority over foreign trade agreements. Even Alexander Hamilton, who so often championed the President's supremacy in foreign affairs, acknowledged in the *Federalist Papers* that Congress' authority to regulate foreign commerce was essential to prevent the President from becoming as powerful as the King of Great Britain.

Given the President's responsibilities in conducting relations with foreign powers, Hamilton argued that Congress' regulation of foreign trade was a vital check upon Executive power. But look what we are doing, look what we are about to do. We are, through fast track, just as we did with the line-item veto, handing off the few powers that we have to check the Executive. Let me say that again.

We are, through fast track, just as we did with the line-item veto, handing off the few powers that we have to check the Executive. We are making a king. He already has his castle with his concrete moat. I can see it out there. The Senator from Delaware can see it. Here he has this concrete moat out there, and with the king's guard standing watch in dark glasses—you know how they wear those dark glasses—with ears glued to wrist radios, and little implements on their lapels, he has his own private coach, his own chef and royal tasters, his retinue of fancy-titled king's men. You read "All the King's Men"?

So what are we waiting for? What are we waiting for? Just call in the jeweler, contact the goldsmith, let's make the crown; let's make the crown. Crown him king. That is the road on which we are traveling.

We gave away the line-item veto. The Roman Senate did the same. It gave away the power of the purse, and when the Roman Senate gave away the power of the purse, it gave away its check against the executive. So Sulla

became dictator in 82 B.C. He was dictator from 82 to 80 B.C., and then a little later, the Senate—it wasn't under pressure to do it—voluntarily ceded the power over the purse to Caesar and made him dictator for a year. That was in 49 B.C.

Then in 48 B.C., it made him dictator again. And in 46 B.C., it made him dictator for 10 years, just as we are going to do with fast track now for 5 years. We don't do it a year at a time. The Roman Senate made Caesar dictator for 10 years. That was in 46 B.C. But the very next year, in 45 B.C., it made him dictator for life.

I don't know when we will reach that point, but we have already ceded to this President great power over the purse. It has never before been done in the more than 200 years of American history. It was never given to any President, the power over the purse. Now we are going to give the President fast track. So we are just waiting, just waiting for the jeweler! We are on the point of contacting the goldsmith! Let's now make the crown!

From 1789 to 1974, Congress faithfully fulfilled Hamilton's dictate, and the dictate of the Constitution that it regulate foreign trade. During those years, Congress showed that it was willing and able to supervise commerce with other countries. Congress also proved that it understood when changing circumstances required it to delegate or refine portions of its regulatory power over trade. For example, starting with the 1934 Reciprocal Trade Act, as trade negotiations became increasingly frequent, Congress authorized the President to modify tariffs and duties during his negotiations with foreign powers. Such proclamation authority has been renewed at regular intervals, most recently in the 1994 GATT Reciprocal Trade Act, which I voted against.

I mentioned that Congress fulfilled its obligation to regulate foreign trade from 1789 to 1974. Well, what, you may wonder, happened in 1974?

Mr. President, it was in 1974 that Congress first approved a fast-track mechanism to allow for expedited consideration in Congress of trade agreements negotiated by the President. Fast track set out limits on how Congress would consider trade agreements by banning amendments, limiting debate and all but eliminating committee involvement.

So we relegated ourselves to a thumbs-up or thumbs-down role. Thumbs up, thumbs down. Under fast track, Congress agreed to tie its hands and to gag itself when the President sends up a trade agreement for our consideration.

Why on Earth, you might ask, would Congress agree to such a thing? What would convince Members of Congress to willingly relinquish a portion of Congress' constitutional power over foreign commerce? What were Members thinking when they agreed to limits on the democratic processes by which laws are made? And why, if extensive debate

and the freedom to offer amendments are essential to all of the areas of law-making, would Congress decide that when it comes to foreign trade, we can do without such fundamental legislative procedures?

Mr. President, the answers to these questions are straightforward. When Congress established fast track in 1974, it did so at a time when international commercial agreements were narrowly—narrowly—limited to trade. Consider the first two instances in which fast track was employed.

The first was for the 1979 GATT Tokyo Round Agreement. The implementing bill that resulted dealt almost exclusively with tariff issues and required few changes in U.S. law.

The second use of fast track was for the U.S.-Israel Free Trade Agreement of 1985. The implementing language for that agreement was all of 4 pages—all of 4 pages—and it dealt only with tariffs and rules on Government procurement.

If its first two uses were relatively innocuous, starting with its third use, fast track began to change and to develop an evil twin. I refer to the 1988 U.S.-Canada Free Trade Agreement which, despite its title, extended well beyond trade issues to address farming, banking, food inspection and other domestic matters. One has only to see the size of the agreement's implementing bill, covering over 100 pages now, to see how different this was from the first two agreements approved under the fast-track mechanism.

By the time of the NAFTA agreement in 1993 and the GATT Uruguay Round of 1994, the insidious nature of fast track was becoming apparent for all to see.

NAFTA required substantial changes in U.S. law, addressing everything from local banking rules to telecommunications law to regulations regarding the weight and length of American trucks. And these changes were bundled aboard a hefty bill numbering over 1,000 pages and propelled down the fast track before many Members of Congress knew what was going on.

I doubt that many of my colleagues realized the extent to which, first, NAFTA and then GATT would alter purely domestic law.

Most of us thought of GATT as related to trade and foreign relations, but through the magic mechanism of the fast-track wand—presto—trade legislation became a vehicle for sweeping changes in domestic law.

So what had happened? What had happened? Mr. President, Socrates, in his *Apology* to the judges said "Petrification is of two sorts. There is a petrification of the understanding, and there is also a petrification of the sense of shame." I fear that with respect to the Constitution, there is not only a petrification of our understanding of that document, but there is also a petrification of reverence for the document, and a petrification of our sense of duty toward that organic law. So petrification has set in.

Mention the Constitution to Members: "When did you last read it? What did you mean when you swore that you would support and defend the Constitution of the United States against all enemies, foreign and domestic? What did you have in mind? Did you have in mind some foreign invader that was about to set foot on American soil? Was that it? Or did you think about emasculating the Constitution by passing line-item veto legislation or by passing fast track?"

Has a petrification of our sense of duty to the Constitution set in? Has a petrification of our understanding of the Constitution set in? Has a petrification of our caring about the Constitution taken over?

Well, fast track served to bind and gag the Senate, preventing much needed debate and precluding the possibility of correcting amendments. Think about that. We give up our right to amend. And the result, as many observers today would agree, is hardly a triumph for free trade or American workers.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from West Virginia has 36 minutes remaining.

Mr. BYRD. I thank the Chair.

Mr. President, it was our first and, in my opinion, greatest President, George Washington, who analogized the Senate to a saucer, we are told, into which we pour legislation so as to cool it. Washington foresaw that a country as young, as aggressive and at times as impatient as ours needed some institutional curb to prevent it from rashly throwing itself into action without sufficient reflection.

Indeed, Mr. President, the Senate has more than once lived up to this role by providing a forum where cool minds and level intellects prevailed.

Alas, the Senate did not fulfill this role when NAFTA and GATT came along. And the fault lies with the adoption of the artificial and unwise procedure now known as fast track—fast track. That is what the administration is telling Members of Congress we have to have. Instead of scrutinizing these proposals closely, instead of engaging in prolonged and incisive debate, we were forced to play our parts in ill-considered haste. Rather than patiently and thoughtfully evaluating the pros and cons—what did we do?—we buckled—buckled—in the face of administrative pressure.

And that is what we will do again. That is what we will do again. We are not going to think about the Constitution. How many of us cared a whit about what the Constitution said?

Rather than pouring over the trade agreements, we peered at them from afar like tourists gawking at a distant and rapid train thundering down a very fast and very slick track indeed.

The GATT and NAFTA experiences suggest that fast track—like the fast lane—can be risky business for U.S.

trade policy. Fast track was Congress' response to a time when trade agreements were just that—trade agreements, agreements on trade and trade alone.

Now that time has passed—it is gone—as huge, sprawling agreements like GATT and NAFTA propose changes in trade policy whose ramifications spill outwards into all aspects of domestic law and policy. Now what is our duty? What is our duty? Where does our duty lie?

It is time that we in Congress wake up and resume a more traditional role of treating trade agreements with the care and the attention that they deserve and the care and attention that the Constitution requires that we give them.

Now, Mr. President, I have tried to shine a few rays of truth through the murky rhetoric that surrounds this contentious issue. I have patiently laid out the history of foreign trade regulations in order to emphasize the important role that tradition and the Constitution assigned to Congress and to show how fast track has impeded our recent efforts to fulfill that role. But I would be remiss in my duties if I did not take the time to address some of the supposedly compelling justifications that fast track supporters have advanced.

So let me start with the first myth—the first myth—of fast track, which posits that no country will negotiate with the United States unless the administration has fast track in place. How laughable, how preposterous.

In the President's words:

Our trading partners will only negotiate with one America—not first with an American President and next with an American Congress.

Well, what did the framers say about that? What did the framers say about that? They said that Congress shall regulate, have the power to regulate foreign commerce. The Constitution placed the duty upon us 100 Senators and upon the other 1,743 Members of this body who have walked across this stage in the more than 200 years. So we 100 need to remember that this document—this document—places the responsibility on us.

Do not be blinded by the glittering gewgaws in the form of words that come from the White House. Do not let a call from the President of the United States, his "Eminence," as John Adams wanted to refer to the President, do not let a call or a handshake or a look in the eye from the chief executive, awe one—he puts his britches on just like I do, one leg at a time. And when he nicks himself with a razor, he bleeds just like I do.

So the President said:

Our trading partners will only negotiate with one American—not first with an American President and next with an American Congress.

What does the Constitution say?

As I suggested earlier, the absence of fast track in the years before 1974 did

not seem to discourage nations from negotiating trade agreements with the United States. Moreover, even since 1974, fast track has been used so infrequently that it can scarcely be said to have affected prospective trade partners.

Listening to the administration might lead one to conclude that every trade agreement since 1974 could not have been concluded—just could not have been concluded—without fast track. To hear them tell it down on the other end of Pennsylvania Avenue, the western end, where the Sun rises—but not according to this, not according to this Constitution. The Sun does not rise in the west.

But listening to the administration might lead one to conclude that every trade agreement since 1974 simply could not have been concluded without fast track. Well, nothing could be further from the truth. Of the hundreds and hundreds of trade agreements that we have entered into over the past 23 years, only—only—the five that I mentioned earlier have used fast track.

"What? Are you out of your head?" Only the five that I mentioned earlier have used fast track? That is right.

Fast track has been used on a grand total of five occasions. Indeed, the current administration alone has entered into some 200 trade agreements without the benefit of fast track.

Mr. President, the divine Circe was an enchantress. And Homer tells us that Odysseus was urged by Circe to stay away from the sirens' isle. "Don't go near it," the sirens' isle, with their melodious voices that came from lips as sweet as honey. "Odysseus alone must hear them. Don't let your companions hear them." So plugging his companions' ears with wax, Odysseus ordered his companions to bind him to the mast of the ship with ropes, and that if he should ask them to untie him and let him go, to bind him even tighter.

And so they bound him, hand and foot, with ropes to the mast of the ship. And he instructed them to disregard his order. "Don't follow my orders," he said. "Tie them tighter than ever," until they were a long way past the sirens' isle.

That is what we have been hearing—these voices, the sirens. They come out of the west, down where the Sun rises at the western end of Pennsylvania Avenue. That is where the Sun rises, believe it or not, in the west.

I say to my colleagues, plug your ears with wax if you are invited down to the White House. Plug your ears with wax or, better still, find somewhere else to go. Just do not go. Do not go down there. Tie yourselves with ropes to the columns of the Capitol. Do not go down there in the land of the rising sun, the western end of Pennsylvania Avenue. Do not go. But if you do go, plug your ears with wax, lest you fall victim to the blandishments of the sirens.

Mr. President, I sincerely doubt that any country will hesitate to negotiate

trade agreements with the dominant economic and political power of our time out of concern that that country's legislative procedures will impede a proper agreement. So do not listen to that argument. Do not listen to the argument of the administration when they say, if they do not have a fast-track agreement other countries simply will not negotiate with us.

No country—no country—in my judgment, will hesitate to negotiate trade agreements with this country, the dominant economic and political power of the age out of concern that this country's legislative procedures will impede a proper agreement. If any country does entertain such concerns, then I suspect that the fault lies with the administration, whose alarmist statements and doom-laden prophecies have doubtless misled many foreign and domestic observers into thinking that fast track is the only key to open trade. The administration's Chicken Little impersonation has succeeded in whipping up false fears and phony worries that never existed before. One has only to ignore this rhetoric and look at the administration's actual trade record to see that the sky, far from falling, is still solidly secured to the heavens.

Mr. President, how much time have I consumed?

THE PRESIDING OFFICER. The Senator has consumed 40 minutes and has 20 minutes remaining.

Mr. BYRD. I thank the Chair.

The record speaks for itself: Over 200 trade agreements entered into without fast track—and I am talking about the record which speaks for itself. The administration's actual trade record, over 200 trade agreements entered into without fast track versus 2 trade agreements entered into with fast track—200 without fast track, 2 with fast track. I might add that the latter 2 agreements have probably generated more controversy than the other 200 combined. I suspect that many of my colleagues rue the day that they allowed the administration to speed GATT and NAFTA through Congress.

The other great myth of fast track is that the possibility of Congress' amending trade agreements will seriously hamper future negotiations. Lest I be accused of distorting the administration's position, let me quote the President's words on trade negotiations verbatim.

... I cannot fully succeed without the Congress at my side. We must work in partnership, together with the American people, in securing our country's future. The United States must be united when we sit down at the negotiating table.

Mr. President, I fully agree with the notion of a partnership between the executive and legislative branches, and I assure you that I will work with this President and with future Presidents to ensure our mutual trade objectives. But I will not accept the argument that America's trade interests are best served by Congress taking a walk, abdi-

cating its responsibility to consider, abdicating its responsibility to debate, abdicating its responsibility to amend, if necessary, trade proposals.

Now, the Constitution gives this Senate the right to amend and we ought not give away that right. We ought not to agree to anything less than that. This Constitution says that when it comes to raising money, those measures shall originate in the other body but that the Senate may amend as on all other bills. So there you are. The Constitution recognizes the right of the Senate to amend. The Senate may propose or concur with amendments as on other bills. There it is. That is the Constitution.

So Congress ought not take a walk. Congress ought not abdicate its responsibility to consider, debate, and, if necessary, to amend trade proposals.

The President asked that we trust him alone to make trade decisions. Now, I like the President and I respect the President, but our political system was not built on trust. The Constitution did not say "trust in the President of the United States with all thy heart, with all thy mind, and with all thy soul." Our political system was built on checks and balances, on separation of powers, on each branch of Government looking carefully and meticulously over the other branch's shoulder. That is how much trust the system has built into it.

Our Constitution's Framers realized that the surest way of preventing tyranny and achieving enlightened rule was to divide power among distinct coordinate branches of Government. As Madison famously observed, men are not angels. Accordingly, the Framers devised a "policy of supplying, by opposite and rival interests, the defect of better motives" in which "the constant aim is to divide and arrange the several offices of Government in such a manner as that each may be a check on the other."

Mr. President, that was a good reply that Diogenes made to a man who asked him for letters of recommendation. "That you are a man, he will know when he sees you. Whether you are a good man or a bad one he will know, if he has any skill in discerning the good and the bad. But if he has no such skill, he will never know though I write to him 1,000 times."

"It is as though a piece of silver money desired someone to recommend it to be tested. If the man be a good judge of silver, he will know. The coin," said Diogenes, "will tell its own tale." And so will the Constitution, Mr. President. It needs no letters of recommendation.

The President asks for a "partnership" with Congress. He asks the country to be united at the negotiating table. But I'm afraid that what he really wants is an unequal partnership in which the administration sits at the negotiating table and Congress sits quietly and subserviently at his feet while he negotiates. Congress sits subserviently.

Mr. President, I have a different view of the partnership between the President, any President, and Congress, a view that is rooted in the Congress and in the institutional traditions of this country. I see a partnership in which the executive fulfills its role at the negotiating table and Congress makes sure that the product of such negotiations serves the national interest, not just the interests of a party but the national interest. I don't believe that either branch has a monopoly on wisdom or a monopoly on patriotism or a monopoly on savvy. That is why I believe that each can improve the other's actions. I have no doubt that Congress, after careful scrutiny, will continue to approve agreements that truly improve trade and open markets.

Now, I'm not interested in looking at the duties on every little fiddle string or corkscrew that is brought into this country, but they are overwhelming policy matters that Congress ought to be interested in and acted about, and it may be that Congress should offer an amendment in one way or another.

Congress must be free to correct possible mistakes or sloppiness or oversight in the negotiating process that would harm this country's interests and impede truly free trade. Congress knows full well that any amendments it may offer could unravel a freshly negotiated agreement. It knows that amendments should not be freely offered and adopted promiscuously, haphazardly, but should rather be seen as a last resort to remedy serious deficiencies in an agreement. I see no reason, however, why a legislative procedure that is considered essential in all other policy debates should not be used in debating trade agreements.

We amend bills, we amend resolutions on various and sundry subjects, we amend legislation that raises revenues, we amend bills that make appropriations and public moneys. Why, then, if that legislative procedure is essential in all other debates, why should it not be used in debating trade agreements?

Mr. President, I recognize the importance of opening markets and removing trade barriers. I also appreciate the tremendous difficulty, the tremendous difficulty of negotiating trade agreements that benefit all sectors of our society.

Mr. President, I cannot support fast track. I cannot support surrendering the rights and prerogatives and duties and responsibilities of this body under the Constitution to any President. I cannot support fast track. To do so would prevent me from subjecting future trade agreements to the close scrutiny that they deserve on behalf of the people of this Nation. I can and will strive to exercise my limited powers in pursuit of freer, more open trade which serves the interests of everyone in this Nation. But I cannot, in good conscience, allow fast track to strip me and my constituents of our constitutional prerogatives and strip this

branch of its rightful role in regulating foreign commerce. I can't do that for any President.

Mr. President, on December 5, 63 B.C. the Roman Senate sat to debate and to decide the fate of five accomplices of Catiline. Silaneus proposed the death penalty. Julius Caesar, when he was called upon, proposed that the death penalty not be applied, but that the five accomplices of Catiline be scattered in various towns, that their properties be confiscated, and that their trials await another day.

Cato the Younger was then called upon and asked for his opinion. He said to his fellow Senators, "Do not believe that it was by force of arms alone that your ancestors lifted the state from its small beginnings and made it a great Republic. It was something quite different that made them great, something that we are entirely lacking. They were hard workers at home. They were just rulers abroad. And they brought to the Senate untrammelled minds, not enslaved by passions."

And I say to my colleagues, on this question, we should come to the Senate with untrammelled minds, not enslaved by passions—partisan, political, or otherwise, keeping uppermost in our minds our duties and responsibilities under the Constitution of the United States. That is the mast to which we should tie ourselves—the Constitution.

I close with these final words by Cato: "We have lost those virtues," he said—speaking of the virtues of their ancestors—"we pile up riches for ourselves while the state is bankrupt. We sing the praises of prosperity and idle away our lives, good men or bad; it is all one. All the prizes that merit ought to win are carried off by ambitious intriguers, and no wonder each one of you schemes only for himself, when in your private lives you are slaves to pleasure. And here in the Senate the tools of money or influence."

Those are Cato's words, and his words are just as fitting today and on this question. Cato said, "The result is that when an assault is made upon the republic, there is no one here to defend it."

Mr. President, how true are Cato's words today! I urge my colleagues to vote no on the motion to proceed.

I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise today to use my time to discuss the fast-track bill. First, let me commend the excellent statement by the Senator from West Virginia. His staunch defense of the Senate and the Congress is based not only on his unsurpassed knowledge of the Constitution, but also his common sense and appreciation that the wisdom of the American people expressly represent the best way to make a treaty.

I rise to discuss a number of issues with respect to our trade policy, most particularly, the fast-track legislation

that is before us today. Like all of my colleagues, I understand the importance of international trade. Today, the value of trade equals 30 percent of our gross domestic product, which is up from about 13 percent in 1970. Indeed, trade is of great importance to my State of Rhode Island, which exported goods totaling \$1 billion in 1996.

There is nobody on this floor today that is arguing that trade is not important and that the United States shouldn't be actively involved in international trade. The question today is not whether the United States should engage in trade. The question today is whether we will establish a framework that will open markets without undermining our standard of living. This debate is more than about simply increasing our access to cheap goods; it is about our continuing efforts to promote employment at decent wages here at home, continuing our efforts to protect the environment around the world, and strengthening our efforts to promote stable trade and fair trade throughout the world.

The critical aspects of this fast-track legislation are the goals which we set as Members of the Senate. These goals are known as principal negotiating objectives. This is the mission we give to the President—to go out and negotiate, based on these goals, to reach settlements that will advance these multiple objectives: freer trade, fairer trade, a rising standard of living here in America and, we hope, around the world.

The rationale for fast track was aptly summarized back in 1974 when the Senate Finance Committee wrote its report with respect to the first fast-track legislation. This report language bears repeating:

The committee recognizes that such agreements negotiated by the executive should be given an up-or-down vote by the Congress. Our negotiators cannot be expected to accomplish the negotiating goals if there are no reasonable assurances that the negotiated agreement would not be voted up or down on their merits. Our trading partners have expressed an unwillingness to negotiate without some assurances that Congress will consider the agreement within a definite time-frame.

The key operative phrase in this passage is the phrase which we have highlighted behind me. The negotiated goals. That essentially is what we are about today. Charting negotiating goals that will give the President of the United States the direction and the incentive to conduct appropriate negotiations, to yield a treaty which will benefit ourselves, and also to signal to our trading partners what is critical and crucial to this Congress and the American people in terms of trade agreements. This rationale for fast track makes sense, and only makes sense, if we get it right here, if we get the negotiating goals correct.

Unfortunately, the bill before us does not provide the President with the full range of goals necessary to increase U.S. trade and enhance our standard of living. Indeed, this bill is contrary to

some of the provisions of the 1988 fast-track legislation which specifically recognized workers' rights and monetary coordination as fundamental negotiating goals. In addition, the 1988 fast-track bill gave the President greater authority to negotiate on environmental issues in the context of these trade agreements. The Roth bill limits this authority.

Fast track is a great slogan. Free trade is a great slogan. But here today we are not about sloganizing, we are about legislating. And, as such, we must look to this bill, to all of its details and specifically to the goal which it lays out for the President of the United States. In failing to adequately address issues such as labor and monetary conditions, the Roth bill neglects the serious assumptions that underlie the whole theory of free trade.

The theory of free trade evolved over many, many years, based upon the economic notions of comparative advantage and specialization, notions that were advanced hundreds of years ago by David Ricardo, the English economist. At the core of these notions of comparative advantage and specialization is that certain nations can produce or prepare goods and services better than others, and that if we trade we can maximize values throughout the world. These assumptions, though, rest on other critical assumptions. As Professor Samuelson, the famous economist, pointed out in his 10th edition work on economic theory:

The important law of comparative advantage must be qualified to take into account certain interferences with it. Thus, if exchange rate parities and money wage rates are rigid in both countries, or fiscal or monetary policies are poorly run in both countries, then the blessings of cheap imports that international specialization might give would be turned into the curse of unemployment.

We will hear a lot about free trade, but this bill does not give the President the direction to establish the underlying environment which is necessary for free trade—respect for and recognition of the rights of workers to freely associate, to seek higher wages, respect for and acknowledgment of the critical role of currencies in the world of trade. Because of these reasons and many others, this bill, I think, falls far short of what we should in fact pass as a means to achieve the goal we all fervently seek, which is free, open trade and fair trade throughout the world.

Now, the debate on trade in the United States is not new. From the beginning of our country we have fiercely debated the role of trade in our economy. Beginning with Alexander Hamilton's "Report On Manufacturers," there has been a constant ebb and flow between those that would advise protective tariffs and those that would suggest free, open trade is the only route. This battle back and forth between opposing views took on, in many respects, the characterization of protectionism versus free traders. It reached its culmination, perhaps, before World War II when, in 1930, this

Congress passed the Smoot-Hawley Tariff Act which has become infamous because of its effect upon, at that time, the beginning of the world depression. And then, in 1934 the protective tariffs embedded in Smoot-Hawley were reversed. In 1934, the Tariff Act gave the President the right to reciprocally negotiate trade and tariff adjustment. So, this phase, running from the beginning of the country to the advent of World War II, saw a fierce battle between protectionists and open-marketeers.

The second phase of our debate on trade began in the aftermath of World War II where a dominant American economy sought to establish rules for freer trade. But from World War II through 1974, particularly with respect to the Kennedy and Tokyo Rounds of GATT, our view was more or less using trade as a foreign policy device, using trade as a way to establish bulwarks against the threats of communism, the threats of instability. And in so many respects it was this unintended but accumulation of concessions to trading partners around the world that has left us where we are today, which in many respects our market is virtually open in terms of tariffs and in terms of non-tariff barriers, but there are many other countries who still maintain barriers to our trade.

Beginning in 1974, we recognized that an important part of access to markets was not just the tariff level but those nontariff barriers. As a result, we started the fast-track process. In this context that I described, fast track makes sense if we get the goals right. Today's legislation, I suggest, does not get the goals right. Indeed, since 1974 international trade has taken on a much more central position in our economy in terms of its size and, now, in a variation on some of the foreign policy themes we heard during the 1950's and 1960's, as a way of some to create the democracies, the markets which we think are essential to progress around the world. In any respect, we are here today not to stop the progress of free trade but, in fact, to ensure that free trade results in benefits for all of our citizens and, indeed, benefits for those citizens of the world economy which we hope to trade with.

Some have labeled anyone who opposes this fast-track mechanism as a protectionist. I think quite the contrary, those of us—let me speak for myself. I certainly think that we represent interventionists, because we feel that to get trade right, you can't simply leave the country we trade with as we found it. We have to insist that they begin to adapt to and accept international standards with respect to workers' rights, environmental quality, currency coordination, a host of issues. In fact, when we look at the agreement, we see instances within this legislation, it is quite clearly acknowledged, where we are pushing or trying to push countries to adapt to our way of doing business. But they seem to be exclusively with respect to

commercial practices—commercial laws or agricultural policies. So we have in some respects the will to try to develop a world system based upon our model, but when it comes to critical issues like workers' protections and environmental quality, this legislation does not express that necessary role.

The administration has expressed their deep desire for this legislation. Indeed, I hope we could pass a fast-track legislative bill this session to open up markets to American firms, to compete in a global economy. With under 5 percent of the world's population living in the United States, we certainly have to find ways to sell to the remaining 95 percent of the world's population. It is no secret that economies in many parts of the world are growing faster than we are and offer tremendous opportunities for our investment and our exports. It is indeed predicted that economies in Asia and economies in Latin America will continue to grow at significant rates and we have to be part of this.

But we have to be part of this growth in trade in a way that will ensure that American firms and American workers are in the best position to compete and win in this global economy, this battle for success in the global economy. But I don't think, as I mentioned before, that this bill will set the goals necessary to win that competition.

Now, as Senator BYRD indicated so eloquently, this legislation also represents a significant expansion in the authority of the President to conduct the foreign policy of the United States and the commercial policy of the United States. In fact, since the adoption in 1974, the President's ability to negotiate and enter into trade agreements to reduce or eliminate tariff and nontariff barriers has increased significantly. But because it is such a significant delegation of authority, we have to, as I indicated before, make sure that we get the general goals correct, because we won't have the opportunity, as we do in other ways, to second-guess or correct the President's decision as we go forward.

So, again, as the Senator from West Virginia indicated, this is the opportunity for us, and maybe the only opportunity, to set the appropriate agenda for discussions going forward on international trade. I think, as I said, the current bill before us does not establish the appropriate negotiating goals so that we do ensure the President not only has the authority but the appropriate direction to serve the interests of the American people in establishing a regime of free and open trade throughout the world.

Now, as I indicated before, the Roth bill that is before us today is deficient in many specifics. First, let me take one specific and that is the notion of providing a very active negotiating goal to seek ways to improve and enforce labor relations in other countries around the world. In 1988, fast-track legislation stated that one of the ad-

ministration's principal negotiating objectives in trade agreements was:

To promote respect for worker rights; to secure a review of the relationship between worker rights to GATT articles, objectives, and related instruments with a view to ensuring that the benefits of the trading system are available to all workers; to adopt as a principle of the GATT, that the denial of worker rights should not be a means for a country or its industries to gain competitive advantage in international trade.

This legislation before us eliminates this workers' rights provision as a principal negotiating objective in trade agreements. I dare say if we read that to any Member of this Senate, they would say of course that has to be a goal of our trade negotiators. Yet in this legislation it is not such a goal.

As a result, it will limit the President's ability to try to negotiate improvements of labor standards and, as such, it will cast aside the interests of millions of American workers as well as the interests of workers worldwide.

It is no secret that income inequality has risen substantially in the United States in recent years. For nearly 2 decades the real wages and compensation of American blue-collar workers have been declining. Hourly compensation for nonsupervisory production workers fell by approximately 9.5 percent between 1979 and 1995.

There are many reasons for this. Some would cite declining rates of unionization, some the erosion of the real value of the minimum wage. But others would cite the increasing globalization of trade. Although it is difficult to determine exactly the composition, the factors that are influencing this phenomena, there is an emerging consensus by economists that approximately 30 percent of the relative decline in the wages of non-college-educated workers, and even a larger share in the decline with respect to production-wage workers, is a result of international trade and its effects. And I should say even though the President has suggested Executive initiatives in the last 2 days to try to correct some of these incongruities, it is not likely to do so. In fact, if we want to ensure that our wages remain comparable with our increases in productivity, we have to ensure that when our negotiators go to the table and negotiate arrangements, they are conscious of the rights of American workers and conscious of the rights of those workers in the countries with which we are attempt to go negotiate these trade agreements. Indeed, in light of these trends it is imperative that this provision be part of our fast-track legislation. It is not such a part of the legislation.

We have the recent experience of NAFTA to further inform the debate on these issues. It has been estimated that since enactment of NAFTA in 1993, trade with Canada and Mexico has cost the United States approximately 420,000 jobs, including 2,200 in my home State of Rhode Island. As a minimal estimate of job loss, the Labor Department has certified approximately

143,000 workers as being eligible for assistance because of trade dislocation.

The list of companies that have made NAFTA-related layoffs is a veritable "Who's Who" of American industry. It includes General Electric, Allied Signal, Sara Lee, Black and Decker, TRW, Georgia Pacific, Johnson & Johnson—and the layoffs continue.

Indeed, I don't think one can point the finger merely at these companies because they are certainly just taking advantage of something which we created, the opportunity legally—in fact some would argue the incentive legally—to move production out of the United States to other areas, in this case Mexico.

But the effect is not simply in the jobs lost. The effect perhaps is more decisive in the suppression of wages. There are reports that companies will either explicitly or implicitly threaten to relocate to places like Mexico if wage concessions are not made. In fact, during the debate last year on NAFTA, a Wall Street Journal poll of executives found a majority of executives from large companies intended to use NAFTA, as they indicated, as "a bargaining chip to keep down wages in the United States."

And this is borne out by numerous anecdotes. For example, workers at a plant in my home State in Warwick, RI, agreed to freeze wages and work 12-hour shifts without overtime pay because the company threatened to move production to Mexico. Similarly, 4,000 workers in a plant in Webster, NY, accepted 33-percent cuts in base pay to avoid a threatened plant relocation. A company in Georgia threatened to move 300 jobs at a lighting plant to Mexico unless workers took a 20-percent cut in pay and 36-percent cut in benefits. Mr. President, 220 workers at a plant in Baltimore agreed to take a \$1-an-hour pay cut to keep the plant open. And the list goes on and on and on.

The negative implications of NAFTA has been felt by U.S. workers and it should give us renewed energy and commitment to ensure that in the next round of fast-track legislation we at least replicate the 1988 goal of actively trying to ensure that worker protection, workers' rights are a central part of our negotiating strategy. Once again, this legislation does not do that.

It is important also to note that in the context of NAFTA, the benefits for Mexican workers have not been what they were advertised as. Since the passage of NAFTA, real manufacturing wages of Mexican workers have declined 25 percent. Part of this decline is attributable, of course, to the peso crisis. However it is important to recognize that real wages were stagnating prior to the peso crisis, while worker productivity in Mexico continued to grow. So, despite increased productivity, wages in Mexico continue to stagnate or decline. In fact, the percentage of Mexicans considered extremely poor rose from 31 percent in

1993 to 50 percent in 1996, after NAFTA. And two out of three Mexicans report that their personal economic situation is worse now than before NAFTA.

Following NAFTA, we have the benefit of these experiences which we did not have when we were considering the legislation back in 1988. Again, it seems inconceivable that seeing what has taken place in NAFTA, seeing how important—not only to our workers but to the workers of the country we hope to trade with—how important it is to negotiate and to reach principled agreements on worker protections and worker rights, that we are neglecting to do that in this legislation. And, as such, we have left a huge hole in our responsibility to give the President the responsibility and the direction to do what is best for the working men and women of this country, do what is best for the overall welfare of this country.

Now, with respect to the environment, that is another area where this legislation is deficient. It restricts the ability of the President to negotiate environmental issues and trade agreements by requiring that they be "directly related" to trade. And this differs from the 1988 fast-track bill which provided greater latitude for the President to negotiate on environmental issues. I would assume that "directly related to trade" means that if we have a problem getting a good into a country because they object to an environmental rule, that we might say, for example, labeling of a can, of a product, that that might be actionable. But it is not actionable if the country has absolutely no environmental enforcement; that it allows pollution to run rampant, that it actually encourages the relocation of factories and production facilities because of lax environmental rulings, because one I assume would argue that's not directly related to trade, it's not directly related to a good we are trying to get into the economy. But in fact, and again the NAFTA experience is instructive, this is precisely one of the ways in which countries undermine our environmental laws at home on the standard of living of our workers here in the United States. Indeed, after NAFTA we should be much more interested in including strong environmental protections. For the examples that the NAFTA experience has given us.

Subsequent to the passage of NAFTA the Canadian province of Alberta, which was only one of two Canadian provinces to sign the NAFTA environmental side agreement, adopted legislation in May 1996 prohibiting citizens from suing environmental officials to enforce environmental laws. And, in fact, since that time, to attract corporate investment, Alberta has advertised its lax regulatory climate as part of "the Alberta advantage."

Now, it might be an advantage to Alberta. Certainly I don't think it is to many residents of Alberta. And it is not an advantage to U.S. companies or U.S. workers who are faced with laws

that we passed, and rightfully so, that demand high-quality environmental controls in the workplace.

In October 1995 Mexico announced that it would no longer require environmental impact assessments for investments in highly polluting sectors such as petrochemicals, refining, fertilizers and steel.

(Mr. BROWNBACK assumed the chair.)

Mr. REED. Mr. President, Mexican officials said they were eliminating these environmental impact assessments to increase investment, which may well be an apparent violation of NAFTA because it prohibits, apparently, the weakening of environmental laws to attract investment.

So our experience with NAFTA should tell us that we must redouble our efforts to have the principal negotiating objective of environmental concerns. Yet, again we have constrained and circumscribed the ability of the President by simply saying they have to be directly related to trade, and many environmental problems are not directly related to trade.

For example, near the United States-Mexican border, there is an area known as Ciudad Industrial, where a number of sophisticated, highly automated manufacturing plants have been established since NAFTA. These manufacturing plants discharge hazardous waste through a nearby sewer outfall which adjoins a river that is used for washing and bathing. The Mexican Government has enacted a number of institutional barriers to environmental progress to prevent pollution abatement. For example, Mexican law prohibits the local government from taxing these state-of-the-art factories to pay for sewers, to pay for cleaning up.

In these ways, unrelated directly to trade, there are advantages to relocating production in countries. These are the type of actions which we should be concerned about, that we should, in fact, direct the President to be concerned about, that we should, in fact, insist the President bring to the table as a significant negotiating goal.

There is a final point I would like to make with respect to the specific deficiency of these goals, and that is the issue of monetary coordination. The 1988 fast-track bill included monetary coordination as a principal negotiating objective. Specifically the bill stated:

The principal negotiating objective of the United States regarding trade in monetary coordination is to develop mechanisms to ensure greater coordination, consistency and cooperation between international trade and monetary systems and institutions.

The bill before us today eliminates monetary coordination as a principal negotiating objective, thereby limiting the President's ability to address issues of currency valuation, fluctuating currency, all of the issues that have become tangible and palpable in the last few days, as we witnessed the gyrations of currency and the stock market throughout the Orient.

Currency valuation is a key component of trade policy because it affects the price of imports and exports. For example, as the U.S. dollar gets stronger relative to other currencies, U.S. exports to a foreign country will likely become more expensive in that country and the country's imports will become cheap in the United States. Inversely, as the U.S. dollar gets weaker relative to other currencies, U.S. exports to a foreign country will become cheaper in that country, and that country's imports will become more expensive in the United States. As a result, and quite clearly, currency valuation affects trade flow between countries and, consequently, the trade deficit.

We have to be terribly conscious of these currency valuations. It is evident in recent statistics on the valuation of the dollar in trade that there is a high correlation between the two. Since mid-1995, the dollar has risen against a number of foreign currencies, and during this period, the United States trade deficit rose also. It is estimated the trade deficit will increase to \$206 billion by the end of 1997. Also, currency valuation affects direct investment into our country by foreign investors, and that is something that we also have to be sensitive to.

Again, the NAFTA experience gives us further evidence—if we didn't know about it before—it gives us further evidence. As you know, NAFTA was enacted and shortly thereafter, the peso collapsed. What we thought were significant reductions in Mexican tariffs were wiped out by a 40-percent reduction in the value of the peso.

This reduction was part of inevitably the continuing strategy of Mexico, and the strategy of many countries, to have export-led growth to reduce the cost of their goods to United States consumers, and one way they did this was through the devaluation of the peso.

If we continue to be indifferent to the notion of currency and its role in our international trade, we are going to continue to see these problems and others like them.

It turned out that before the negotiation of NAFTA, Mexico was running a trade deficit of \$29 billion with the United States, a very large trade deficit, 8 percent of its gross domestic product. By 1994, after the onset of NAFTA and towards 1996, their deficit had turned into a surplus, again, in many respects because of the currency changes that took place because of the peso prices.

So we do have to be very, very conscious of these currency effects. Once again, this is not a part of the major negotiating goals for this legislation.

Reduced currency values in Mexico has prompted increased investment there. In the past year, investment in maquiladora plants in the Mexican State of Baja California, have increased by more than 35 percent. In effect, because of their policies, because of our adoption of NAFTA, we have

created monetary incentives to move and invest in Mexico and not just for the United States but for other countries around the world who are using Mexico as a platform for low-cost production which, in turn, is imported into the United States without duties.

Over the horizon, there is another major trading partner whose currency manipulations, if you will, can cause us significant problems, and that is China. As part of its strategy to encourage exports and discourage imports, China has engaged in an effort to reduce the value of its currency relative to the dollar. These currency valuations wipe out many of the concessions that we think we have sometimes with the Chinese with respect to their trade and our trade.

It puts, of course, downward pressure on the wages of U.S. workers as we cannot produce here the items that can be produced overseas more cheaply, not because of differences in productivity, but, in many cases, in part at least in the very calculated manipulation of currencies by foreign countries.

Again, the absence of such a major negotiating provision within the bill, I think, is a fatal flaw.

Overall, the bill before us continues a policy of protecting capital without, I think, sufficient protection for workers, protecting the ability of capital to relocate throughout the world, without recognizing that there must be commensurate protections for workers, workers both here in the United States and workers worldwide.

Because of the incentives now to deploy capital almost everywhere, we are beginning to recognize the phenomena of excess capacity in production facilities around the world, and many economists fear that this will lead to a massive deflation, and this massive deflation could be the major economic challenge that we face in the year's ahead.

The lack of work protections, the fact that countries can manipulate currencies, the lack of sensitivity to environmental policies has been an incentive, a very powerful incentive, to move production from the United States into these developing countries. For example, Malaysia's booming electronics industry is based on the explicit promise to American semiconductor companies that workers will effectively be prohibited from unionizing. In fact, when Malaysia considered lifting this ban on unionizing, American companies threatened to move to China or Vietnam, more receptive countries. This competition for cheap labor continues to put downward pressure on wages in developed countries as companies use the threat of relocation to leverage or reduce the pay of their workers.

These trends, related to labor and technology, are creating a situation, as I indicated, of overcapacity in many respects which may outstrip the ability of the workers to afford the very goods they are producing. The economic journalist, William Grieder, characterized the situation as follows:

The central economic problem of our present industrial revolution, not so different in nature from our previous one, is an excess of supply, the growing permanent surpluses of goods, labor and productive capacity. The supply problem is the core of what drives destruction and instability. Accumulation of factories, redundant factories as new ones are simultaneously built in emerging markets, mass unemployment and declining wages, irregular mercantilist struggles for market entry and shares in the industrial base, market gluts that depress prices and profits, fierce contests that lead to cooperative cartels among competitors and other consequences.

That is an outline of a world which faces increasing prices. The oil companies are a good example potentially of that world. By the year 2000, the global auto industry will be able to produce nearly 80 million vehicles. However, there will only be a market for approximately 60 million buyers. These imbalances, created by excessive supply, will put downward pressure on prices, and reduced profits and begin a deflationary trend.

Another commentator, William Gross, is managing director of Pacific Mutual Investment Co., which manages more than \$90 billion worldwide, now pegs the risk of a general deflation at 1 in 5 in the next several years. He states:

My deflationary fears are supported by two arguments: exceptional productivity growth and global glut.

He cites twin causes. Real wages both in the United States and abroad cannot keep up with the rapid growth of new production. That is, there will not be enough demand to buy all excess goods and emerging economies create aggressive new players eager to outproduce and underprice everyone else.

Overcapacity may be at the heart of the crisis that we have seen in Asia, the crisis which is manifested through currency turbulence and also through the stock market gyrations. We have seen in Thailand, for example, where, fueled by massive capital infusions, the economy in Thailand took off at a staggering rate. Between 1985 and 1994, the Thais had the world's highest growth rate, an average of 8.2 percent. It was prompted by developers who were building office towers and industrial parks that were built regardless of demand. They continued to build even as the completed buildings were half empty.

Petrochemical, steel, and cement plants were operating at half capacity because of oversupply. To address the oversupply issue, currency speculators thought it inevitable that the Thai currency, which was pegged to the dollar, would be devalued to boost Thailand's exports. Based on those assumptions, currency speculators began selling Thai currency and it decreased. The Government was forced to step in. They could not sustain their support and the bottom, if you will, dropped out of the local Thai currency, the baht. We feel similar pressures with the Philippines, Malaysia, and Indonesia.

All of this is prompted, in part, by the fact that capital can move everywhere, capital is moving everywhere, and we are not, I think, recognizing it in terms of our overall trade policy and certainly not recognizing in terms of this legislation.

We have to be conscious, very conscious, that the conditions of untrammelled deployment of capital around the world has beneficial effects but can have very detrimental effects. It has to be balanced. It has to be balanced by similar regimes in terms of workers' rights, in terms of environmental quality, in terms of coordinating currency, in terms of those factors which will allow free trade to be truly free and not allow situations to develop where capital is attracted not because of quality of workers, not because of natural resources, not because of factories that go to the heart of the production function, but because countries consciously try to depress their wages, try to suppress enforcement of environmental quality, try to manipulate currency, try to lure for short-term growth capital which will end up eventually bringing their house of cards down but, in the meantime, affecting the livelihood, the welfare and the state of living of millions and millions of American workers.

This bill does not adequately address those capital movements. It doesn't adequately understand or recognize that modern technology is assisting these capital movements. It does not recognize that we have to have policies that comprehend what is going on in the world today. This migration of capital, this technological expansion, all of these things have an impact on the wages of American workers. All of these have an impact on what we should be doing here today in terms of developing our response to world trade as it exists today.

There is another aspect of this capital deployment and this technology deployment and that is the notion of forced technology transfer which many of our trading allies engage in, specifically China. Their trade policies have demanded that companies investing in or exporting to China must also transfer product manufacturing technology to China.

A recent article in the Washington Post chronicled this issue. For example, to win the right to form a joint venture with China's leading automaker, General Motors promised to build a factory in China featuring the latest in automotive manufacturing technology, including flexible tooling and lean manufacturing process.

GM also pledged to establish five training institutes for Chinese automotive engineers and to buy most of its parts for the Chinese venture locally after 5 years.

Similarly, an unidentified United States manufacturer is planning to build a major facility in China instead of the United States in response to Chinese pressure. An executive with the

company indicated that production will be more expensive in China and the quality will be worse, but in order to do business in China, they had to conform to these demands.

According to many United States business executives, China's demands for technology are simply a cost of doing business with China. However, the effect is that our companies are transferring their facilities to China, making China not trading partners but ultimately competitors to our own world.

An interesting experience of DuPont. In the late 1980's, DuPont negotiated with China's Chemical Industry Ministry to form a joint venture to make a rice herbicide called Londax. By the time the venture started production in 1992, several factories in China were already producing Londax using DuPont technology that it was providing to the joint venture. Soon thereafter, approximately 30 Chinese factories were making several DuPont proprietary herbicides, all without the explicit permission of DuPont.

So what we are seeing again is not only the deployment of capital because of natural market forces, but because of the will and because of the negotiating stance of foreign countries that are required as a part of free trade, we are seeing the free transfer of our expertise, our proprietary information, our technology, and ultimately in many cases our jobs.

The other aspect of this legislation which should be noted, I think with some significance, is the fact that this legislation really does not recognize the fact that we have been running trade deficits of staggering proportions year in and year out.

It is interesting to hear the proponents of fast track talking about this as the great salvation for our trading partners. And we have had fast track now since 1974. I would daresay, we were probably running trade deficits in 1974. So clearly, fast track is a mechanism—in fact, some would argue the way we conduct some of these bilateral Free Trade Agreements is not the answer to the most consistent foreign problem we face in America today; that is, continued trade deficits. We have to address these problems.

The major trade deficit we run of course is with the Japanese. But we are also running significant deficits with the Chinese.

In some respects, one wonders why we are here today talking about fast track when one would argue our major problem is adjusting our trade relationship not with emerging countries like Chile, but with countries like Japan and China. Once again, I do not know what this legislation will do to effect those major problems.

Let me just suggest that we have entered into a fast-track procedure which is flawed because the goals we have established do not reach the most important issues that we face in the world today. They do not address our trade

deficit directly. They certainly do not address the issues of work protections, environmental policy, currency issues. In fact, also they are sending wrong signals to our allies, our potential trading partners.

By not adopting these as central, important key negotiating goals, we are essentially telling our potential trading partners we do not care. Oh, yes, we will have side agreements. We will have executive initiatives. We will talk a good game about these issues. But they are not at the heart of this legislation which is the defining legislation for our whole procedure.

I do not think it takes much for a trade minister in a foreign country to figure out pretty quickly it is not important—not important—to the American people, not important to Congress, not important to our trade effort when, in fact, I would argue it is the most important thing that we can and should do.

We have seen the side agreements mentioned, but the side agreements have not, I think, produced anything near the type of mechanism, type of framework which is essential to good trade policy throughout the country and throughout the world.

Let me just conclude by saying that the fast-track procedure will work if we get the goals right. We have neglected to get negotiating goals right. We have neglected key issues with respect to worker protections, key issues with respect to environment, key issues with respect to the coordination of currency. And the suggestion that we can, by side agreements or by legislative initiatives, make up the difference I think is mistaken. The experience of NAFTA has been very instructive in that regard.

Today, we are here as Members of this Senate to do what we must do in the trade process. And that is, to write legislation which will clearly define all the relevant goals that are necessary to not only open up markets but to maintain the standard of living of the United States.

This is a central issue that we face today and will face in the days ahead. This bill, sadly, will not give us the kind of direction, give the President the kind of direction that he needs and that the American people demand.

I yield back the balance of my time.
Mr. President, could I reserve the balance of my time?

The PRESIDING OFFICER (Mr. ALLARD). That will be reserved.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. First, I want to commend the very able Senator from Rhode Island for a very thorough and thoughtful analysis of the issues surrounding this legislation. Obviously, a great deal of work went into that statement, and I think the distinguished Senator touched on a number of very important and critical issues.

Mr. President, I rise in opposition to the motion to proceed to S. 1269. This

legislation would provide trade agreement approval procedures, so-called fast-track procedures, for implementing the results of trade agreements that require changes in U.S. law.

In my view, this is a poorly conceived piece of legislation that does not serve the interests of the American people.

First, let me observe the fast-track procedures are relevant only to a narrow range of trade agreements, specifically, those agreements which require Congress to make changes in existing U.S. law in order for the agreements to be implemented.

Most trade agreements do not require legislative changes and, therefore, fast track consideration would in effect be inapplicable to them.

It is my understanding, for example, that the Clinton administration has negotiated over 220 trade agreements. Only two required fast-track authority—NAFTA and the GATT Uruguay round agreement.

So let me just observe at the outset that there is a great deal of overstatement going on as to the importance of fast-track authority to the administration's ability to negotiate trade agreements and open foreign markets to U.S. exporters.

The fact is that for the overwhelming majority of trade agreements, fast-track authority is not needed. And based on its own record, the administration has concluded a large number of such trade agreements without fast-track authority—not under fast-track authority.

The question then becomes, for the narrow range of trade agreements that will require legislative action by the Congress, because the trade agreement reached requires a change in U.S. law, what is the appropriate role for the Congress in approving those agreements?

Now, article II, section 8 of the Constitution explicitly grants Congress the authority "To regulate Commerce with foreign Nations . . ."

The authority of Congress to approve trade agreements is unquestioned. And it is very clearly spelled out in the Constitution. So the issue is simply, how should the Congress best exercise this authority?

I want to go back just a little bit historically and trace some of the evolution of trade negotiating authority in order to bring us to set the current situation in context.

As many have observed, up until a couple of decades ago, most trade agreements dealt with setting tariffs on traded goods.

Up until 1930, Congress passed occasional tariff acts that actually set tariff terms. However, Congress became increasingly reluctant to set tariff schedules in legislation. And in 1934, in the Reciprocal Trade Act—I emphasize the word "reciprocal"—the Reciprocal Trade Act, Congress granted to the President for the first time so-called proclamation authority, the power to set tariffs by executive agreement with U.S. trading partners.

But that was a power with respect to the setting of tariffs that was limited, specifically limited within certain limits and for fixed periods of time. From the 1930's through the 1960's, Congress extended the 1934 act authorizing the President to negotiate reductions in U.S. tariffs in exchange for comparable reductions by U.S. trading partners.

Congress would typically limit how much tariffs could be reduced. In other words, we would set the range below which the administration could not go. We would give a range how long negotiations could go on, and the Congress even exempted specific products from the negotiations. But once the reductions were negotiated within the range that the Congress had established, the President then issued an order proclaiming the new tariffs and trade agreements between 1934 and 1974 were negotiated pursuant to this authority.

Now, during the 1960's, trade talks began to expand into nontariff trade areas that were governed by existing U.S. law; in other words, the trade talks began to involve matters that were not tariff matters but matters that were covered by our law. The Kennedy round GATT negotiations, for example, required for the first time changes to U.S. antidumping laws. We had antidumping laws on the books. The negotiated agreement required changes in those antidumping laws. The Congress made clear at that time that the executive branch had to obtain authority from the Congress to change a U.S. law in a trade agreement. The executive branch can't go and negotiate a trade agreement and simply by signing off on the trade agreement change an existing law without the approval of the Congress.

Now, proclamation authority for the President, which had been used in the reciprocal trade agreements for tariffs, did not extend to authority to proclaim all changes to U.S. law called for in a trade agreement.

Fast track was a procedure first enacted by Congress in the Trade Act of 1974 to deal with trade agreements that called for changes in U.S. law. What fast track provided for was a commitment by the Congress before the negotiations started that whenever an agreement came back from the trade negotiations, the executive branch could write legislation implementing the trade agreement and have that legislation voted on by the Congress without any opportunity to change or amend it. In other words, it had to be voted as presented by the administration. Only 20 hours of debate are allowed and a floor vote must take place within 60 days after the legislation is submitted.

Now, since its initial enactment, fast-track authority has been utilized for five trade agreements: The GATT Tokyo round agreement of 1979; the United States-Israel Free Trade Agreement of 1985; the United States-Canada Free Trade Agreement of 1988; the North American Free Trade Agree-

ment, NAFTA, 1993; and the GATT Uruguay round of 1994. Fast-track authority expired in December 1994 at the conclusion of the Uruguay round and has not been extended since, and the Congress is now confronting that question.

Now, over that same period of time, hundreds of trade agreements were reached by U.S. administrations. Hundreds of agreements were reached. Other countries were prepared to enter into them, and they did not require fast track and were not submitted under fast-track authority to the Congress.

Now, in examining this grant of authority, I first want to differ with one of the assertions that is made by its supporters that the executive branch would not be able to negotiate trade agreements if those agreements were subject to amendment by the Congress. That is the argument that is made. Unless we have this authority, we won't be able to negotiate agreements. As I have already indicated, the vast majority of trade agreements do not require changes to U.S. law and do not utilize fast-track procedures, and the successive administrations have been able to negotiate such agreements without any apparent significant difficulty.

Now, the very idea that the Congress should, in effect, delegate to the executive branch the authority to write changes in U.S. law and not have those changes subject to modification or amendment by the Congress represents an extraordinary grant of authority by the Congress to the Executive. My very distinguished colleague, Senator BYRD of West Virginia, spoke to this issue eloquently earlier in this debate, pointing out what a derogation of authority this represents from the legislative to the executive branch.

It is my own view that if changes are going to be made in U.S. statutes, those changes ought to be subject to the scrutiny of the Congress and amendment by the Congress. That is the role the Congress is given under the Constitution. Failure to provide for that congressional role, for that discipline, may leave the American people without any recourse to change unwise agreements entered into by the Executive.

Who is to say that all of the particular decisions made by the Executive in reaching an agreement are the right ones, or that the balance struck by the Executive is the right one? Is the Congress, then, simply to have to take this package and consider it as an all-or-nothing proposition? That is not what the Constitution calls for, and I don't think Congress ought to be delegating this authority.

I recognize that a stronger case can be made for the availability of fast-track authority to approve large multilateral trade agreements involving well over 100 countries, like the Uruguay round of the GATT and bilateral trade agreements like NAFTA. There is a plausible argument that concluding

such multilateral agreements might be complicated by the ability of individual countries, then, to make legislative changes in the agreement. That argument has been asserted and, on occasion, recognized by Members of the Congress. However, I point out that argument loses any persuasive weight when only two or a few countries are involved in the trade agreement. This legislation makes no such distinction between multilateral and bilateral trade agreements and would provide fast track for both.

It is worth noting that all major U.S. tax, arms control, territorial, defense, and other treaties are done through normal constitutional congressional procedures. We negotiated an arms control agreement with the Soviet Union. What can be more important? It is submitted to the Senate for approval. The Senate has the authority, if it chooses to do so, to amend that agreement. There is no fast track on an agreement far more important than trade agreements, involving the national security of our country, where they say to the Senate, "You must approve this arms control agreement exactly as it was negotiated by the administration, and you can only vote for it or against it." We have never accepted that.

The argument will be made at the time, "Don't amend it because we don't want to have to go back and have to renegotiate," but clearly our power to amend it is recognized and it is submitted to us under those terms.

Now, if the agreement can withstand the scrutiny as to why it ought not to be amended, then it should not be amended. But to bind ourselves in advance that we will only vote it up or down, without the opportunity to amend it, is to give away a tremendous grant of legislative authority.

Among the nontrade treaties done under regular procedures during the 1970's, 1980's and 1990's are the Nuclear Weapons Reduction Treaty, SALT I, SALT II, START, Atmospheric Test Ban Treaty, Biological Weapons Convention, the Customs Harmonization Convention, dozens of international tax treaties, Airline Landings Rights Treaty, Convention on International Trade and Endangered Species, Montreal protocol, Ozone Treaty, and on and on and on and on.

No one said at the time that the Congress can only consider these to vote yes or no, without the power and authority to amend them; and no one said that unless you give us such a grant of authority, we won't be able to negotiate these treaties.

Now let's turn for a moment and examine the question of what benefits have we received from this extraordinary grant of authority to the executive embodied in the fast-track procedures. The fact of the matter is—and I am not necessarily asserting that, because the time period corresponds, the whole cause was fast-track authority—but since fast-track authority was first

granted by the Trade Act of 1974, there has been a sharp deterioration in the U.S. balance of trade with the rest of the world. During the period 1945 to 1975, the United States generally enjoyed a positive balance of trade with the rest of the world, running for most of the time a modest surplus. Since then, the U.S. balance of trade has sharply declined.

Now, I first want to show a chart that shows the merchandise trade, goods traded.

What this chart shows, Mr. President, is this. It begins back in the late 1940's and it comes through to the present day. This is our merchandise trade deficit. We ran a modest but positive balance throughout the 1940's, 1950's, 1960's, and into the 1970's. Here about 1975, this trade balance begins to deteriorate, and it's now down here at \$200 billion a year. In fact, from 1948 until 1970, we had a positive merchandise trade balance in each and every year. In 1971 and 1972, we had a slight minus, but it was back positive in 1973, minus in 1974, positive in 1975; and since 1975, every year we have had a negative merchandise trade balance. We have been in deficit on our merchandise trade balance.

Listen to the numbers. I will just take a few of them. It was \$28 billion in 1977. In 1984, it jumped to \$106 billion. It was \$152 billion in 1987. It dropped back down; it was down to \$84 billion in 1992. It went back up. In the last 4 years, it was \$115 billion, \$150 billion, \$158 billion, and \$168 billion—negative trade deficits.

Now, this incredible deterioration in the merchandise trade balance was offset somewhat—by no means anywhere near entirely, but it was offset somewhat, to give a full picture—by an improvement in our services trade balance. Again, that had run in balance more or less all the way, and we have had an improvement here, as you can see, over the last few years.

The total trade deficits—in other words, adding the two together—however, continues to show a deterioration in the U.S. economic position. This is what has happened to the total trade balance. We are running along here more or less with a positive balance, and then we have had this deterioration in the trade balance. During the first 9 months of 1997, the United States has been running a trade deficit that is outpacing the 1996 rate. The cumulative U.S. trade deficit from 1974 to 1996, according to the Congressional Research Service, is \$1.8 trillion. Let me repeat that. The cumulative U.S. trade deficit from 1974 to 1996 is \$1.8 trillion. The cumulative current account deficits, when you offset the surface improvement during that period, is \$1.5 trillion.

We are running these enormous deficits. This is what we ought to be debating. One argument to turn down this fast-track authority is in order to precipitate a national debate on what our trade policy ought to be and what our

trade position is. We have been running these huge trade deficits year in and year out. I defy anyone to assert that that is a desirable thing to do—to run trade deficits of the kind and magnitude that we are talking about here—\$1.5 trillion over the last 22 years.

What these mounting trade deficits have done, which have persisted over this 20-year period, is they have resulted in the accumulation of U.S. foreign debt obligations that will approach \$1 trillion by the end of this year—\$1 trillion in foreign debt obligations. The fact of the matter is that our trade deficits over the last 15 years have moved the United States from being the largest creditor nation in the world in 1981 to being the largest debtor nation in the world in 1996. And this debtor status is continuing to deepen. Let me repeat that. These large trade deficits that we have run successively over the last 20 years have moved the United States from being the largest creditor nation in the world in 1981 to being the largest debtor nation in the world in 1996. Just think of that. We have gone from being the largest creditor nation to being the largest debtor nation. And then everyone is saying that the trade policy is a source of great strength. How can it be a source of great strength when we are getting deeper and deeper into the hole as a debtor?

This development has raised concerns about the ability of the United States to finance the debt. These are claims that foreigners hold on us. For example, Lester Thurow, in his recent book "The Future of Capitalism" wrote:

No country, not even one as big as the United States, can run a trade deficit forever.

Money must be borrowed to pay for the deficit, and money must be borrowed to pay interest on the borrowings. Even if the annual deficit does not grow, interest payments will grow until they are so large that they cannot be financed. At some point world capital markets will quit lending to Americans and Americans will run out of assets foreigners want to buy.

Now, I am not suggesting that all of the blame for this ought to be laid on fast-track authority. There is a complex factor. But what I am suggesting is that contrary to the constant assertions, it cannot be shown by the statistics that fast-track authority has had a positive impact on the U.S. balance of trade. That is what we should be debating. We ought to be debating why is this happening? What can be done about it? What does it do to the United States to become the world's largest debtor country?

Now, in many respects the assertion that fast track is needed in order to resolve some of our trade problems, I think, misses the mark. Let me give you a very clear example. The United States bilateral trade deficit with China in 1996 was \$40 billion, second only to our trade deficit with Japan, and that trade deficit is continuing to deteriorate in 1997. In other words, the figures for 1997 will be more than the

\$40 billion figure for the 1996 trade deficit with China. Resolving our trade deficit with China does not require fast-track procedures. It requires a determined effort by our Government to address the type of problem described in a recent Washington Post article entitled, "China Plays Rough: Invest and Transfer Technology or No Market Access."

"China Plays Rough: Invest and Transfer Technology or No Market Access."

That article describes how China forces United States companies to transfer jobs and technology as a price for getting export sales. That is the so-called offsets issue. Of course, what we are doing is to gain a temporary, momentary advantage we are giving away the long run. In other words, because of this requirement, companies come in. In order to get some exports now, they transfer the technology and make the investments in China which will guarantee that they will get no exports in the future. And the Chinese are requiring that as part of the trade negotiation.

Those are the kinds of issues we ought to be addressing here. That is a serious issue. And that has very severe and consequential long-term implications.

The ongoing deterioration in the international position of the United States should raise fundamental questions about our trade posture. I defy anyone to look at these charts and this movement in terms of our trade balance and not conclude that we are facing a serious problem here.

I am frank to tell you, I think those agreements ought to come to the Congress and let the Congress scrutinize them. The Executive makes these agreements. They develop the package. They do all the tradeoffs. They say, if it goes to the Congress, there will be all kinds of tradeoffs, as if there are no tradeoffs downtown, as if the Executive is not engaged in all sorts of tradeoffs. Who is to say that their tradeoffs better serve the public national interests of the country than the judgments or decisions that Congress would make?

Recently, Kenneth Lewis, the retired chief executive of a shipping company in Portland, OR, and a member of the Presidential Commission on United States Pacific Trade and Investment Policy, wrote an article in the New York Times. In that article, he called for a significant dialog on U.S. trade policy and the establishment of a permanent commission charged with developing plans to end in the next 10 years our huge and continuing trade deficits. In fact, Senators BYRD and DORGAN and I have sponsored legislation to establish such a commission. In his article Mr. Lewis wrote:

Full discussion is needed on questions like: What is the purpose of our trade policy and what do we want our domestic economy to look like? Who gains and who loses, and to what extent, from the increases in exports and the greater increases in imports?

The greater increases in imports, what this chart says. See, everyone comes in, and they say, well, we are going to be able to increase our exports. Everyone says, well, that's a wonderful thing. No one looks at the other side of the ledger, which is this incredible increase which has taken place in imports and, therefore, the deteriorating economic position of the United States as we run these very large trade deficits—\$1.5 trillion deficits since 1974, and because of that the United States, which has been the world's largest creditor nation into the 1970's—and we even survived up to 1980 because we had a creditor position before it was worked down. Eventually it was worked down. At the end of this year we will be a \$1 trillion debtor, with every indication that it will continue on out into the future—continue on out into the future.

Let me go back to this quote from Mr. Lewis:

Full discussion is needed on questions like: What is the purpose of our trade policy and what do we want our domestic economy to look like? Who gains and who loses, and to what extent, from the increases in exports and the greater increases in imports? Do American workers benefit, or only consumers and investors? What conditions must exist—concerning human rights, workers rights, or environmental protections—for us to allow other nations' goods to enter our country?

These strike me as the fundamental questions that we are failing to ask about our trade policy, and fast track is not an answer to any of those questions. What we really should do here is not do the fast track. Launch a major debate on our trade policy, a major examination of the trade figures and a major consideration of why the United States is running these large trade deficits. I defy anyone to come to the floor and suggest that running these large trade deficits is to our national interest, that that is a positive situation. It is clearly not a positive situation.

Throughout this whole period we ran modest but positive trade balances. In fact, many have said that the United States purposely tried to hold down its positive trade balances in order to help the rest of the world develop subsequent to World War II. So we ran these modest but positive trade balances, and beginning in the mid-1970's—coincidentally, as I said, about the time we started doing fast-track authority—we began to get this deterioration. That's in the overall trade balance.

In the merchandise trade balance, the deterioration was absolutely dramatic, as I have indicated earlier. We just had an incredible deterioration in the goods balance, as we can see by this chart here. This is about a \$1.8 trillion deterioration in the trade. Now, it is somewhat offset a bit by the improvement in the service balance. But the net figure comes out to show this figure on total trade balance.

Mr. BYRD. Mr. President, will the Senator yield for a question?

Mr. SARBANES. Certainly.

Mr. BYRD. It is really difficult to comprehend how much a trillion dollars is. And the distinguished Senator has pointed to the trade deficit that our country has been running. And he said that up until the early part of the 1980's our country was a creditor Nation, the foremost creditor Nation on Earth. And that during the 1980's it became a debtor Nation, to the tune of \$1 trillion.

Mr. SARBANES. Now we are at a trillion. Each year, if you add \$100 billion, \$125 billion, \$150 billion, if you run a deficit that year at \$100 billion to \$150 billion, that is another \$100 billion or \$150 billion you add to your debtor status. So, unless you get out of this status, you are continuing to worsen your position and get deeper and deeper into the hole. What it means to be in a debtor status is that others abroad have claims on us. When we were a creditor Nation we had claims on them. Now they have claims on us. I submit that is a weakening, that is a deterioration of the U.S. economic position.

Then they will come along and say, "Well, the economy is working well." The economy is working well now. There is no question about it. But the one thing we have not straightened out or addressed are these constant trade deficits which get us deeper and deeper into the hole. Others continue to finance us. But you wonder how long they are going to go on doing it. And even if they continue to do it, we nevertheless are more and more at their mercy.

I mean we are depending on the good will of strangers, is what it amounts to, on the economic front. And I am just saying—now, if you didn't have fast track, would you correct it? Well, I don't know. At least the agreements would be subjected to a much closer scrutiny. In any event, we could turn our attention to finding out what the factors are that cause this.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SARBANES. Certainly.

Mr. BYRD. I compliment the Senator on the presentation that he is making and on his charts. It is amazing, when one contemplates that, if one were to count a trillion dollars at the rate of \$1 per second, it would require 32,000 years to count a trillion dollars. It is pretty amazing. The Senator and his charts point to the road that we are traveling. I thank the Senator for his fine statement. He has been a student of this matter for many years and on his committee, the Joint Economic Committee, I believe it is, he has accumulated a tremendous amount of knowledge in this respect. I thank him for his presentation. I hope that Senators who are not here will take the time to read it in tomorrow's RECORD.

I thank the Senator for yielding.

Mr. SARBANES. I appreciate the comments of my distinguished colleague.

Mr. President, I have one final point I want to make and that is on this matter of protection for workers' rights, health and safety standards, and environmental standards.

Actually, in many respects, this legislation is weaker than the legislation which last reauthorized fast track in 1988 in these areas. The administration has come in today with a number of so-called initiatives and I am sure we will see more tomorrow, more the next day, and so forth. But, as I read them, none of those initiatives go right to the heart of the fast-track negotiating process in terms of what the negotiating goals should be. Let me just point out that under this legislation, we drastically limit the extent to which workers' rights, health and safety standards, and environmental protection are addressed in the principal negotiating objectives of the fast-track authority. The fast-track authority sets out principal negotiating objectives. And it is those objectives that describe the subject matter of trade agreements which are covered by fast-track procedure.

My very able colleague from Rhode Island, Senator REED, made this point in a very careful and thoughtful way. The bill states that the principal negotiating objectives with respect to labor, health and safety, or environmental standards only include foreign government regulations and other government practices, "including the lowering of or derogation from existing labor, health and safety or environmental standards for the purpose of attracting investment or inhibiting U.S. exports."

"The lowering of or derogation from existing * * * standards. * * *" Thus the bill would not allow for fast track consideration of provisions to improve labor, environmental and health and safety standards in other countries. It, in effect, says they can't lower it. But it says nothing about improving it. And one of the problems, of course, that we face is that environmental standards, workers' standards, health and safety standards in other countries are completely inadequate and we are in that competitive environment.

The principal negotiating objectives, which are what the implementing legislation has to be limited to, leave no room for provisions that are outside a very narrow range, strictly needed to implement the trade agreement. So this provision, despite these assurances now which are coming in, all of which are unilateral assurances by the executive branch and not included in the negotiating objectives, would be included within the fast-track authority. So we are not even going to be able to start addressing this very serious and severe question about the discrepancy between workers' standards, environmental standards, and health and safety standards—between what exists in this country and what exists with a number of our competitors.

What is the answer to that? Are we simply going to accept these lower

standards, many of which result in lower costs, and then continue to experience these growing trade deficits? Are we going to lower our own standards, when clearly we put them into place because we perceive that they are necessary in order to deal with the sort of problems at which they are directed, when we are trying to get the rest of the world to come up not to go down? These are many of the questions that I think need to be addressed on the trade issue.

Very quickly in summary, the fast-track authority represents a tremendous derogation of the power of the Congress. The Constitution gives us the power to regulate foreign commerce and we ought to exercise that power. We do very serious consequential arms control agreements that are open to amendment when they come to the floor of the Senate. We may not amend them. We may decide not to amend them. But we don't give away or forswear the power to do so. I don't see why we should give away or forswear that power when it comes to trade agreements.

Of course we have had this incredible deterioration in our trade situation. That is the issue that ought to be addressed. It would serve everyone's purpose if we rejected the fast-track authority and then provoked or precipitated, as a consequence, a major national debate with respect to trade policy. It is constantly asserted—I understand the economic theory for free trade and I don't really differ with it, although I do submit to you that many of the countries with which we are engaged in trade are not practicing free trade. They are not playing according to the rules. They are manipulating the rules to their own advantage and to our disadvantage—witness these. In many instances the consequence of that is to contribute to these very large trade deficits. But those are the matters that we ought to be debating. We ought to have a full-scale examination of that and the Congress ought not to give away its ability to be a full partner in developing and formulating trade policy. This proposal that is before us, in effect, requires the Congress to give up a significant amount of its authority in reviewing trade agreements. I think, therefore, they don't get the kind of scrutiny which they deserve.

The examination is always on one side. It says, we will get these additional exports. No one looks at what is going to happen on the import side and what the balance will be between the two.

As a consequence of not examining the balance, we have had this incredible deterioration. We used to not do that. We used to have in mind the fact there was a balance and that it was important to us. We sought to sustain that balance, as this line indicates. We held that line for 25 years after World War II. Since then, we have gone into this kind of decline, and I, for one,

think it is time to address that problem. I think the way to begin is not to grant this fast-track authority.

Mr. President, I yield the floor and reserve the remainder of my time. 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. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS AND SUBMISSION FOR APPROVAL

Mr. THURMOND. Mr. President, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384), Notices of Adoption of Amendments to Regulations and Submission for Approval were submitted by the Office of Compliance, U.S. Congress. These notices contain amendments to regulations under sections 204, 205 and 215 of the Congressional Accountability Act. Section 204 applies rights and protections of the Employee Polygraph Protection Act of 1988; section 205 applies rights and protections of the Worker Adjustment Retraining and Notification Act; and section 215 applies rights and protections of the Occupational Safety and Health Act of 1970.

Section 304 requires these notices and amendments be printed in the CONGRESSIONAL RECORD; therefore I ask unanimous consent that the notices and amendments be printed in the RECORD and referred to the appropriate committee for consideration.

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

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors ("Board") of the Office of Compliance has adopted amendments to the Board's regulations implementing section 204 of the Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. §1314, and is hereby submitting the amendments to the House of Representatives and the Senate for publication in the CONGRESSIONAL RECORD and for approval. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch, and section 204 applies rights and protections

of the Employee Polygraph Protection Act of 1988 ("EPPA"). Section 204 will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress ("Library") on December 30, 1997, and these amendments extend the coverage of the Board's regulations under section 204 to include GAO and the Library. The amendments also make minor corrections to the regulations.

The Board has also adopted amendments to bring GAO and the Library within the coverage of the Board's regulations under sections 205 and 215 of the CAA, which apply the rights and protections, respectively, of the Worker Adjustment and Retraining Notification Act and the Occupational Safety and Health Act of 1970. To enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose, the Board adopted the amendments under these three sections by three separate documents and is submitting the Notices for the amendments under sections 205 and 215 together with this Notice to the House and Senate for publication and approval.

For further information contact: Executive Director, Office of Compliance, John Adams Building, Room LA 200, Washington, D.C. 20540-1999. Telephone: (202) 724-9250 (voice), (202) 426-1912 (TTY).

SUPPLEMENTARY INFORMATION

1. Background and Purpose of this Rulemaking

The background and purpose of this rulemaking were described in detail in a Notice of Proposed Rulemaking published by the Board on September 9, 1997, at 143 Cong. Rec. S9014 (daily ed. Sept. 9, 1997) ("NPRM"), and will be summarized here briefly. The CAA, enacted on January 23, 1995, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices in the Legislative Branch. Section 204 of the CAA, 2 U.S.C. § 1314, applies the rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA") by providing, generally, that no employing office may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the EPPA, 29 U.S.C. § 2002 (1), (2), (3).

For most employing offices and covered employees, section 204 became effective on January 23, 1996, and the Board published interim regulations on January 22, 1997 and final regulations on April 23, 1996 to implement section 204 for those offices and employees. (142 Cong. Rec. S260-62, S262-70) (daily ed. Jan. 22, 1996) (Notices of Adoption of Regulation and Submission for Approval and Issuance of Interim Regulations); 142 Cong. Rec. S3917-24, S3924 (daily ed. Apr. 23, 1996) (Notices of Issuance of Final Regulations). However, with respect to GAO and the Library, section 204 will become effective on December 30, 1997, and the purpose of this rulemaking is to adopt regulations to implement section 204 with respect to GAO and the Library as well.

2. Description of Amendments

In the NPRM, the Board proposed that coverage of the existing regulations under section 204 be extended so that the same regulatory provisions would apply to GAO and the Library and their employees as now apply to other employing offices and covered employees. No comments were received, and the Board has adopted the amendments as proposed.

In the Board's regulations under section 204, the scope of coverage is established by the definitions of "employing office" in section 1.2(i) and "covered employee" in section

1.2(c), and the amendments add GAO and the Library and their employees into these definitions. In addition, as proposed in the NPRM, the amendments make minor corrections to the regulations.¹

Recommended method of approval. The Board adopted three identical versions of the amendments, one amending the regulations that apply to the Senate and employees of the Senate, one amending the regulations that apply to the House of Representatives and employees of the House, and one amending the regulations that apply to other covered employees and employing offices, and the Board recommends, as it did in the NPRM, (1) that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, (2) that the version amending the regulations that apply to the House and employees of the House be approved by the House by resolution, and (3) that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

Signed at Washington, DC, on this 31st day of October, 1997.

GLEN D. NAGER,

Chair of the Board, Office of Compliance.

The regulations implementing section 204 of the CAA, issued by publication in the CONGRESSIONAL RECORD on April 23, 1996 at 142 Cong. Rec. S3917-24 (daily ed. Apr. 23, 1996), are amended by revising section 1.2(c) and the first sentence of section 1.2(i) to read as follows:

"Sec. 1.2 Definitions

* * * * *

"(c) The term covered employee means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Congressional Budget Office; (5) the Office of the Architect of the Capitol; (6) the Office of the Attending Physician; (7) the Office of Compliance; (8) the General Accounting Office; or (9) the Library of Congress.

* * * * *

"(i) The term employing office means (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress. * * *".

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors ("Board") of the Office of Compliance has adopted amendments to the Board's regulations implementing section 205 of the Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. § 1315, and is hereby submitting the amendments to the House of Representatives and the Senate for publication in the Congressional Record and for approval. The CAA ap-

plies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch, and section 205 applies rights and protections of the Worker Adjustment Retraining and Notification Act ("WARN Act"). Section 205 will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress ("Library") on December 30, 1997, and these amendments extend the coverage of the Board's regulations under section 205 to include GAO and the Library. The amendments also make a minor correction to the regulations.

The Board has also adopted amendments to bring GAO and the Library within the coverage of the Board's regulations under sections 204 and 215 of the CAA, which apply the rights and protections, respectively, of the Employee Polygraph Protection Act of 1988 and the Occupational Safety and Health Act of 1970. To enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose, the Board adopted the amendments under these three sections by three separate documents and is submitting the Notices for the amendments under sections 204 and 215 together with this Notice to the House and Senate for publication and approval.

For further information contact: Executive Director, Office of Compliance, John Adams Building, Room LA 200, Washington, D.C. 20540-1999. Telephone: (202) 724-9250 (voice), (202) 426-1912 (TTY).

SUPPLEMENTARY INFORMATION

1. Background and Purpose of this Rulemaking

The background and purpose of this rulemaking were described in detail in a Notice of Proposed Rulemaking published by the Board on September 9, 1997, at 143 Cong. Rec. S9014 (daily ed. Sept. 9, 1997) ("NPRM"), and will be summarized here briefly. The CAA, enacted on January 23, 1995, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices in the Legislative Branch. Section 205 of the CAA, 2 U.S.C. § 1315, applies the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act") by providing, generally, that no employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the WARN Act, 29 U.S.C. § 2102, until 60 days after the employing office has provided written notice to covered employees.

For most covered employees and employing offices, section 205 became effective on January 23, 1996, and the Board published interim regulations on January 22, 1997 and final regulations on April 23, 1996 to implement section 205 for those offices and employees. 142 Cong. Rec. S270-74) (daily ed. Jan. 22, 1996) (Notice of Adoption of Regulation and Submission for Approval and Issuance of Interim Regulations); 142 Cong. Rec. S3949-52 (daily ed. Apr. 23, 1996) (Notice of Issuance of Final Regulations). However, with respect to GAO and the Library, section 205 will become effective on December 30, 1997, and the purpose of this rulemaking is to adopt regulations to implement section 205 with respect to GAO and the Library as well.

2. Description of Amendments

In the NPRM, the Board proposed that coverage of the existing regulations under section 205 be extended so that the same regulatory provisions would apply to GAO and the Library and their employees as now apply to other employing offices and covered employees. No comments were received, and

¹In the definitions of "employing office" and "covered employee," the references to the Office of Technology Assessment and to employees of that Office are removed, as that Office no longer exists.

the Board has adopted the amendments as proposed.

In the Board's regulations implementing section 205, the scope of coverage is established by the definition of "employing office" in section 639.3(a)(1), which, by referring to the definition of "employing office" in section 101(9) of the CAA, 2 U.S.C. § 1301(9), includes all covered employees and employing offices other than GAO and the Library. The amendments add to this regulatory provision a reference to section 205(a)(2) of the CAA, which, for purposes of section 205, adds GAO and the Library into the definition of "employing office." In addition, as proposed in the NPRM, the amendments make a minor correction to the regulations.¹

Recommended method of approval. The Board adopted three identical versions of the amendments, one amending the regulations that apply to the Senate and employees of the Senate, one amending the regulations that apply to the House of Representatives and employees of the House, and one amending the regulations that apply to other covered employees and employing offices, and the Board recommends, as it did in the NPRM, (1) that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, (2) that the version amending the regulations that apply to the House and employees of the House be approved by the House by resolution, and (3) that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

Signed at Washington, DC, on this 31st day of October, 1997.

GLEN D. NAGER,

Chair of the Board, Office of Compliance.

The regulations implementing section 205 of the CAA, issued by publication in the Congressional Record on April 23, 1996 at 142 Cong. Rec. S3949-52 (daily ed. Apr. 23, 1996), are amended by revising the title at the beginning of the regulations and the introductory text of the first sentence of section 639.3(a)(1) to read as follows:

"APPLICATION OF RIGHTS AND PROTECTIONS OF
THE WORKER ADJUSTMENT AND RETRAINING
NOTIFICATION ACT

* * * * *

"§ 639.3 Definitions.

"(a) *Employing office.* (1) The term "employing office" means any of the entities listed in section 101(9) of the CAA, 2 U.S.C. § 1301(9), and either of the entities included in the definition of "employing office" by section 205(a)(2) of the CAA, 2 U.S.C. § 1315(a)(2), that employs—

"(i) * * *".

* * * * *

OFFICE OF COMPLIANCE—THE CONGRESSIONAL
ACCOUNTABILITY ACT OF 1995: EXTENSION OF
RIGHTS AND PROTECTIONS UNDER THE OCCU-
PATIONAL SAFETY AND HEALTH ACT OF 1970

NOTICE OF ADOPTION OF AMENDMENTS TO
REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors ("Board") of the Office of Compliance has adopted amendments to the Board's regulations implementing section 215 of the Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. § 1341, and is hereby submitting the amendments to the House of Representatives and the Senate for publication in the CONGRESSIONAL RECORD and for approval. The CAA applies the rights and protections of eleven labor and employment and public access

laws to covered employees and employing offices within the Legislative Branch, and section 215 applies rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"). Section 215 will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress ("Library") on December 30, 1997, and these amendments extend the coverage of the Board's regulations under section 215 to include GAO and the Library. The amendments also make minor corrections and changes to the regulations.

The Board has also adopted amendments to bring GAO and the Library within the coverage of the Board's regulations under sections 204 and 205 of the CAA, which apply the rights and protections, respectively, of the Employee Polygraph Protection Act of 1988 and the Worker Adjustment and Retraining Notification Act. To enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose, the Board adopted the amendments under these three sections by three separate documents and is submitting the Notices for the amendments under sections 204 and 205 together with this Notice to the House and Senate for publication and approval.

For further information contact: Executive Director, Office of Compliance, John Adams Building, Room LA 200, Washington, DC 20540-1999. Telephone: (202) 724-9250 (voice), (202) 426-1912 (TTY).

SUPPLEMENTARY INFORMATION

1. Background and Purpose of this Rulemaking

The background and purpose of this rulemaking were described in detail in a Notice of Proposed Rulemaking published by the Board on September 9, 1997, at 143 CONG. REC. S9014 (daily ed. Sept. 9, 1997) ("NPRM"), and will be summarized here briefly. The CAA, enacted on January 23, 1995, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices in the Legislative Branch. Section 215 of the CAA, 2 U.S.C. § 1341, applies the rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct") by providing, generally, that each employing office and each covered employee must comply with the provisions of section 5 of the OSHAct, 29 U.S.C. § 654.

For most covered employees and employing offices, section 215 became effective on January 1, 1997, and the Board adopted regulations published on January 7, 1997 to implement section 215 for those offices and employees. 143 CONG. REC. S61-70 (Jan. 7, 1997) (Notice of Adoption and Submission for Approval). However, with respect to GAO and the Library, section 215 will become effective on December 30, 1997, and the purpose of this rulemaking is to adopt regulations to implement section 215 with respect to GAO and the Library as well.

2. Description of Amendments

In the NPRM, the Board proposed that coverage of the existing regulations under section 215 be extended so that the same regulatory provisions would apply to GAO and the Library and their employees as would apply to other employing offices and covered employees. No comments were received, and the Board has adopted the amendments as proposed.

In the Board's regulations implementing section 215, the scope of coverage is established by the definitions of "covered employee" in section 1.102(c) and "employing office" in section 1.102(i) and by the listings in sections 1.102(j) and 1.103 of entities that are included as employing offices if responsible for correcting a violation of section 215

of the CAA, and the amendments add GAO and the Library and their employees into these definitions and listings. In addition, in the provisions of the Board's regulations that cross-reference the Secretary of Labor's regulations under the OSHAct, the amendments correct several editorial and technical errors and incorporate recent changes in the Secretary's regulations, and the amendments make other typographical and minor corrections to the Board's regulations.¹

Recommended method of approval. The Board adopted three identical versions of the amendments, one amending the regulations that apply to the Senate and employees of the Senate, one amending the regulations that apply to the House of Representatives and employees of the House, and one amending the regulations that apply to other covered employees and employing offices, and the Board recommends, as it did in the NPRM, (1) that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, (2) that the version amending the regulations that apply to the House and employees of the House be approved by the House by resolution, and (3) that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution. The Board's regulations under section 215 have not yet been approved by the House and Senate, and, if the regulations remain unapproved when the amendments come before the House and Senate for consideration, the Board recommends that the House and Senate approve the amendments together with the regulations.

Signed at Washington, DC, on this 31st day of October, 1997.

GLEN D. NAGER,

Chair of the Board, Office of Compliance.

The regulations implementing section 215 of the CAA, adopted and published in the CONGRESSIONAL RECORD on January 7, 1997 at 143 CONG. REC. S61, 66-69 (daily ed. Jan. 7, 1997), are amended as follows:

1. EXTENSION OF COVERAGE.—By revising sections 1.102(c), (i), and (j) and 1.103 to read as follows:

"§ 1.102 Definitions.

* * * * *

"(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance; (9) the General Accounting Office; and (10) the Library of Congress.

* * * * *

"(i) The term *employing office* means: (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician,

¹In the definition of "employing office" in section 1.102(i) "the Senate" is stricken from clause (1) and "of a Senator" is inserted instead, and "or a joint committee" is stricken from that clause, for conformity with the text of section 101(9)(A) of the CAA, 2 U.S.C. § 1301(9)(A). In section 1.102(j), "a violation of this section" is stricken and "a violation of section 215 of the CAA (as determined under section 1.106)" is inserted instead, for consistency with the language in section 1.103 of the regulations.

¹The title at the beginning of the regulations is being corrected.

and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress."

* * * * *

"(j) The term *employing office* includes any of the following entities that is responsible for the correction of a violation of section 215 of the CAA (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such violation occurs: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; (9) the Office of Compliance; (10) the General Accounting Office; and (11) the Library of Congress.

* * * * *

"§1.103 Coverage.

"The coverage of Section 215 of the CAA extends to any "covered employee." It also extends to any "covered employing office," which includes any of the following entities that is responsible for the correction of a violation of section 215 (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs:

- "(1) each office of the Senate, including each office of a Senator and each committee;
- "(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;
- "(3) each joint committee of the Congress;
- "(4) the Capitol Guide Service;
- "(5) the Capitol Police;
- "(6) the Congressional Budget Office;
- "(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);
- "(8) the Office of the Attending Physician;
- "(9) the Office of Compliance;
- "(10) the General Accounting Office; and
- "(11) the Library of Congress."

2. CORRECTIONS TO CROSS-REFERENCES.—By making the following amendments in Appendix A to Part 1900, which is entitled "References to Sections of Part 1910, 29 CFR, Adopted as Occupational Safety and Health Standards Under Section 215(d) of the CAA":

(a) After "1910.1050 Methylenedianiline," insert the following:

- "1910.1051 1,3-Butadiene.
- "1910.1052 Methylene chloride."

(b) Strike "1926.63—Cadmium (This standard has been redesignated as 1926.1127)." and insert instead the following:

- "1926.63 [Reserved]".

(c) Strike "Subpart L—Scaffolding", "1926.450 [Reserved]", "1926.451 Scaffolding.", "1926.452 Guardrails, handrails, and covers.", and "1926.453 Manually propelled mobile ladder stands and scaffolds (towers)." and insert instead the following:

"Subpart L—Scaffolds

"1926.450 Scope, application, and definitions applicable to this subpart.

- "1926.451 General requirements.

"1926.452 Additional requirements applicable to specific types of scaffolds.

- "1926.453 Aerial lifts.

- "1926.454 Training."

- (d) Strike "1926.556 Aerial lifts."

- (e) Strike "1926.753 Safety Nets."

(f) Strike "Appendix A to Part 1926—Designations for General Industry Standards" and insert instead the following:

"APPENDIX A TO PART 1926—DESIGNATIONS FOR GENERAL INDUSTRY STANDARDS INCORPORATED INTO BODY OF CONSTRUCTION STANDARDS".

SENSE OF THE CONGRESS REGARDING PROLIFERATION OF MISSILE TECHNOLOGY FROM RUSSIA TO IRAN

Mr. HELMS. Mr. President, as chairman of the Senate Foreign Relations Committee, I am pleased that the committee has reported favorably Senate Concurrent Resolution 48, expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

The committee held a hearing on alleged Russian ballistic missile proliferation activities with Iran on October 8, but the committee did not hold a specific hearing on Senate Concurrent Resolution 48. The resolution was placed on the agenda of the committee's business meeting for October 9, 1997. During the business meeting several members of the committee raised questions about the intent, scope, and implication of the resolution. Desirous of maintaining consensus, I postponed consideration of the resolution until the questions were answered.

Specifically, questions arose regarding paragraph (2) of section (1) of the resolution. After consultation, the sponsors and co-sponsors of Senate Concurrent Resolution 48 agreed with the committee that the resolution does not raise, suggest, or recommend reassessment of those programs which are in the national security interests of the United States. Accordingly, in the committee's view this interpretation removes from consideration, under this resolution, any ongoing programs and projects currently being conducted by the United States which seek to reduce the threat of the proliferation of weapons of mass destruction, their materials and know-how, as well as associated means of delivery. The resolution is also not intended to affect cooperative space programs between the United States and Russia. Nor is the resolution intended to affect humanitarian assistance or the programs of the National Endowment for Democracy, which promote democracy and market economic principles. Finally, the committee intends that the responsibility for making the determination regarding the adequacy of the Russian response under paragraph (2) lies with the President.

Mr. KYL. Mr. President, over the past few weeks, a series of increasingly troubling reports have been published in the press indicating Iran has nearly completed development of two long-range missiles that will allow it to strike targets as far away as central Europe. According to these press reports, Russian missile assistance has been the critical factor that has enabled Tehran's missile program to make such rapid progress.

In order to halt this dangerous trade, Representative HARMAN and I have in-

troduced a bipartisan concurrent resolution expressing the sense of the Congress that proliferation of such technology and missile components by Russian governmental and nongovernmental entities must stop. Our resolution calls on the President to use all the tools at his disposal, including targeted sanctions, to end this proliferation threat, if these activities do not cease.

I join with Representative HARMAN, in clarifying that this resolution is not intended to affect the Cooperative Threat Reduction Program or similar U.S. government projects and programs which seek to reduce the threat of proliferation of weapons of mass destruction, their materials, know-how, as well as associated means of delivery currently being conducted. But we need to be clear that those individuals who proliferate will be penalized with the tools the U.S. has available.

Mr. LUGAR. Mr. President, would the Senator yield?

Mr. KYL. Mr. President, I would be happy to yield to the Senator from Indiana.

Mr. LUGAR. I thank the Senator. I think we both agree that the proliferation of weapons of mass destruction, their materials, known-how, as well as associated means of delivery might very well be the number one national security threat facing the United States.

As the Senator knows, when his resolution was raised at the Committee on Foreign Relations business meeting on October 9, 1997, I was concerned about the meaning of paragraph (2) of section (1). Paragraph (2) of section (1) states that: "if the Russian response is inadequate" to Presidential demands that the Russian Government take concrete actions to stop governmental and nongovernmental entities from providing ballistic missile technology and technical advice to Iran, "the United States should impose sanctions on the responsible Russian entities in accordance with Executive Order 12938 on the Proliferation of Weapons of Mass Destruction, and reassess cooperative activities with Russia."

I was joined by several colleagues on the Foreign Relations Committee who were also unsure of the intent of the Senator's language as well as the definition of the term "cooperative activities". As the Senator knows, many of our colleagues in Congress and in the executive branch believe that our ongoing cooperative efforts with Russia to dismantle, eliminate, destroy, and convert weapons of mass destruction, their materials, know-how, as well as associated means of delivery is vital of the national security interests of the United States. In particular, I am proud of the steps of our Department of Defense, Department of Energy and other executive agencies have made in reducing the threats to the United States from weapons and materials of mass destruction.

I thank the Senator for taking the time to contact me personally and for

working with me to ensure that this resolution does not have the unintended consequence of calling in question these critical national security programs. I believe the Cooperative Threat Reduction Program, the Department of Energy's Material Protection Control and Accounting Program, and others have played and will continue to play a critical role in serving the national security interests of the United States.

Mr. President, I thank the Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from Indiana and I assure him that I support the Committee's report language which removes from consideration, under this resolution, any ongoing programs and projects which seek to reduce the threat of the proliferation of weapons of mass destruction, their materials, and know-how; as well as cooperative space programs between the United States and Russia and the programs of the National Endowment for Democracy which promote democracy and market economic principles in Russia.

A+ EDUCATION SAVINGS ACCOUNTS

Mr. ABRAHAM. Mr. President, I rise today as a cosponsor of the Coverdell A+ education accounts, offered in legislation by my colleague the Senator from Georgia. This legislation would allow parents to contribute up to \$2,500 per child to an education savings account, in which it would accrue tax-exempt interest that could be used for K-12 education expenses.

Each year, Mr. President, we are bombarded with statistics showing that our children are losing ground academically.

Each year, colleges and universities spend millions on remedial education for children entering their halls without the basic skills necessary to succeed in their courses.

Fully 60 percent of our 17-year-olds are not reading at grade level. They are unprepared to take their place in a college classroom, or in the many skilled occupations that literally make our country work. It is painfully clear, in my view, that something must be done to improve the quality of our K-12 education.

We spend more money per child than nearly any other industrialized nation. But, tragically, half of American children cannot meet minimum standards in reading and math.

The problem with our schools is not how much money we are spending on them. It is how that money is being spent—and even more importantly who is deciding how that money will be spent.

Too many decisions regarding our children's education are being made by bureaucrats in Washington and too few by parents. Thus too much money is being spent on bureaucrats and Washington-knows-best regulations, and too

little on meeting the real educational needs of our children.

Mr. President, Michigan does not need Federal programs and Beltway bureaucrats to improve our education system; we need more power in the hands of our parents.

Teachers, principals, and school boards also are crucial to educating our children. But we must not forget that every child's most important, extensive, and fundamental education takes place in the home and must be guided by the principles and habits established there.

Every day parents educate children—helping with homework, looking over tests, and providing the love and support that foster successful intellectual, moral, and spiritual growth. No Washington program can provide this nurturing. And this makes it our duty to increase parents' power and resources as they seek to steer their children to successful and responsible adulthood.

During the balanced budget debate, Congress focused a great deal of attention on loans and other assistance for higher education. But while the availability and quality of higher education should be an issue of tremendous concern for our Nation, it becomes a moot point if children do not receive the education they need in elementary and secondary school.

During consideration of the Taxpayer Relief Act last summer, Congress debated legislation allowing parents to set up an education savings account to help pay tuition and other expenses at public or private colleges.

Senator COVERDELL offered an amendment to that provision, allowing the funds to also be used for K-12 education expenses. This amendment passed the Senate but, regrettably, was taken out during conference due to a threatened veto by the President.

Thankfully, the Senator from Georgia has reintroduced his amendment as a free-standing bill. In doing so, he has forced Congress to address the critical question of what we can do to support parents as they struggle to provide the best education possible for their children.

Senator COVERDELL's legislation is an important step in the right direction because it provides parents greater opportunity to save and invest in not only their child's higher education, but in their child's elementary and secondary education as well.

Specifically, the Coverdell A+ accounts bill expands the use of education savings accounts to include expenses related to elementary and secondary education at public, private, or religious schools and homeschools.

Parents may withdraw from the account to pay for tuition, fees, tutoring, special needs services, books, supplies, computer equipment and software, transportation, and supplementary expenses.

This legislation provides parents with a wide variety of opportunities to supplement their child's education.

Some parents may choose a private or specialized education setting for their child.

For children attending public school, parents can use the money for tutoring or transportation costs. For parents of a child with special needs, the money could be used for tutoring or other personalized services.

Put simply, the Coverdell A+ accounts bill provides parents with more options to meet the educational needs of their children at an early age. And this improved education will produce better opportunities for their children throughout their lives.

Mr. President, the education savings account proposal for higher education passed Congress overwhelmingly, and was supported by the President. It is simply irrational to oppose the same concept for elementary and secondary education.

For all the reasons Congress supported investing in higher education, Congress must support investing in elementary and secondary education. Both proposals are based on a sound principle, that parents should plan for the long-term educational needs of their children. The Coverdell proposal allows parents to do that from the moment their child enters elementary school until that child graduates from college.

In my view, Mr. President, there is no reason to oppose A+ accounts on the grounds that they would provide Federal support to religious schools.

Right now, today, Federal funds in the form of student loan guarantees and other assistance are helping thousands of college students attend religious colleges. I have heard no serious objections to this practice, and I am glad for that.

There is no reason to discriminate against students choosing to attend Catholic University, Notre Dame, Calvin College, or any of the many other fine religious colleges in America.

By the same token, however, there is no sound reason for objecting to students and their parents who choose to attend primary and secondary schools with religious affiliations.

Likewise, Mr. President, I see no basis for the charge that A+ accounts will starve our public schools of needed funds. No provision in this legislation will cost public schools so much as one thin dime.

Rather, A+ accounts will bring significant benefits to our public schools. We should keep in mind, for example, that fully 70 percent of the children whose parents will receive benefits under this legislation attend public school. The extra help in the form of tutors, computers and other aids that the children will receive thanks to A+ accounts will make them better students and enhance the learning experience for all children in those schools.

HONORING THE KIRKS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America.

The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Frankie and Harlan Kirk of St. Louis, MO, who on November 15, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Kirks' commitment to the principles and values of their marriage deserves to be saluted and recognized.

HONORING THE PRICES ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Pauline and Larry Price of St. Louis, MO, who on November 12, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Prices' commitment to the principles and values of their marriage deserves to be saluted and recognized.

MESSAGES FROM THE PRESIDENT

REPORT OF THE EXECUTIVE ORDER BLOCKING SUDANESE GOVERNMENT PROPERTY AND PROHIBITING TRANSACTIONS WITH SUDAN—MESSAGE FROM THE PRESIDENT—PM 79

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), I hereby report to the Congress that I have exercised my statutory authority to declare that the policies of the Government of Sudan constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and to declare a national emergency to deal with the threat.

Pursuant to this legal authority, I have blocked Sudanese governmental assets in the United States. I have also prohibited certain transactions, including the following: (1) the importation into the United States of any goods or services of Sudanese origin, other than information or informational materials; (2) the exportation or reexportation to Sudan of any nonexempt goods, technology, or services from the United States; (3) the facilitation by any United States person of the exportation or reexportation of goods, technology, or services from Sudan to any destination, or to Sudan from any destination; (4) the performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Sudan; (5) the grant or extension of credits or loans by any United States person to the Government of Sudan; and (6) any transaction by any United States person relating to transportation of cargo to, from, or through Sudan, or by Sudanese vessel or aircraft.

We intend to license only those activities that serve U.S. interests. Transactions necessary to conduct the official business of the United States Government and the United Nations are exempted. This order and subsequent licenses will allow humanitarian, diplomatic, and journalistic activities to continue. Other activities may be considered for licensing on a case-by-case basis based on their merits. We will continue to permit regulated transfers of fees and stipends from the Government of Sudan to Sudanese students in the United States. Among the other activities we may consider licensing are those permitting American citizens resident in Sudan to make payments for their routine living expenses, including taxes and utilities; the importation of certain products unavailable from other sources, such as gum arabic; and products to ensure civilian aircraft safety.

I have decided to impose comprehensive sanctions in response to the Sudanese government's continued provision of sanctuary and support for terrorist groups, its sponsorship of regional insurgencies that threaten neighboring governments friendly to the United States, its continued prosecution of a devastating civil war, and its abysmal human rights record that includes the denial of religious freedom and inadequate steps to eradicate slavery in the country.

The behavior of the Sudanese government directly threatens stability in the region and poses a direct threat to the people and interests of the United States. Only a fundamental change in Sudan's policies will enhance the peace and security of people in the United States, Sudan, and around the world. My Administration will continue to work with the Congress to develop the most effective policies in this regard.

The above-described measures, many of which reflect congressional concerns, will immediately demonstrate to

the Sudanese government the seriousness of our concern with the situation in that country. It is particularly important to increase pressure on Sudan to engage seriously during the current round of negotiations taking place now in Nairobi. The sanctions will also deprive the Sudanese government of the material and financial benefits of conducting trade and financial transactions with the United States.

The prohibitions set forth in this order shall be effective as of 12:01 a.m., eastern standard time, November 4, 1997, and shall be transmitted to the Congress and published in the *Federal Register*. The Executive order provides 30 days in which to complete trade transactions with Sudan covered by contracts that predate the order and the performance of preexisting financing agreements for those trade initiatives.

WILLIAM J. CLINTON.
THE WHITE HOUSE, November 3, 1997.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2107. An act making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated.

POM-296. A resolution adopted by the Council of the City of Warren, Michigan relative to global climate change; to the Committee on Environment and Public Works.

POM-297. A resolution adopted by the Commissioners of Benton County, Iowa relative to the English language; to the Committee on Governmental Affairs.

POM-298. A petition from a citizen of the State of Texas relative to the Twenty-Seventh Amendment to the U.S. Constitution; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1219. A bill to require the establishment of a research and grant program for the eradication or control of *Pfiesteria piscicida* and other aquatic toxins (Rept. No. 105-132).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 651. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. No. 105-133).

H.R. 652. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. No. 105-134).

H.R. 848. A bill to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes (Rept. No. 105-135).

H.R. 1184. A bill to extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington, and for other purposes (Rept. No. 105-136).

H.R. 1217. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. No. 105-137).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 858. A bill to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities (Rept. No. 105-138).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 759. A bill to provide for an annual report to Congress concerning diplomatic immunity.

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment:

S. 1258. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 48. Concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

S. Con. Res. 58. Concurrent resolution expressing the sense of Congress over Russia's newly passed religion law.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCain, from the Committee on Commerce, Science, and Transportation:

Duncan T. Moore, of New York to be an Associate Director of the Office of Science and Technology Policy.

Arthur Bienenstock, of California, to be an Associate Director of the Office of Science and Technology Policy.

Raymond G. Kammer, of Maryland, to be Director of the National Institute of Standards and Technology.

Terry D. Garcia, of California, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

(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.)

IN THE COAST GUARD

The following-named individual for appointment as a permanent regular officer in the United States Coast Guard in the grade indicated under title 14, U.S. Code, section 211:

To be lieutenant (junior grade)

Whitney L. Yelle, 6516

The following-named officers for appointment to the grade indicated in the U.S. Coast Guard under title 14, United States Code, section 271:

To be lieutenant commander

Thomas Flora, 1977

Alfredo T. Soriano, 3245

William E. Thompson, 5963

Allen B. Cleveland, 5661

Timothy M. Fitzpatrick, 1834

Michael J. Kelly, 6895

Peter W. Seaman, 3947

William P. Green, 4602

John R. Turley, 8780

Markus D. Dausses, 4313

John L. Bragaw, 3661

Glenn L. Gebele, 4212

Michael S. Sabellico, 8701

Laura H. O'Hare, 6357

Susan K. Vukovich, 5076

Craig O. Fowler, 3715

Daniel S. Cramer, 3202

John J. Metcalf, 4539

Steven J. Reynolds, 9836

Sean M. Mahoney, 1321

Kevin J. McKenna, 1964

Christopher E. Alexander, 5686

James W. Sebastian, 9852

Han Kim, 8423

Phyllis E. Blanton, 3093

Andrew C. Palmiotto, 5986

Matthew K. Creelman, 5359

Caleb Corson, 9543

Marc H. Nguyen, 3884

Cynthia L. Stowe, 7198

Charles Jennings, 1640

Mary J. Sohlberg, 2583

John F. Maloney, 3275

Craig T. Hoskins, 3608

James P. McLeod, 2174

Raymond D. Hunt, 2465

Kenneth V. Fordham, 7677

Jon S. Kellams, 7003

Keith M. Smith, 5923

Donna L. Cottrell, 3421

James W. Crowe, 1207

Peter D. Conley, 7522

Kelly L. Kachele, 6708

Scott A. Buttrick, 5681

Janet R. Florey, 8250

Melissa A. Bulkley, 2351

James H. Whitehead, 0654

William R. Kelly, 6357

Jason Lyuke, 0055

John M. Danaher, 2841

John E. Boris, 1322

Mark D. Berkeley, 7271

Richard A. Sandoval, 8247

Charles M. Greene, 6480

Brian P. Hall, 4972

Eric P. Christensen, 7911

Ronald J. Haas, 3994

Mark D. Wallace, 5429

Matthew C. Stanley, 7668

Frank G. DeLeon, 6529

Rod D. Lubasky, 9808

Darcy D. Guyant, 1335

Perry S. Huey, 7794

Donald F. Potter, 4090

Kevin M. Balderson, 0693

Patrick Flynn, 2133

Wayne A. Stacey, 8485

Patrick G. McLaughlin, 5268

Wayne C. Conner, 1137

Jeffrey S. Phelps, 3423

Michael G. Bloom, 4211

Roger D. Mason, 5022

Michael W. Duggan, 1775

Bruce E. Graham, 1599
 Lamberto D. Sazon, 2681
 Henry D. Kocevar, 1869
 Bruce D. Henson, 6391
 Sean A. McBrearty, 1878
 Robert C. Wilson, 9887
 Gary L. Bruce, 9690
 Jim L. Munro, 7204
 Kevin P. Frost, 8805
 Robert D. Kirk, 4164
 William L. Stinehour, 6022
 Scott B. Varco, 9386
 Dawayne R. Penberthy, 6652
 Keith R. Bills, 8588
 Richard K. Woolford, 7374
 Timothy A. Orner, 9409
 Douglas M. Gordon, 0133
 James D. Jenkins, 5482
 Larry D. Bowling, 8411
 Drew J. Trousdell, 8260
 Scott W. Bornemann, 8846
 Paul A. Titcombe, 8636
 William M. Drelling, 2198
 Kristin A. Williams, 5974
 John E. Hurst, 6443
 Kevin D. Camp, 6677
 Steven W. Poore, 5565
 Arthur R. Thomas, 4799
 Thomas E. Cafferty, 6049
 Jeffrey A. Reeves, 2042
 Ronald L. Hensel, 9354
 Marc P. Lebeau, 7776
 Barry O. Arnold, 5817
 Samuel Short, 7633
 Gary E. Bracken, 7885
 David C. Hartt, 7003
 Richard T. Gatlin, 3552
 Joseph P. Kelly, 5257
 Eric V. Walters, 6027
 Corey J. Jones, 7371
 Michael J. Bosley, 7625
 Roger R. Laferriere, 6326
 John G. Keeton, 9728
 Robert S. Young, 5588
 John J. Dolan, 7454
 Alan W. Carver, 4858
 Leonard C. Greig, 6456
 David A. Walker, 2710
 David L. Hartley, 7876
 Michael A. Megan, 3989
 William J. Boeh, 3490
 Stewart M. Dietrick, 7750
 Thomas Tardibuono, 7928
 John E. Souza, 8253
 Timothy J. Heitsch, 1634
 Julie A. Gahn, 4521
 Donald E. Culkun, 4485
 Byron L. Black, 7990
 James E. Hanzalik, 0191
 Kurt A. Sebastian, 8559
 Gregory J. Sanial, 8158
 Frank R. Parker, 4486
 John A. Healy, 9902
 Tina L. Burke, 2896
 John D. Wood, 6878
 Jan M. Johnson, 7441
 Timothy G. Stueve, 8573
 Keith A. Russell, 1052
 John F. Moriarty, 5799
 Michael P. Ryan, 2670
 John B. Sullivan, 1035
 Larry R. Kennedy, 7449
 Robert P. Hayes, 2250
 Stuart L. Lebruska, 7101
 Christopher J. Meade, 9834
 Charles A. Richards, 8949
 Donald Jillson, 8089
 Charles E. Rawson, 3411
 Janet E. Stevens, 6512
 Christopher D. Nichols, 1626
 Joel D. Slotten, 7105
 Dominic Dibari, 1055
 Stephen P. Czerwonka, 3738
 Kurt C. O'Brien, 0534
 Robert T. McCarty, 6264
 Kevin P. Freeman, 9325
 Joel D. Dolbeck, 5478
 Richard D. Fontana, 5960

Sean M. Burke, 2944
 Edgars A. Auzenbergs, 1579
 Joel D. Magnussen, 3176
 Michael J. Lopez, 3878
 Thomas F. Ryan, 5351
 Alan N. Arsenault, 3958
 Peter N. Decola, 8972
 Thomas G. Nelson, 3029
 James Carlson, 2414
 Philip J. Skowronek, 1126
 Pat Dequattro, 4688
 David M. Dermanelian, 8757
 Austin J. Gould, 2015
 Stephen M. Sabellico, 8642
 Andy J. Fordham, 8207
 Scott D. Pisel, 1756
 Laurence J. Prevost, 2308
 Joseph M. Pesci, 4592
 Charles L. Cashin, 9267
 Jesse K. Moore, 1449
 Glenn M. Sulmasy, 3347
 Matthew J. Zamary, 0480
 Anthony S. Lloyd, 1217
 Kirk A. Bartnik, 8918
 William J. Wolter, 8350
 Francis E. Genco, 1716
 David P. Crowley, 4708
 Joseph F. Hester, 5624
 John C. Rendon, 9496
 Charles S. Camp, 1661
 William R. Meese, 8432
 Michael P. Carosotto, 3938
 Steven A. Banks, 3620
 Joseph E. Manjone, 5020
 Timothy F. Pettek, 6421
 Keith T. Whiteman, 0595
 James E. Scheye, 6147
 Joseph E. Balda, 0358
 James R. Olive, 4453
 James Tabor, 0332
 Gary A. Charbonneau, 9620
 Edward J. Cubanski, 5911
 Eric G. Johnson, 8984
 Patrick J. McGuire, 0839
 Bradford Clark, 0448
 Joseph J. Losciuto, 1557
 Victoria A. Huyck, 2775
 Romualdo Domingo, 8070
 Cameron T. Naron, 9727
 Jason A. Fosdick, 1569
 Adam J. Shaw, 8486
 Ian Liu, 2246
 Patrick Foley, 6448
 Basil F. Brown, 9721
 George M. Zeitler, 9546
 Christian J. Herzberger, 3083
 Robert F. Olson, 7556
 Michael Z. Ernesto, 4427
 Mitchell C. Ekstrom, 8953
 Michael D. Callahan, 7181
 Robert E. Styron, 6449
 Douglas M. Ruhde, 4912
 Darwyn A. Wilmoth, 5464
 Steven M. Sheridan, 9866
 James B. Nicholson, 0642
 Joseph L. Duffy, 4813
 Robert A. Laahs, 3670
 Cedric A. Hughes, 6254
 Carmen T. Lapkiewicz, 6240
 Glenna T. Sanchez, 8906
 Roderick D. Davis, 3556
 Brian K. Gove, 6433
 Russell C. Proctor, 5358
 Gerardo Morgan, 2320
 David S. Fish, 7202
 Kevin C. Burke, 5766
 Michael A. Jendrosseck, 8874
 Tony C. Clark, 3835
 Robert D. Phillips, 1678
 Steven R. Sator, 3408
 Theodore R. Salmon, 7543
 Jason L. Tengan, 0784
 Mark S. Ryan, 7592
 Robert J. Greve, 2511
 Peter M. Kilfoyle, 8179
 Brian K. Moore, 4779
 William F. Adickes, 8017
 Mark J. Wilbert, 0179

Thurman T. Maine, 8652
 Craig A. Petersen, 8689
 Robert I. Griffin, 2267
 Donald R. Ling, 9189
 Jeffrey S. Hudkins, 3961
 Mark J. Gandolfo, 4285
 Dirk A. Greene, 7181
 David J. Rokes, 2696
 Todd A. Tschannen, 7318
 Michael R. Olson, 1914

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. SPECTER, from the Committee on Veterans' Affairs:

William P. Greene, Jr., of West Virginia, to be an Associate Judge of the U.S. Court of Veterans Appeals for the term of fifteen years.

Richard J. Griffin, of Illinois, to be Inspector General, Department of Veterans Affairs.
 Joseph Thompson, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs.

Espiridion A. Borrego, of Texas, to be Assistant Secretary of Labor for Veterans' Employment and Training.

(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.)

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

Kevin Emanuel Marchman, of Colorado, to be an Assistant Secretary of Housing and Urban Development.

Saul N. Ramirez, Jr., of Texas, to be an Assistant Secretary of Housing and Urban Development.

Jo Ann Jay Howard, of Texas, to be Federal Insurance Administrator, Federal Emergency Management Agency.

Richard F. Keevey, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development.

Eva M. Plaza, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

F. Amanda DeBush, of Maryland, to be an Assistant Secretary of Commerce.

Gail W. Laster, of New York, to be General Counsel of the Department of Housing and Urban Development.

R. Roger Majak, of Virginia, to be an Assistant Secretary of Commerce.

David L. Aaron, of New York, to be Under Secretary of Commerce for International Trade.

(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.)

By Mr. HELMS, from the Committee on Foreign Relations:

Edward S. Walker, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Nominee: Edward S. Walker, Jr.
 Post: Ambassador to Israel.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Wendy J. Walker, none.
3. Children: Kathryn E. Walker and Christopher J. Walker, none.
4. Parents: Deceased.
5. Grandparents: Deceased.
6. Brothers: None.
7. Sisters: Josephine F. Walker, none.

Alexander R. Vershbow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Alexander R. Vershbow.

Post: U.S. Ambassador to NATO.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, \$35, 1993, Dem. Nat'l Committee.
3. Children and spouses names, Benjamin, Gregory, none.
4. Parents names, Arthur E. Vershbow, Charlotte Z. Vershbow, \$15, 1994, Sen. John Kerry.
5. Grandparents names, deceased.
6. Brothers and spouses names (no brothers), N/A.
7. Sisters and spouses names, Ann R. Vershbow, Charles Beitz, \$100, 8/94, Tom Andrews; \$100, 4/96, Tom Allen; \$100, 7/96, Tom Allen; (all 3 U.S. Congressional Candidates—Maine).

William H. Twaddell, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Nominee: William H. Twaddell.

Post: Nigeria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, nil.
2. Spouse, Susan Hardy, nil.
3. Children and spouses names, W. Sanderson Twaddell, Ellen J. Twaddell, nil.
4. Parents names, Helen J. Twaddell, nil.
5. Grandparents names, N/A.
6. Brothers and spouses names, James and Mandy Twaddell, Steven and Pye Twaddell, nil.
7. Sisters and spouses names, N/A.

Peter Francis Tufo, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

Nominee: Peter F. Tufo.

Post: Ambassador to Hungary.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self:

1993:

Bob Kerry for U.S. Senate Committee (D. NE) \$500

1994:	
Moynihan for Senate (D. NY)	1,000
Democratic National Committee ...	6,000
1995:	
Friends of Senator Carl Levin	500
A Lot of People Supporting Tom Daschle (D. SD)	1,000
Friends of Schumer (D. NY)	1,000
Democratic National Committee ...	10,000
Clinton for President	1,000
Emilys List	500
1996:	
Torricelli for U.S. Senate (D. NJ) ...	1,000
Friends of Tom Strickland (D. CO) ...	1,000
Friends of Carolyn McCarthy (D. NY)	1,000
Rangel National Leadership PAC (D. NY)	1,000
Italian American Democratic Leadership Council	1,000
Democratic National Committee ...	30,000
1997:	
Friends of Chris Dodd for Senate (D. CT)	1,000
Daschle for Senate (D. SD)	1,000
2. Spouse, Francesca S. Tufo, \$1,000, 11/95, Clinton for President; \$1,000, 2/97, Dodd for Senate.	
3. Children and spouses names, Serena S. Tufo, Peter S. Tufo, none.	
4. Parents names, Lee S. Tufo, none; Gustave F. Tufo (deceased).	
5. Grandparents names, none.	
6. Brothers and spouses names, none.	
7. Sisters and spouses names, none.	
Brenda Schoonover, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.	
Nominee: Brenda Brown Schoonover.	
Post: Ambassador, Republic of Togo.	

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names, none.
5. Grandparents names, NA.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.

Lange Schermerhorn, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

Nominee: Lange Schermerhorn.

Post: Djibouti.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, none.
4. Parents names, none.
5. Grandparents, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.

James Carew Rosapepe, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Nominee: James C. Rosapepe.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: \$250, 5/19/93, Kaptur for Congress; \$350, 9/14/93, Democratic State Central Committee of Maryland; \$1,000, 5/25/94, Friends of Tom Andrews; \$250, 6/2/93, Mike Synar for Congress; \$250, 6/20/94, Mike Synar for Congress; \$250, 8/11/94, Robb for the Senate; \$300, 10/4/94, New Mexicans for Bill Richardson; \$750, 10/24/94, Larocco for Congress; \$250, 10/2/95, Friends of John Conyers; \$250, 11/10/95, Friends of Sen. Carl Levin; \$500, 11/21/95, Defazio for Senate; \$250, 11/18/95, Karen McCarthy for Congress; \$250, 7/18/95, Democratic State Central Committee of Maryland; \$1,000, 11/10/95, Torricelli for U.S. Senate; \$1,000, 3/18/96, Italian American Democratic Leadership Council; \$250, 8/14/96, Cummings for Congress; \$250, 9/27/96, Karen McCarthy for Congress; \$1,000, 6/22/95, Clinton Gore '96 Primary Committee; \$250, 10/26/95, Friends of Dick Durbin; \$500, 8/7/95, Leahy for U.S. Senate; \$250, 1/5/96, Sherman for Congress; \$1,000, 7/30/96, Paolino for Congress; \$500, 9/19/96, Hoyer for Congress; \$5,000, 8/21/96, Democratic National Committee; \$600, 9/4/96, Democratic National Committee; \$500, 9/14/96, Sherman for Congress; \$1,000, 9/13/96, Democratic Congressional Campaign Committee; \$500, 8/7/96, Citizens for Harkin; \$250, 10/10/96, Friends of John LaFalce; \$500, 8/21/96, Clinton-Gore '96 General Election Legal and Accounting Compliance; \$500, 12/18/96, Leahy for U.S. Senator; \$1,000, 1/24/97, Italian American Democratic Leadership Council; and \$500, 4/4/97, Hoyer for Congress.
2. Spouse, Sheila A. Kast, none.
3. Children and spouses, none.
4. Parents, Joseph S. Rosapepe, deceased; Dorothy Carew Rosapepe, deceased.
5. Grandparents, George Carew, deceased; Dora Carew, deceased; Attilio Rosapepe, deceased; Rebecca Rosapepe, deceased.
6. Brothers and spouses, none.
7. Sisters and spouses names, Dorothy C.R. Bodwell, Douglas F. Bodwell, none.

Kathryn Linda Haycock Proffitt, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Nominee: Kathryn Linda Haycock Proffitt.

Post: U.S. Ambassador to Malta.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date and donee.

1. Self, \$450, 6/19/92, McCain Re-election Committee; \$400, 7/29/92, McCain Re-election Committee; \$250, 9/15/92, Kolbe '92; \$250, 9/11/92, Pastor for Arizona; \$125, 10/25/92, Republican National Committee—Victory '92; \$250, 1/13/94, Friends of Jim Cooper; \$125, 5/22/94, National Republican Congressional Committee; \$1,000, 12/5/94, Citizens Committee for Ernest F. Hollings; \$1,000, 8/8/95, Clinton/Gore 1996 Primary Committee; \$10,000, 11/21/95, Democratic National Committee; \$5,000, 12/7/95, Democratic Party of Oregon; \$1,000, 12/29/95, Steve Owens for Congress—Primary; \$1,000, 12/29/95, Steve Owens for Congress—General; \$500, 3/21/96, New Mexicans for Bill Richardson; \$500, 3/27/96, Tim Johnson for Senate; \$1,000, 8/13/96, Clinton/Gore Election Legal & Accounting; \$5,000, 8/16/96, Birthday Victory Fund; \$500, 10/7/96, Henry for Congress; \$1,000, 10/22/96, Arizona Democratic

Party Federal Account; \$5,000, 1/21/97, Democratic Senatorial Campaign Comm.

2. Spouse (former), Paul W. Haycock.

I was divorced in February of 1994. I cannot respond with certainty regarding contributions made by my former spouse.

3. Children and Spouses, Korbin Haycock, None; Hollie Haycock, None; Garron Haycock, None; Rachelle Haycock, None.

4. Parents, Phyllis Douglas (mother), \$1,000, 8/16/95, Clinton/Gore 1996 Primary Committee; Gary Douglas (step-father), \$1,000, 8/16/95, Clinton/Gore 1996 Primary Committee.

5. Grandparents, Leslie Gloyd Hall, Deceased; Rhea Hall, Deceased; Thelma Proffitt, Deceased; David Proffitt, Deceased.

6. Brothers and Spouses, Francis Proffitt, None; Janet Proffitt (spouse), None; Wesley Proffitt, None; Rolanda Proffitt (spouse), None.

7. Sisters and Spouses, None.

Joseph A. Presel, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Nominee: Joseph A. Presel.

Post: Ambassador to Uzbekistan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, Joseph Presel, \$50, 7/29/96, Porter for Congress.
2. Spouse, Claire-Lise Presel, none.
3. Children and Spouses names, no children.
4. Parents names, Howard Presel, deceased; Marie Roitman Presel, deceased.
5. Grandparents names, Barnet Roitman, Kate Roitman, Joseph Presel, Esther Presel, all deceased.
6. Brothers and spouses names, no brothers.
7. Sisters and spouses names, no sisters.

Steven Karl Pifer, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Nominee: Steven Karl Pifer.

Post: Ambassador to Ukraine.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date and donee.

1. Self, none.
2. Spouse, Marilyn Pifer, none.
3. Child, Christine Pifer, none.
4. Father, John Pifer, \$19.93, 2/93, Jon Kyle Reelection Committee; \$50.00, 5/93, Friends of Jon Kyle; \$40.00, 9/93, Friends of Jon Kyle; \$2,000.00, 6/96, Republican Senatorial Inner Circle; \$500.00, 5/97, McCain for Senate; \$1,000.00, 9/93, Pacific Legal Foundation; \$1,000.00, 9/94, Pacific Legal Foundation; \$1,000.00, 12/95, Pacific Legal Foundation; \$1,000.00, 12/96, Pacific Legal Foundation; Mother, Norma Pifer, none; Stepmother, Stacy Pifer, none; Former stepmother, Yvonne Pifer, none.

5. Grandparents, Marguerite Clark, deceased; Oscar Smith, deceased; Althea Pifer, deceased; John Carl Pifer, deceased.

6. Brother, Kevin Pifer, none; Stepbrother, Hugo Olliphant, none.

7. Stepsister, Sandi Pifer, none.

Lyndon Lowell Olson, Jr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Nominee: Lyndon Lowell Olson, Jr.
Post: U.S. Ambassador to Sweden.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, Lyndon Lowell Olson, Jr., \$1,000, 4/8/97, Ken Bentsen for Congress; \$1,000, 3/4/97, Gene Green Election Fund; \$1,000, 3/10/97, Friends of Patrick Kennedy; \$1,000, 3/13/97, New Democratic Network; \$10,000, 2/20/97, Democratic Senatorial Campaign Committee; \$1,000, 2/19/97, Citizens for Joe Kennedy; \$1,000, 7/1/96, Martin Frost Campaign Committee; \$1,000, 7/2/96, Bruggere for Senate; \$1,000, 8/26/96, Weiland for Congress; \$1,000, 9/5/96, Chas. Stenholm for Congress; \$1,000, 9/26/96, Pat Frank for Congress; \$2,000, 12/13/96, Tom Daschle (Primary & General); \$1,000, 7/12/96, Chet Edwards for Congress; \$1,000, 1/9/96, Friends of Senator Rockefeller; \$1,000, 7/18/96, Rangel Victory Fund; \$1,000, 3/19/96, Tom Strickland; \$1,000, 4/11/96, Sanders for Senate; \$1,000, 6/12/96, Torricelli for Senate; \$1,000, 12/5/96, Nick Lampson Campaign; \$1,000, 9/25/95, Clinton/Gore '96 Primary Committee; \$1,000, 4/19/95, Edwards for Congress; \$1,000, 12/18/95, Odom U.S. Senate Campaign; \$1,000, 3/22/95, Citizens for Harkin; \$1,000, 8/24/95, Friends of Carl Levin; \$1,000, 5/5/95, Citizens for Joe Kennedy; \$1,000, 4/15/95, Kerry for Senate; \$1,000, 9/11/95, Ben Nelson for Senate; \$1,000, 12/28/95, Maloney for Congress; \$1,000, 3/7/94, Cooper for Senate; \$1,000, 10/3/94, Ken Bentsen for Congress; \$1,000, 3/28/94, Harris Wofford; \$1,000, 1/19/94, Craig Washington; \$1,000, 2/24/94, Mike Andrews Campaign Committee; \$1,000, 3/11/94, Jerry Nadler for Congress; \$1,000, 4/11/94, Fisher for Senate; \$2,500, 9/5/94, Effective Government Committee; \$1,000, 10/7/94, Earl Pomeroy for Congress; \$1,000, 9/27/94, Robb for Senate; \$1,000, 7/14/94, Martin Frost Campaign Committee; \$1,000, 4/12/93, Joe Kennedy Campaign; \$1,000, 12/17/93, ACLI PAC; \$1,000, 12/4/93, Frost Campaign Committee; \$1,000, 6/18/93, Riegle for Senate; \$1,000, 6/9/93, Edwards for Congress; \$2,000, 8/9/93, Effective Government Committee; \$250, 4/20/93, Effective Government Committee; \$2,500, 10/10/93, Effective Government Committee; \$1,000, 3/5/93, Krueger for Senate; \$1,000, 12/7/93, Joe Lieberman Senate Campaign; \$1,000, 8/16/93, Bingaman Campaign Committee; \$1,000, 8/23/98, Jim Sasser Committee; \$2,000, 12/24/92, Effective Gov't. Committee; \$1,000, 8/25/92, Tom Daschle; \$1,000, 9/18/92, Gephardt in Congress Committee; \$1,000, 4/9/92, Life PAC; \$1,000, 4/21/92, Democratic Senatorial Campaign Committee; \$1,000, 7/12/92, Democratic Senatorial Campaign Committee; \$1,000, 5/15/92, Democratic Congressional Campaign Committee; \$1,000, 6/6/92, Pomeroy for Congress; \$500, 9/6/92, Chet Edwards for Congress; \$1,000, 12/2/92, Chet Edwards for Congress.

2. Spouse, Kathleen Woodward Olson, \$1,000, 2/19/97, Citizens for Joe Kennedy;

1996

\$1,000, 7/12/96, Chet Edwards Campaign Committee; \$1,000, 12/13/96, Tom Daschle; \$1,000, 4/11/96, Sanders for Senate; \$1,000, 6/20/95, Pete Wilson for President; \$1,000, 4/19/95, Edwards for Congress; \$1,000, 6/11/93, Chet Edwards Campaign.

3. Children and spouses names, none.

4. Parents names, Lyndon L. Olson, Sr., \$1,000, 4/21/95, Joe Kennedy Campaign Congress, Frances M. Olson, None.

5. Grandparents names, E.A. Olson & Beth Olson, deceased, none. C.B. McLaughlin & Lillie McLaughlin, deceased, none.

6. Brothers and spouses names, Kristine D. Olson, None. Charles D. Olson, \$1,000, 5/13/96, Sanders for Senate; \$250, 1/23/95, Chet Ed-

wards; \$250, 4/16/95, Chet Edwards; \$250, 7/17/95, Chet Edwards; \$250, 11/20/95, Chet Edwards; \$1,000, 5/15/95, Citizens for Joe Kennedy; \$1,000, 4/26/93, Citizens for Joe Kennedy; \$1,000, 3/26/92 Clinton for President; \$1,000, 12/17/92, Senator Lloyd Bentsen Campaign. Kristine K. Olson, none.

7. Sisters and spouses names, none.

George Edward Moose, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

Nominee: George E. Moose.

Post: Representative of the United States to the European Office of the United Nations.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, none.

2. Spouse, none.

3. Children and spouses names, none.

4. Parents names, Ellen McCloud Moose, 1997, Democratic Congressional Committee, \$50.00. 1996, Democratic National Committee, \$900.00; Democratic Congressional Committee, \$140.00; Democratic Senatorial Committee, \$135.00; Democrats 2000, \$100.00; Clinton-Gore GELAC, \$400.00; National Comm. for an Elected Congress, \$70.00; Colorado Democratic Party, \$720.00. 1995, Democratic National Committee, \$220.00; Clinton—America's Future Fund, \$300.00; Democratic Senatorial Committee, \$170.00; Clinton-Gore Primary Committee, \$100.00. 1994, Clinton—America's Future Fund, \$100.00; Democratic National Committee, \$420.00; Democratic Senatorial Committee, \$70.00. 1993, Estimated contributions of to DNC, DSC and other Democratic Party Funds, \$1,200.00; Total: \$5,045.00. Robert Moose, information not available (no contact).

5. Grandparents names, none (no grandparents living).

6. Brothers and spouses names, none (no brothers).

7. Sisters and spouses names, Adonica and Larry Walker, none.

William Dale Montgomery, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Nominee: William Dale Montgomery.

Post: Zagreb, Croatia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, none.

2. Spouse, Lynne, none.

3. Children and spouses names, Alexander (14), Amelia (10), Katarina (9), none.

4. Parents names, Blondell Close Montgomery (mother); father, deceased, none.

5. Grandparents names, all deceased for more than ten years.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Merrie Montgomery King and husband Dennis King, none. Cynthia Montgomery Wernerfeldt and husband Birgit Wernerfeldt, up to \$1,000, 1992, Clinton Presidential Campaign.

Stanley Louis McLelland, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Stanley Louis McLelland.

Post: Ambassador.

Contributions, amount, date, and donee:

1. Self, see attached schedule.

2. Spouse, not married.

3. Children and spouses, I do not have any children.

4. Parents names, Roberta Lois Chaudoin McLelland, none; Ralph Ervin McLelland, deceased.

5. Grandparents names, all grandparents have been deceased for over 15 years.

6. Brothers and spouses names, Gerald R. McLelland, none; Sue McLelland, none.

7. Sisters and spouses names, Martha L. McLelland Stenseng, none; Vern Stenseng, none.

ATTACHMENT TO FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Stanley Louis McLelland.

Social Sec. No.: 000-00-0000.

Post: Ambassador.

Contributions, amount, date, recipient:

Self, \$10,000, 05/14/97, Dem. Senatorial Campaign Comm.

Self, \$1,000, 05/09/97, Kay Bailey Hutchison.

Self, \$1,000, 03/25/97, Friends of Chris Dodd.

Self (in-kind), \$1,000, 03/25/97, Friends of Chris Dodd.

Self, \$500, 02/20/97, Citizens for Joe Kennedy.

Self, \$10,000, 02/14/97, Dem. Senatorial Campaign Comm.

Self, \$2,000, 12/19/96, Tom Daschle Committee.

Self, \$500, 11/21/96, Nick Lampson for Congress.

Self, \$1,000, 11/21/96, Ken Bentsen for Congress.

Self, \$5,000, 10/22/96, Presidential Unity '96 (non-federal).

Self, \$500, 09/26/96, Nick Lampson for Congress.

Self, \$5,000, 09/24/96, Dem. Senatorial Campaign Comm.

Self, \$10,000, 08/20/96, Birthday Victory Fund (\$8,000 attributed to Dem., Nat'l Comm. & \$2,000 attributed to Texas Dem. Comm.).

Self, \$1,000, 08/19/96, Victory '96 Federal Account.

Self, \$700, 08/16/96, Dem. Nat'l Comm. Convention Program (non-federal).

Self, \$5,000, 08/01/96, Dem. Nat'l Comm. (non-federal).

Self, \$20,000, 08/01/96, Dem. Nat'l Comm. (non-federal).

Self, \$25,000, 06/25/96, Tex. Victory '96 (non-federal).

Self, \$25,000, 05/09/96, Dem. Nat'l comm. (non-federal).

Self (in-kind), 529, 05/05/96, Dem. Nat'l Comm. (non-federal).

Self, \$25,000, 12/05/95, DNC Media Fund: (\$20,000 attributed to federal account and \$5,000 attributed to non-federal account).

Self, \$500, 09/22/95, Friends for Nelson Wolff.

Self, \$1,000, 08/07/95, John Odam for U.S. Senate.

Self, \$1,000, 06/27/95, Clinton/Gore '94.

Self, \$1,000, 07/14/94, Fisher for Senate '94.

Self, \$1,000, 07/08/94, Doggett for Congress.

Self, \$1,000, 02/16/94, Mike Andrews for U.S. Senate.

Self, \$1,000, 01/24/94, Carrin F. Patman for Congress.

Self, \$2,000, 03/25/93, Bob Krueger Campaign.

Self, \$5,000, 3/25/93, Texas Dem. Party.

Gerald S. McGowan, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to be the Republic of Portugal

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Gerald S. McGowan.

Post: Ambassador of Portugal.

Contributions, amount, date, donee:

1. Self, (See Attachment C.)
2. Spouse, Sharon S. McGowan (deceased) (1995).
3. Children and spouses names, Jason Gropper, Zachary Gropper, Lukas, Connor, Molly, Sean and Dylan McGowan, none.

4. Parents names, Harry McGowan, Mary McGowan, miscellaneous amount to Democrats—nothing over \$100 (deceased).

5. Grandparents names, all deceased for over 20 years.

6. Brothers and spouses names, Harry J. and Victoria McGowan, none; James and Vivian McGowan, \$25.00, 1996.

7. Sisters and spouses names, Maureen McGowan and Mark Malone, none; Michael Mulvihill and Kathleen McGowan Mulvihill, none.

Year, name, amount:

[Attachment C]

1991—Clinton for President	\$1,000
1992—Democratic National Committee	7,500
Kopetski for Congress	500
1994—Democratic National Committee	75,000
Democratic Party of Virginia ...	1,000
Friends of Margolis-Mezvinski	850
1995—People for Wilhelm	1,000
1996—Democratic National Committee	700
Wilder Committee	1,000
Friends of Strickland	2,000
Friends of Senator Levin	500
Wyden for Senate	1,000
Clinton/Gore	1,000
Friends of Mark Warner	2,000
Friends of Evan Bayh	1,000
Markey for Congress	500
Levin for Congress	500
Levin & Levin	1,000
1997—Leahy for Senate	1,000
Dorgan for Senate	500

Victor Marrero, of New York, to be the Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Victor Marrero.

Post: U.S. Representative to the OAS.

Contributions, amount, date, donee:

1. Self, \$500, October 1996, Presidential Unity Fund, DNC. \$250, May 1994, Chief Deputy Whip's Fund.
2. Spouse, Veronica White, none.
3. Children and spouses names, Andrew, none; Robert, none.
4. Parents names, Josefina, deceased; Ezequiel, deceased.
5. Grandparents names, N/A, deceased; N/A, deceased.
6. Brothers and spouses names, Louis Marrero, none; Virginia Marrero, none.
7. Sisters and spouses names, Carmen Gomez, none; Jemes Gomez, see attached; Yvonne Schonborg, none; David Schonborg, none.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Victor Marrero.

Post: U.S. Representative to the OAS.

Contributions, amount, date, donee:

Gomez, James,

\$1,000, 7/7/93, Committee to select Nydia M. Valazquez to Congress.

\$1,000, 2/27/97, Juan Solis for Congress Committee.

\$1,000, 2/16/97 Silvestre Reyes candidature for U.S. Congress.

\$1,000, 2/18/96, Comite Eleccion de Carlos, Romero-Barcelo al Congreso Inc.

\$500, 9/21/96, Friends of Chris Dodd—'98.

\$1,000, 11/13/96, Committee to elect Nydia M. Valazquez to Congress.

\$500 8/21/95, Goldman Sachs Partners PAC.

James A. Larocco, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

(The following is a list of all member of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James A. Larocco.

Post: Kuwait.

Contributions, amount, date, donee:

1. Self, James A. Larocco, none.
2. Spouse, Janet M. Larocco, non.
3. Children and spouses names, Stephanie, Charles, and Mary, none (all minors).
4. Parents names, Charles and Nena Larocco, James and Sylvia McIlwain, none (deceased).
5. Grandparents names, James and Lillian Larocco, Anthony and Theresa Amount, none (deceased).
6. Brothers and spouses names, Robert Larocco, none.
7. Sisters and spouses names, Sister Nina Larocco (Nun), Charlene and William Berg, Elaine and Charles Travers, none.

Daniel Charles Kurtzer, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Daniel Charles Kurtzer, none.

2. Spouse, Sheila Kurtzer, none.

3. Children and spouses names, David Shimon Kurtzer, none. Jared Louis Kurtzer, none.

4. Parents names, Jacob Doppelt Kurtzer, none; Nathan and Sylvia Kurtzer, none; Minnie Doppelt, none.

5. Grandparents, names, Rebecca Posner (deceased).

6. Brothers and spouses names, Benjamin and Melissa Kurtzer, none; Ira Doppelt, none.

7. Sisters and spouses names, Max and Gale Bienstock, none; Richard and Debra Forman, none; Arthur and Joyce Miltz, \$100 to local Councilman campaign in 1990.

James Catherwood Hormel, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James C. Hormel.

Post: Ambassador to Luxembourg.

Contributions, amount, date, donee:

1. Self, James C. Hormel (See attached list).
2. Spouse, none.
3. Children and spouses names (See attached list).
4. Parents names Jay C. Hormel (deceased), Germaine Dubois Hormel (deceased).
5. Grandparents names, George A. Hormel (deceased), Lillian B. Gleason Hormel (deceased).
6. Brothers and spouses names (See attached list).
7. Sisters and spouses names, none.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

1. Donor: James C. Hormel.

Amount, date, donee:

1993

\$1,500, 2-5-93, Committee to Re-elect Edw. Kennedy. (Returned) (1994 election). (Contribution returned by Senator Kennedy after letter of recommendation written on my behalf.)

\$1,000, 3-15-93, The Bob Krueger Campaign. \$1,000, 4-12-93, Citizens for Harkin (1996 election).

\$1,000, 4-19-93, Mitchell for Senate (1994 election).

\$1,000, 4-19-93, Human Rights Campaign Fund.

\$500, 4-21-93, Democratic Congressional Campaign.

\$1,000, 5-28-93, Feinstein for Senate 1994.

\$5,000, 6-7-93, Human Rights Campaign Fund.

\$1,000, 8-30-93, Robb for Senate Committee.

\$5,000, 9-24-93, Democratic Congressional Campaign.

\$5,000, 9-24-93, Ollie-PAC.

\$5,000, 11-17-93, Democratic Senate Campaign Committee.

1994

\$1,000, 2-15-94, Anna Eshoo for Congress.

\$1,000, 2-22-94, Robb for Senate Committee.

\$1,000, 2-22-94, Wolsey for Congress.

\$1,000, 2-24-94, Nancy Pelosi for Congress.

—\$2,000, 2-28-94, Return on Kennedy for Senate '92 and '93.

\$5,000, 3-14-94, Human Rights Campaign Fund.

\$250, 3-14-94, Tom Duane For Congress.

\$1,000, 3-28-94, Comm. to Elect Dan Hamburg.

\$1,000, 3-29-94, Tom Andrews for Senate.

\$1,000, 4-4-94, Studds for Congress Committee (primary).

\$1,000, 4-4-94, Studds for Congress Committee (general).

\$2,000, 5-19-94, California Victory '94.

\$1,000, 5-19-94, Tom Andrews for Senate.

\$1,000, 5-19-94, Fazio for Congress.

\$1,000, 5-19-94, People for Marty Stone.

\$200, 5-19-94, Zoe Logren for Congress.

1995

\$10,000, 5-12-95, Democratic Congressional Campaign Committee.

\$5,000, 6-30-95, Democratic Senatorial Campaign Committee.

\$1,000, 6-30-95, Clinton/Gore '96 (96 Election).

\$2,000, 9-8-95, Friends of Barbara Boxer (98 Election).

\$1,000, 11-10-95, Jerry Estruth for Congress.

\$1,000, 11-10-95, Kennedy for Senate 94 (Debt).

\$205.74, 11-16-95, Kennedy for Senate 94 (Debt) reception expense.

\$4,000, 11-30-95, Democratic Party of Oregon.

\$500, 12-11-95, Richard Durbin for Senate (96 Election).

\$1,000, 12-13-95, Friends of Carl Levin (96 Election).

\$500, 12-13-95, Woolsey for Congress (96 Election).

\$500, 12-13-95, Rick Zbur for Congress (96 Election).

1996

\$5,000, 3-4-96, Democratic Senatorial Campaign Committee.

\$1,000, 3-12-96, McCormick for Congress.
\$1,000, 3-12-96, Gantt for U.S. Senate '96.
\$500, 3-13-96, Nancy Pelosi for Congress '96.
\$547.36, 4-29-96, John Kerry for Senate reception expense.

\$1,000, 5-13-96, Michela Alioto for Congress.
\$1,000, 5-15-96, Rick Zbur for Congress.
\$1,000, 5-31-96, Wellstone for Senate.
\$1,000, 6-27-96, Ellen Tauscher for Congress.
\$500, 7-18-96, Committee for Loretta Sanchez.

\$1,000, 8-20-96, Fazio for Congress.
\$500, 8-23-96, Tom Bruggere for U.S. Senate.

\$5,000, 8-23-96, Democratic Congressional Campaign Committee.

\$500, 8-23-96, People for Weiland.
\$500, 8-23-96, Friends of Walter Capps.

1997

\$3,000, 3-6-97, California Victory '98 (98 Election).

\$10,000, 5-8-97, Democratic Congressional Campaign Committee.

\$1,000, 5-16-97, Nancy Pelosi for Congress.
3. Donor: Children and spouses: Alison M. Hormel Webb, daughter and Bernard C. Webb, none; Anne C. Hormel Holt, daughter and Cecil T. Holt, none; Elizabeth M. Hormel, daughter and A. Andrew Leddy, none; James C. Hormel, Jr., son and Kathleen G. Hormel, none; Sarah Hormel von Quillfeldt, daughter and Falk von Quillfeldt, none.

6. Donor: Brothers and spouses: George A. Hormel II, brother and Jamie Hormel, none; Thomas D. Hormel, brother and Rampa R. Hormel.

THOMAS D. HORMEL

Amount, date, donee:

1993

\$1,000, 12-19-93, Gerry Studts for Congress.

1994

\$1,000, 4-22-94, Dan Hamburg.
\$1,000, 4-22-94, Tom Andrews.
\$1,000, 5-9-94, Mike Burkett.
\$1,000, 5-24-94, Dianne Feinstein.
\$1,000, 6-15-94, Dan Hamburg.
\$4,000, 7-18-94, Maine '94.
\$1,000, 7-18-94, Tom Andrews.
\$5,000, 10-8-94, League of Conservation Voters.

\$1,000, 10-8-94, Jolene Unsoeld.

1995

\$1,000, 7-25-95, Clinton/Gore '96.
\$1,000, 8-3-95, Dan Williams.
\$1,000, 11-2-95, Walt Minnick.

1996

1,000, 1-12-96, Wyden for Senate.
1,000, 3-31-96, Dan Williams.
1,000, 6-30-96, Walt Minnick.
1,000, 6-30-96, Luther for Congress.
1,000, 8-13-96, John Kerry for Senate.
1,000, 10-16-96, John Kerry for Senate.
1,000, 10-16-96, Wellington for Senate.
1,000, 10-16-96, Strickland for Senate.

1997

None.

RAMPA R. HORMEL

1993

None.

1994

1,000, 5-1-94, Dan Hamburg.
1,000, 5-11-94, Dianne Feinstein.
1,000, 5-16-94, Dan Hamburg.
1,500, 7-19-94, Maine '94.
1,000, 7-19-94, Tom Andrews.
1,000, 10-8-94, Jolene Unsoeld.

1995

1,000, 8-3-95, Dan Williams.
1,000, 11-2-95, Walt Minnick.

1996

1,000, 1-12-96, Wyden for Senate.
1,000, 1-31-96, Byron Sher for Senate.
1,000, 4-4-96, Ian Bowles for Congress.
1,000, 8-31-96, John Kerry for Senate.
250, 9-15-96, Democratic National Party.
1,000, 10-15-96, Walt Minnick for Senate.
500, 10-15-95, Michela Alioto for Congress.
500, 10-15-95, Capp for Congress.
500, 10-15-96, Rick Zbur for Congress.
500, 10-15-96, Loretta Sanchez for Congress.
500, 10-15-96, Brad Sherman.
1,000, 10-21-96, Wellington for Senate.
1,000, 10-21-96, Strickland for Senate.
1,000, 10-21-96, Swett for Congress.

1997

500, 2-15-97, Committee for Loretta Sanchez.

David B. Hermelin, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.
Post: United States Ambassador to Norway.

Nominee: David B. Hermelin.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. David B. Hermelin, \$250.00, 2/29/92, Reynolds for Congress '92; 100.00, 3/13/92, Dan Coats; 1,000.00, 3/30/92, Levine Campaign Committee; 500.00, 3/31/92, Levin for Congress; 150.00, 5/1/92, Fingerhut for Congress; 100.00, 5/8/92, JAPAC; 250.00, 5/14/92, Hagan for Congress; 1,000.00, 5/15/92, MOPAC; 100.00, 5/21/92, J. Dingell for Congress; 250.00, 6/9/92, Tanter for Congress; 500.00, 6/23/92, A Lot of People Supporting Tom Daschle; 500.00, 6/24/92, Friends of Chris Dodd; 500.00, 6/26/92, Friends of Bob Graham; 250.00, 6/30/92, Alice Gilbert for Congress; 250.00, 7/14/92, Committee for Wendell Ford; 125.00, 7/22/92, Friends of Barbara Rose Collins; 500.00, 8/11/92, Glickman for Congress; 12,500.00, 8/24/92, DNC Services Corporation; 50.00, 9/1/92, Broomfield Tribute; 250.00, 9/8/92, Bonior for Congress; 250.00, 9/25/92, W. Briggs for Congress; 500.00, 10/13/92, Dick Swett for Congress; 1,000.00, 10/13/92, Friends of Bob Carr; 250.00, 10/20/92, Briggs for Congress; 1,000.00, 12/18/92, Lautenberg Committee; 250.00, 12/18/92, Briggs for Congress; 1,000.00, 4/15/93, Riegle for Senate; 1,000.00, 4/15/93, Riegle for Senate; 1,000.00, 4/15/93, Riegle for Senate; 100.00, 9/1/93, Connie Mack for Senate; 300.00, 9/3/93, Levin for Congress; 700.00, 11/11/93, Levin for Congress; (1,000.00), 11/18/93, Riegle for Senate; 1,000.00, 12/15/93, MOPAC; 1,000.00, 12/17/93, Friends of Bob Carr; 1,000.00, 12/28/93, Dick Swett for Congress; 100.00 2/21/94, Mahoney '94 Senate; 200.00, 2/23/94, Friends of Congressman Fingerhut; 500.00, 3/9/94, Glickman for Congress; 100.00, 3/9/94, Hollowell for Congress; 500.00, 3/21/94, Citizens for Sarbanes; 1,000.00, 4/13/94, Effective Gvt. Comm.; 1,000.00, 4/27/94, Friends of Bob Carr; 100.00, 5/1/94, Hollowell for Congress; 200.00, 5/1/94, Friends of John Glenn; 100.00, 5/10/94, Friends of Barbara Rose Collins; 1,000.00, 5/16/94, Lautenberg Committee; 300.00, 5/26/94, Tom Hecht for Congress; 500.00, 6/1/94, Friends for Bryan '94; 100.00, 6/2/94, John D. Dingell for Congress; 1,000.00, 6/6/94, Levin for Congress; 500.00, 6/8/94, Robb for the Senate; 180.00, 6/15/94, Friends of A. Gilbert; 320.00, 6/17/94, Friends of A. Gilbert; 500.00, 6/17/94, Lieberman '94 Comm.; 250.00, 6/22/94, Bob Mitchell for Congress; 100.00, 6/24/95, Rivers for Congress; 250.00, 8/5/94, Dhillon for Congress; 250.00, 8/28/94, Bonior for Congress; 500.00, 8/31/94, Committee to Re-elect Tom Foley; 1,000.00, 9/1/94, MOPAC; 2,500.00, 9/9/94, Democratic Senatorial Campaign Committee; 2,500.00, 9/9/94, Michigan Senate Victory Fund; 250.00, 9/9/94, Glickman for Congress; 250.00, 9/11/94, Sam Coppersmith for U.S. Senate; 1,000.00, 9/16/94, Levin for Congress; 500.00, 9/24/94, Committee to Re-elect Tom Foley; 300.00, 10/10/94, Friends of Congressman Fingerhut; 500.00, 10/17/94, Hyatt for Senate; 100.00, 10/17/94, Bob Mitchell for Congress; 500.00, 10/19/94, Dick Swett for Congress; 500.00, 10/24/94, Dick Swett for Congress; 250.00, 10/31/94, Bob Mitchell for Congress; 407.44, 11/7/94, Friends for Bob Carr; 70.00, 11/7/94, Friends of Bob Carr; 308.00, 1/23/95, DNC Services Corporation; 100.00, 2/23/95, Swett for Senate; 1,000.00, 4/28/95, Friends of Senator Carl Levin; 1,000.00, 4/28/95, Friends of Senator Carl Levin; 100.00, 5/30/95, Joint Action Committee for Public Affairs; 500.00, 6/21/95, Friends of Bob Carr; 500.00, 6/29/95, Levin for Congress; 1,000.00, 6/30/95, Clinton/Gore '96 Primary Committee; 1,000.00, 10/19/95, MOPAC; 150.00, 11/9/95, The Reed Committee; 50.00, 11/29/95, Friends of Barbara Rose Collins; 1,000.00, 11/29/95, Citizens for Biden '96; 1,000.00, 11/29/95, Citizens for Biden '96; 500.00, 12/1/95, Levin for Congress; 500.00, 12/5/95, Levin for Congress; 500.00, 12/29/95, Stabenow for Congress; 1,000.00, 12/31/95, Wyden for Senate; 50.00, 2/7/96, Yates for Congress; 500.00, 2/8/96, John D. Dingell for Congress; 500.00, 2/8/96, John D. Dingell for Congress; 200.00, 3/1/96, Stupak for Congress; 500.00, 3/4/96, Levin for Congress; 24,000.00, 3/6/96, Victory '96 (Non-Federal); 100.00, 3/19/96, Shirley Gold for Congress; 250.00, 3/22/96, Friends of Dick Durbin; 250.00, 3/31/96, Lynn Rivers for Congress '98; 250.00, 5/7/96, Richard Klein for Congress; 500.00, 5/13/96, Stabenow for Congress; 50.00, 5/23/96, Martin Frost Campaign; 100.00, 6/3/96, Committee to Elect Douglas Diggs; 1,000.00, 6/28/96, John D. Dingell for Congress; 1,000.00, 7/8/96, MOPAC; 1,000.00, 7/12/96, Friends of Tom Strickland; 150.00, 7/15/96, Friends of Senator Rockefeller; 100.00, 7/15/96, Joint Action Committee for Political Affairs; 500.00, 7/22/96, Dick Swett for Senate; 500.00, 7/23/96, Diggs for Congress; 250.00, 7/30/96, Friends of Max Cleland for the U.S. Senate; 250.00, 8/1/96, Ieyoub for Senate; 250.00, 8/9/96, Cohen for Congress; 50.00, 8/9/96, Martin Frost Campaign; 100.00, 8/14/96, Congressman Kildee; 250.00, 8/20/96, Sam Gejdenson Re-Election; 500.00, 8/21/96, Citizens for Harkin; 500.00, 8/21/96, Kerry Committee; 500.00, 8/21/96, Friends of Max Baucus; 250.00, 8/26/96, Bonior for Congress; 250.00, 9/4/96, Lynn Rivers for Congress '98; 250.00, 9/4/96, Reed Committee; 100.00, 9/6/96, Kilpatrick for Congress; 250.00, 9/6/96, Committee to Elect Morris Frumin; 250.00, 9/9/96, Bonior for Congress; 1,000.00, 9/9/96, Clinton/Gore '96 GELAC; 250.00, 9/16/96, Tunncliffe for Congress; 1,000.00, 9/19/96, Stabenow for Congress; 250.00, 10/26/96, Harvey Gant for Senate; 500.00, 10/30/96, Friends of Max Baucus; 500.00, 11/3/96, Swett for Senate; 500.00, 11/31/96, Congressman Kildee; 100.00, 12/13/96, Stabenow for Congress; 1,000.00, 3/11/97, Stabenow for Congress; 1,000.00, 3/20/97, Kennedy 2000; 1,000.00, 4/21/97, DNC.

2. Doreen N. Hermelin 250.00, 6/9/92, Tanter for Congress; 12,500.00, 8/24/92, DNC Service Corporation; 150.00, 10/1/92, Bill Ford; 1,000.00, 4/15/93, Riegle for Senate; (1,000.00), 11/18/93, Riegle for Senate; 500.00, 12/6/93, Nita Lowey for Congress; 1,000.00, 4/27/94, Friends of Bob Carr; 1,500.00, 9/9/94, Democratic Senatorial Campaign Committee; 2,500.00, 9/9/94, Michigan Senate Victory Fund; 1,000.00, 9/19/94, Friends of Bob Carr; 1,000.00, 9/19/94, Levin for Congress; 250.00, 11/11/94, Joint Action Committee for Political Affairs; 250.00, 1/18/95, Emily's List; 1,000.00, 5/22/95, Emily's List; 1,000.00, 6/26/95, Friends of Senator Carl

Levin; 1,000.00, 6/30/95, Clinton/Gore '96 Primary Committee; 500.00, 10/26/95, Wyden for Senate; 2,000.00, 12/19/95, Citizens for Biden 1996; 1,000.00, 12/28/95, Friends of Senator Carl Levin; 250.00, 12/28/95, WINPAC; 500.00, 1/10/96, Wyden for Senate; 19,000.00, 3/6/96, Victory '96 Non-Federal; 5,000.00, 3/6/96, Victory '96; 250.00, 4/12/96, Joint Action Committee for Public Affairs; 125.00, 4/25/96, Nita Lowey for Congress; 250.00, 5/7/96, Richard Klein for Congress; 1,000.00, 5/13/96, Stabenow for Congress; 5,000.00, 5/21/96, Democratic Senatorial Campaign Committee; 1,000.00, 7/12/96, Friends of Tom Strickland; 5,000.00, 6/19/96, DNC Services Corporation; 200.00, 8/28/96, Lynn Rivers for Congress '98; 1,000.00, 9/19/96, Stabenow for Congress; 100.00, 9/27/96, Committee to Elect Godchaux; 250.00, 10/29/96, Joint Action Committee for Political Affairs.

3. Marcia Hermelin Orley, Robert Orley, spouse; 100.00, 5/7/92, Committee to elect Eric Fingerhut; 50.00, 6/16/92, Committee to re-elect Chris Dodd; 50.00, 6/16/92, Committee to re-elect Bob Graham; 50.00, 6/16/92, Committee to re-elect Tom Daschle; 125.00, 7/24/92, Committee to re-elect Barbara Rose Collins; 250.00, 8/27/92, Fingerhut for Congress; 100.00, 4/9/93, Emily's List; 100.00, 2/27/94, Friends of Fingerhut; 150.00, 3/29/94, Hollowell for Congress; 250.00, 4/27/94, Friends of Bob Carr; 100.00, 5/12/94, Friends of Joe Knollenberg; 200.00, 5/31/94, Friends of Bob Carr; 100.00, 6/1/94, Friends of Richard H. Bryan; 100.00, 6/1/94, Lieberman for Senate; 250.00, 6/8/94, Robb for Senate; 150.00, 7/8/94, Levin for Congress; 250.00, 7/8/94, Coppersmith for Senate; 500.00, 8/23/94, Friends of Congressman Fingerhut; 500.00, 9/10/94, Michigan Senate Victory Fund; 500.00, 9/10/94, Friends of Bob Carr; 250.00, 9/28/94, Friends of Congressman Fingerhut; 250.00, 9/30/94, Sam Coppersmith for U.S. Senate; 100.00, 10/7/94, Levin for Congress; 200.00, 11/21/95, Joint Action Committee for Political Affairs; 1,000.00, 12/21/95, Friends of Senator Carl Levin; 250.00, 5/13/96, Stabenow for Congress; 1,000.00, 8/5/96, Levin for Senate; 250.00, 8/12/96, Senator Max Baucus; 250.00, 8/12/96, Citizens for Harkin; 250.00, 8/21/96, Senator John Kerry; 250.00, 8/23/96, Levin for Congress; 100.00, 8/28/96, Committee to re-elect Carolyn Cheeks Kilpatrick; 250.00, 9/19/96, Wyden for Senate; 500.00, 12/9/96, Wyden for Senate.

Karen Beth Hermelin, None.

Brian Michael Hermelin, Jennifer, spouse, 1,000.00, 7/8/94, Friends of Bob Carr; 75.00, 8/9/94, Levin for Congress; 500.00, 10/20/94, Dick Swett for Congress; 1,000.00, 12/27/95, Friends of Senator Carl Levin; 75.00, 7/17/96, Levin for Congress; 100.00, 10/9/96, Rivers for Congress.

Julie Carol Hermelin, None.

Francine Gail Hermelin, Adam Levite, spouse, None.

4. Frances Heidenreich Hermelin (Deceased), None.

Irving M. Hermelin (Deceased), 12,500.00, 8/24/92, DNC Services Corporation; 100.00, 6/15/94, C. Burns for Senate.

5. Hannah Marks Heidenreich, Moses Heidenreich (Deceased), None.

Hendel Wolfe Hermelin, Chayim Shalom Hermelin (Deceased), None.

6. Marvin Hermelin (Deceased), None.

7. Henrietta Hermelin Weinberg, None.

Kathryn Walt Hall, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

Post: Ambassador to Austria NOMINATED (Month, day, year)

NOMINEE: Kathryn Walt Hall

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee;

1. Self, 1,000.00, 10/16/96, Jill Docking for Senate; 1,000.00, 10/16/96, Roger Bedford for Senate; 1,000.00, 10/16/96, Tom Bruggere for Senate; 1,000.00, 10/16/96, Friends of Tom Strickland; 50.00, 09/11/96, The Victor Morales Campaign; 982.00, 08/21/96, Eddie Bernice Johnson For Congress; 1,000.00, 07/09/96, The Mary Landrieu for Senate Committee; 1,000.00, 07/01/96, People for Weiland; 1,000.00, 06/10/96, Torricelli For US Senate; 950.00, 01/18/96, Wyden For Senate; 5,000.00, 01/15/96, Democratic Party of Oregon; 1,000.00, 01/15/96, Oregon Victory Fund; 1,000.00, 01/15/96, 01/15/96, Friends of Senator Rockefeller; 1,000.00, 01/15/96, John Poulard For Congress; 10,000.00, 12/20/95, Democratic Senatorial Campaign Committee; 1,000.00, 11/17/95, Tim Johnson For South Dakota, Inc.; 1,000.00, 10/12/95, Clinton/Gore '96 Primary Committee Inc.; 5,000.00, 09/28/95, Democratic Senatorial Campaign Committee; 1,000.00, 08/14/95, Dallas County Democratic Party; 1,000.00, 07/27/95, Friends of Senator Carl Levin; 1,000.00, 07/27/95, Friends of Senator Carl Levin; 5,000.00, 06/30/95, Democratic Senatorial Campaign Committee; 1,000.00, 06/30/95, A Lot of People Supporting Tom Daschle; 1,000.00, 06/30/95, A Lot of People Supporting Tom Daschle; 1,000.00, 06/08/95, Emily's List Women Voters; 1,000.00, 06/26/95, John Bryant Campaign; 1,000.00, 06/01/95, Sanders for Senate; 1,000.00, 04/12/95, Citizens for Joe Kennedy; 1,000.00, 04/05/95, Kerry Committee; 1,000.00, 11/02/94, Citizens for Senator Wofford; 7,500.00, 09/30/94, Democratic Senatorial Campaign Committee; 1,000.00, 09/30/94, Wynia for Senate Committee; 1,000.00, 09/30/94, Jack Mudd for U.S. Senate; 1,000.00, 08/19/94, John Bryant Campaign Committee; 1,000.00, 07/18/94, Friends of Dave McCurdy; 500.00, 05/16/94, Friends of Bob Carr; 1,000.00, 04/01/94, Jim Mattox Campaign; 1,000.00, 03/01/94, Jim Mattox Campaign.

2. Spouse, 500.00, 04/25/97, Friends of Patrick Kennedy; 1,000.00, 04/10/97, Friends of Barbara Boxer; 2,500.00, 03/07/97, Democratic Party of Texas; 1,000.00, 02/20/97, Citizens for Joe Kennedy; 550.00, 10/16/96, Jill Docking for Senate; 1,000.00, 10/16/96, Roger Bedford for Senate; 1,000.00, 10/16/96, Tom Bruggere for Senate; 1,000.00, 10/16/96, Friends of Tom Strickland; 1,000.00, 07/09/96, The Mary Landrieu for Senate Committee; 1,000.00, 07/01/96, People for Weiland; 1,000.00, 06/10/96, Torricelli For US Senate; 500.00, 02/06/96, Friends of Bob Graham Committee; 3,000.00, 01/22/96, Democratic Senatorial Campaign Committee; 950.00, 01/18/96, Wyden For Senate; 1,000.00, 01/15/96, Oregon Victory Fund; 1,000.00, 01/15/96, John Poulard For Congress; 5,000.00, 01/15/96, Oregon Democratic Party; 1,000.00, 01/15/96, Friends of Senator Rockefeller; 1,000.00, 11/17/95, Tim Johnson For South Dakota Inc.; 1,000.00, 10/12/95, Clinton/Gore '96 Primary Committee Inc.; 5,000.00, 09/30/95, Democratic Senatorial Campaign Committee; 500.00, 08/17/95, Martin Frost Campaign; 5,000.00, 06/30/95, Democratic Senatorial Campaign Committee; 1,000.00, 06/30/95, A Lot of People Supporting Tom Daschle; 1,000.00, 06/30/95, A Lot of People Supporting Tom Daschle; 1,000.00, 06/26/95, John Bryant Campaign; 1,000.00, 06/01/95, Sanders for Senate; 10,000.00, 04/30/95, Democratic Senatorial Campaign Committee; 500.00, 04/13/95, Dallas County Democratic Party; 500.00, 03/16/95, Martin Frost Campaign; 1,000.00, 10/06/94, John Bryant Campaign Committee; 7,500.00, 09/30/94, Democratic Senatorial Campaign Committee; 2,000.00, 09/16/94, Effective Government Committee; 500.00, 09/12/94, Martin Frost Campaign Committee; 500.00, 04/20/94, Martin Frost Campaign Committee; 500.00, 04/07/94, Friends of Alan Wheat; 500.00, 04/04/94, The Buck Starts Here Fund (Senator Bentsen); 1,000.00, 03/01/94, Jim Mattox Campaign; 1,000.00, 01/25/94, Democratic National Committee; 3,000.00, 11/01/93, Democratic Sen-

atorial Campaign Committee; 1,000.00, 10/31/93, Robb for the Senate; 1,000.00, 10/31/93, Robb for the Senate; 5,000.00, 09/22/93, Democratic Senatorial Campaign Committee; 1,000.00, 09/22/93, Virginia Victory Fund; 4,000.00, 09/22/93, Virginia Victory Fund; 500.00, 05/19/93, National Multi Housing Council PAC; (510.00), 03/15/93, Senator Lloyd Bentsen Election Committee; 1,000.00, 03/03/93, Bob Krueger Campaign.

Non-Federal Political Contributions—Craig & Kathryn Hall, 2,500.00, 12/19/96, Emily's List; 50,000.00, 10/02/96, Democratic National Committee; 10,000.00, 09/13/96, Emily's List; 50,000.00, 09/10/96, Texas Victory '96; 92,500.00, 06/27/96, Texas Victory '96; 3,000.00, 06/25/96, South Dakota Democratic Party Non-Federal; 3,000.00, 06/25/96, South Dakota Democratic Party Non-Federal; 7,500.00, 06/20/96, Democratic National Committee; 10,000.00, 04/18/96, Democratic State Party-Non Federal Account; 125.00, 04/12/96, 21st Century Democrats; 1,000.00, 04/24/96, 21st Century Democrats; 2,000.00, 01/22/96, Democratic Senatorial Campaign Committee; 1,000.00, 10/24/94, Emily's List Women Voters; 7,500.00, 09/30/94, Democratic Senatorial Campaign Committee; 150.00, 09/22/94, Democratic Senatorial Campaign Committee.

3. Children and Spouses, Jennifer Cain, David Cain, None.

Marcia Hall, Melissa Hall, Brijetta Hall, Kristina Hall, None.

4. Parents, Robert Walt, Dolores Walt (both deceased), None.

5. Grandparents, Laura Newbold, Donald Newbold (both deceased), None.

Frances Walt, Raffae Walt (both deceased), None.

6. Brothers and Spouses, Robert Walt, Jr., Catherine Walt, None.

7. Sisters and Spouses, Pamela Chauve, Georges Chauve, None.

Steven J. Green, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Post: Ambassador to Singapore

Nominee: Steven J. Green

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of the my knowledge, the information contained in this report is complete and accurate.

STEVEN J. & DOROTHEA GREEN & FAMILY POLITICAL CONTRIBUTIONS

DATE	ORGANIZATION	AMOUNT	CONTRIBUTOR
1997			
1/29/97	SO DAKOTA COORDINATED CAMPAIGN-FEDERAL ACCT.	5,000	STEVEN J. GREEN
1/29/97	SO DAKOTA COORDINATED CAMPAIGN-NON FEDERAL ACCT.	3,000	STEVEN J. GREEN
1996			
4/30/96	DNC	10,000	STEVEN J. GREEN
7/16/96	TENNESSEE DEMOCRATIC VICTORY FED 96	2,000	STEVEN J. GREEN
7/16/96	GELAC	1,000	STEVEN J. GREEN
10/16/96	MASS DEMOCRATIC STATE PARTY NON FEDERAL	10,000	STEVEN J. GREEN
10/16/96	SO DAKOTA MAJORITY PROGRAM	3,000	STEVEN J. GREEN
10/23/96	ARKANSAS STATE DEM	10,000	STEVEN J. GREEN
11/12/96	ARKANSAS STATE DEM	5,000	DOROTHEA GREEN
1995			
6/30/95	JOHN KERRY FOR SENATE	2,000	STEVEN J. GREEN
6/30/95	CONGRESSMAN TIM JOHNSON	1,000	STEVEN J. GREEN
7/19/95	NATIONAL DEMOCRATIC COMMITTEE	1,000	STEVEN J. GREEN
10/3/95	REPUBLICAN MAJORITY FUND	5,000	STEVEN J. GREEN
10/3/95	MCCONNELL FOR SENATE	1,000	STEVEN J. GREEN
1994			
5/18/94	DASCHLE REELECTION	2,000	STEVEN J. GREEN
10/25/94	UNITED 94-STATE AC	1,000	STEVEN J. GREEN
10/25/94	OBERLY FOR SENATE	1,000	STEVEN J. GREEN
10/29/94	MCCURDY FOR SENATE	1,000	STEVEN J. GREEN
10/29/94	OBERLY FOR SENATE	1,000	DOROTHEA GREEN
10/29/94	MCCURDY FOR SENATE	1,000	DOROTHEA GREEN
1993			
1/7/93	LIEBERMAN FOR SENATE	2,000	DOROTHEA GREEN
7/2/93	REELECT SEN. KENNEDY	2,000	STEVEN J. GREEN

STEVEN J. & DOROTHEA GREEN & FAMILY POLITICAL CONTRIBUTIONS—Continued

DATE	ORGANIZATION	AMOUNT	CONTRIBUTOR
7/12/93	SENATOR KENNEDY CAMPAIGN	2,000	DOROTHEA GREEN
12/29/93	BOB KERREY FOR SENATE	2,000	STEVEN J. GREEN
12/29/93	CONNIE MACK FOR SENATE ...	1,000	DOROTHEA GREEN
12/29/93	WOFFORD FOR SENATE	1,000	STEVEN J. GREEN
12/29/93	LYNN SCHENK FOR CONGRESS	2,000	STEVEN J. GREEN
1992			
1/20/92	CLINTON FOR PRESIDENT	1,000	STEVEN J. GREEN
1/23/92	CLINTON FOR PRESIDENT	1,000	DOROTHEA GREEN
3/2/92	CLINTON FOR PRESIDENT COMMITTEE	1,000	ANDREA GREEN
3/2/92	CLINTON FOR PRESIDENT COMMITTEE	1,000	KIMBERLY GREEN
3/11/92	CLINTON FOR PRESIDENT COMMITTEE	1,000	CARL GREEN
3/11/92	CLINTON FOR PRESIDENT COMMITTEE	1,000	SYLVIA GREEN
3/17/92	SENATOR JOHN BREAUX	2,000	STEVEN J. GREEN
3/17/92	SENATOR TIM WIRTH	1,000	STEVEN J. GREEN
3/24/92	SENATOR DASCHLE	2,000	DOROTHEA GREEN
6/11/92	LYNN SCHENK FOR CONGRESS	1,000	DOROTHEA GREEN
12/7/92	LIEBERMAN FOR SENATE	2,000	STEVEN J. GREEN
12/7/92	BRYAN FOR SENATE	2,000	STEVEN J. GREEN
12/7/92	WOFFORD FOR SENATE	1,000	STEVEN J. GREEN
12/7/92	SCHENK FOR CONGRESS	1,000	STEVEN J. GREEN

Edward M. Gabriel, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Post: Chief of Mission, Morocco.

Nominee: Edward M. Gabriel.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. EDWARD GABRIEL, \$500, January 24, 1992, Marty Russo; \$500, March 3, 1992, Marty Russo; \$500, May 22, 1992, George Miller; \$250, June 1, 1992, Jim Chapman; \$750, June 22, 1992, Malcom Wallop; \$500, August 2, 1992, Lee Hamilton; \$1000, December 2, 1992, Kent Conrad; \$350, October 13, 1992, Mr. Murtha; \$1000, January 30, 1992, John Dingell; \$1000, January 30, 1992, Johnston for Congress; \$500, May 5, 1992, Tim Roemer; \$300, May 26, 1992, Bill Richardson; \$500, September 16, 1992, Tim Roemer; \$500, September 16, 1992, Tim Roemer; \$500, September 30, 1992, Ben Campbell; \$200, October 14, 1992, Bill Richardson; \$250, March 12, 1993, Rick Boucher; \$1000, December 31, 1993, Jim Cooper; \$1000, May 10, 1994, Leslie Byrne; \$250, July 12, 1994, Oberly Senate Com.; \$1000, August 16, 1994, Sullivan for Senate; \$500, August 26, 1994, Doug Costle; 1995, NONE; \$3000, May 15, 1996, DNC-Non Federal; \$20,000, May 15, 1996, DNC Services Corp.; \$500, September 30, 1996, Navarro for Congress; \$1000, October 23, 1996, Tom Bruggere for Senate; \$1000, April 8, 1996, Clinton/Gore Primary; \$100, April 15, 1996, John Baldacci; \$1000, June 30, 1996, Ieyoub for Senate; \$1000, October 21, 1996, Orton for Congress; \$1000, October 22, 1996, Dennis Kucinich; \$150, November, 1996, People for Rick Weiland; \$2000, December, 1996, DNC.

2. KATHLEEN M. LINEHAN (Spouse), \$500, May 11, 1992, Billy Tauzin; \$250, June 22, 1992, Malcom Wallop; \$500, September 18, 1992, Johnston for Congress; \$250, September 21, 1992, Phil Sharp; \$200, September 4, 1992, Coleman for Congress; \$200, September 18, 1992, Rick Boucher; \$500, July 27, 1992, Ben Campbell;

3. Children and Spouses, None.

4. Parents, Cecelia Gabriel (deceased).

Michael Gabriel (deceased).

5. Grandparents, Michael and Mary Moses (deceased).

John and Esma Gabriel (deceased).

6. Brothers and Spouses, None.

7. Sisters and Spouses, Mary and Ulrich R. Schlegel, \$25, 1995; Frank Wolf; \$100, August 7, 1996, Clinton/Gore-GELAC; \$100, September

22, 1996, American Task Force for Lebanon PAC; \$100, July 15, 1996, Richard Ieyoub; \$50, February 3, 1996, American Task Force for Lebanon PAC; \$100, April 15, 1996, John Baldacci.

Daniel Fried, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Post: Ambassador, Republic of Poland.

Nominee: Daniel Fried.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee.

1. Self, None.

2. Spouse, Olga Karpiw, None.

3. Children and Spouses, Hannah, None.

Sophia, None.

4. Parents, Gerald Fried, None. Judith Fried, \$25, 7/16/92, Clinton for President Campaign; \$25, 11/17/93, Anne Richards Campaign; \$25, 8/3/94, Tom Duane Campaign (Congress); \$10, 2/22/96, Harvey Gantt Campaign (Senate).

5. Grandparents, Samuel Joseph Fried, Deceased.

Selma Fried, Deceased.

Sidney Pines, Deceased.

Edith Pines, Deceased.

6. Brothers and Spouses, Jonathan Fried/Deena Shoshkas, None.

Joshua Fried, \$20, 9/96, Harvey Gantt Campaign (Senate).

7. Sisters and Spouses, Deborah Fried/Kalman Watsky, None.

Stanley Tuemler Escudero, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

Post: AZERBAIJAN

Nominee: Stanley T. Escudero

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee.

1. Self, None.

2. Spouse, None.

3. Children and Spouses, S. Alexander C. Escudero (Unmarried), None. W. Benjamin P. Escudero (Unmarried), None.

4. Parents, Estelle T. Damgaard, None. Stanley D. Escudero (Father, Deceased).

5. Grandparents, William Tuemler (Deceased), Mary Tuemler (Deceased), Manuel Escudero (Deceased), Mabel Escudero (Deceased).

6. Brothers and Spouses, None.

7. Sisters and Spouses, None.

Shaun Edward Donnelly, of Indiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Nominee: Shaun Edward Donnelly.

Post: U.S. Ambassador, Sri Lanka and Maldives.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the in-

formation contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, Susan Donnelly, \$30, Jan. 19, 1995, Democratic Nat'l Cmte.

3. Children and spouses names, Alex Donnelly, Age 11, Eric Donnelly, Age 8, none.

4. Parents names, Alfred Donnelly, deceased 1984, Barbara Donnelly, none.

5. Grandparents names, Ralph Thornburg, deceased 1962, Hazel Thornburg, deceased 1987, John Donnelly, deceased 1920, Mary Donnelly, deceased 1949.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Lela Donnelly Hildebrand, deceased 1975, Susan K. Donnelly, none.

Carolyn Curiel, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Nominee: Carolyn Curiel.

Post: Belize.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, N/A.

3. Children and spouses names, N/A.

4. Parents names, Alexander Curiel, Angeline Curiel, none.

5. Grandparents names, Jesse Ortiz, deceased, Isabel Ortiz, deceased, Roman Curiel, deceased, Victoria Curiel, none.

6. Brothers and spouses names, Alexander R. Curiel, Patricia Curiel, Frederick Curiel, Carolann Curiel, Michael P. Curiel, Rebecca Curiel, Louis A. Curiel, none.

7. Sisters and spouses names, Isabel Jakov, David Jakov, Bernadette Sahulcik, Richard Sahulcik, none.

Richard Frank Celeste, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Nominee: Richard Frank Celeste.

Post: Ambassador to India.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, \$500, 10/15/96 Tom Sawyer Committee; \$100, 3/12/96, Friends of Max Cleland; \$1000, 8/5/96, Victory '96, \$100, 8/31/94, Citizens for Wofford; \$50, 8/31/94, Jules Levine Committee; \$100, 8/31/94, George Brown Campaign; \$100, 1/92, Cordrey for Congress; \$50, 9/92, George Brown Campaign; \$250, 8/92, Geraldine Ferraro Senate Campaign; \$250, 5/12/95, Clinton-Gore '96 Primary; \$25, 5/23/94, Friends of Max Cleland; \$50, 11/18/93, Tom Sawyer Committee.

2. Spouse, Jacqueline Ruth Lundquist, none.

3. Children and spouses; Eric Frank Celeste, Mary Hess (spouse), \$25, 3/26/92, Brown for President; Christopher Arthur Celeste, \$40 100/92, Cordrey for Congress; Melanie Celeste (spouse) \$100, /96, Victory '96; Maria Gabrielle Celeste, none, Marie Teresa Noelle Celeste, none, Natalie Marie Celeste, None, Stephen Michael Theodore, Celeste, none.

4. Parents names, Frank P. Celeste (deceased 1988), Margaret L. Celeste (deceased 1993).

5. Grandparents names, Theodore and Elizabeth Louis Samuel and Caroline Celeste (all grandparents deceased by 1976).

6. Brothers and spouses names, Theodore Samuel Celeste, \$192, 3/5/96, (federal account),

Ohio Democratic Party; Bobbie Lynn Celeste, \$40, 6/28/96, Strickland for Congress.

7. Sisters and spouses names, Mary Patricia Hoffman (divorced) none.

Timothy Michael Carney of Washington, a Career Members of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

Nominee: Timothy Michael Carney.

Post: Ambassador to the Republic of Haiti.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

Self, none.

2. Spouse Victoria A. Butler, none.

3. Children and Spouses names, Anne H.D. Carney (unmarried), Declined to state for privacy reasons.

4. Parents names, Clement E. Carney (deceased), Marjorie S. Carney (stepmother-declines to specify), Jane Booth (mother-deceased), Kenneth Booth (stepfather, none).

5. Grandparents names, Mr. and Mrs. P. Carney (deceased), Mr. and Mrs. J. Byrne (deceased).

6. Brothers and spouses names, Brian B. Carney (declines to specify), Jane V. Carney (declines to specify).

7. Sisters and spouses names, Sharon J. Carney, (divorced), none.

Amy L. Bondurant, of the District of Columbia, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Nominee: Amy Bondurant.

Post: Ambassador to OECD.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, \$250.00, 1/26/97, Committee for Wendell Ford; \$135.50 12/96, VLMBH-PAC (Verner, Lipfert Political Action Committee); \$250.00, 10/25/96, Gordon for Senate; \$100.00, 10/2/96, Friends of Patrick Kennedy; \$100.00, 9/26/96, David Price for Congress; \$250.00, 9/26/96, Keefe for Congress 1996; \$500.00, 9/17/96, Torricelli for Senate; \$1,400.00, 8/21/96, Democratic National Committee ('96 convention); \$1,000.00, 7/26/96, Clinton-Gore '96 GELAC; \$300.00, 7/23/96, Citizens Committee for Ernest F. Hollings; \$250.00, 7/23/96, Coloradans for David Skaggs; \$500.00, 7/6/96, Ward for Congress; \$75.00, 6/18/96, Jim McGovern for Congress; \$125.00, 6/18/96, Friends of Jay Rockefeller; \$250.00, 6/18/96, The Picard for Congress Committee; \$250.00, 5/28/96, Brennan for U.S. Senate; \$1,000.00, 3/28/96, Steve Owens for Congress; \$100.00, 3/26/96, Price for Congress; \$1,000.00, 3/13/96, Beshear for Senate; (\$4,116.00), 2/96, Returned pre-payment from PAC (paid in installments); \$100.00, 1/30/96, Cummings for Congress; \$500.00, 1/30/96, Friends of Jane Harman for Congress; \$4,116.00, 1/4/96, VLBMH-PAC (pre-payment of contribution); \$500.00, 11/8/95, Tim Johnson for South Dakota; \$1,000.00, 11/8/95, Ron Wyden for Senate; \$345.00, 10/95, VLMBH-PAC; \$1,000.00, 10/18/95, Effective Government Committee; \$500.00, 10/16/95, Torricelli for Senate; \$345.00, 9/95, VLMBH-PAC; \$250.00, 9/27/95, Clinton-Gore '96; \$345.00, 8/95, VLMBH-PAC; \$345.00, 7/95, VLMBH-PAC; \$300.00, 6/13/95, Citizens Committee for Ernest F. Hol-

lings; \$750.00, 6/5/96, Clinton-Gore '96; \$345.00, 5/95, VLMBH-PAC; \$345.00, 4/95, VLMBH-PAC; \$125.00, 4/20/95, Emily's List; \$345.00, 3/95, VLMBH-PAC; \$345.00, 2/95, VLMBH-PAC; \$345.00, 1/95, VLMBH-PAC; \$740.00, 10/94, VLMBH-PAC; \$990.00, 10/17/94, Friends of Jim Cooper; \$10.00, 10/94, Friends of Jim Cooper (cash); \$1,000.00, 10/1/94, Kennedy for Senate; \$100.00, 9/20/94, Adkisson for Congress; \$250.00, 9/8/94, Friends of Jim Folsom; \$413.00, 8/94, VLMBH-PAC; \$500.00, 8/10/94, Brennan for Governor; \$1,000.00, 3/15/94, Lautenberg Campaign; \$500.00, 3/15/94, Cooper for Senate Campaign; \$413.00, 2/94, VLMBH-PAC; \$413.00, 1/94, VLMBH-PAC; \$400.00, 12/93, VLMBH-PAC; \$400.00, 11/93, VLMBH-PAC; \$400.00, 10/93, VLMBH-PAC; \$400.00, 9/93, VLMBH-PAC; \$400.00, 8/93, VLMBH-PAC; \$400.00, 7/93, VLMBH-PAC; \$400.00, 5/93, VLMBH-PAC; \$400.00, 4/93, VLMBH-PAC; \$400.00, 3/93, VLMBH-PAC; \$400.00, 2/93, VLMBH-PAC.

2. David E. Dunn, \$100.00, 4/24/97, Texas Network; \$250.00, 9/30/96, Roger Bedford for U.S. Senate; \$1,000.00, 7/26/96, Clinton-Gore GELAC; \$250.00, 5/17/95, Friends of Senator Joe Loeper; \$1,000.00, 6/5/95, Clinton-Gore '96; \$1,000.00, 4/18/95, Murtha for Congress; \$500.00, 8/10/94, Drew Grigg (States Attorney); \$1,000.00, 7/27/94, Harris Wofford for Senate; \$250.00, 6/14/94, Rodham for Senate; \$100.00, 4/21/94, Hogsett for Congress; \$500.00, 3/14/94, Drew Grigg (States Attorney); \$100.00, 1/10/94, Committee for Mary Boerges.

3. Children and spouses names, David Bondurant Dunn, none.

4. Parents names, Doris Bondurant, none, Judge John Bondurant, \$25.00, 3/27/97, DCCC; \$100.00, 3/18/97, DNC; \$50.00, 1/10/97, DCCC; \$25.00, 11/96, DCCC; \$19.96, 10/3/96, Null for Congress; \$50.00, 8/23/96, Dennis Null for Congress; \$100.00, 8/12/96, DNC; \$50.00, 6/24/96, DCCC; \$150.00, 3/21/96, Clinton-Gore re-elect; \$150.00, 4/27/95, Clinton-Gore re-elect; \$50.00, 10/5/94, Barlow for Congress; \$50.00, 1/26/94, DNC; \$150.00, 5/7/93, DNC; \$50.00 3/8/93, DNC.

5. Grandparents, names, Hoyt Bell, deceased; Flora Amy Ragsdale Bell, deceased; Clarence Crittenden Bondurant, deceased; and Lucy Burrus Bondurant, deceased.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Lucy Wilson, none, her spouse, Max Wilson, none, Ann Bondurant, None.

Christopher C. Ashby, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

Nominee: Christopher Ashby.

Post: Ambassador to Uruguay.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, \$1,000, 7/95, Clinton-Gore Campaign.

2. Spouse, Amy Ashby, \$25, 1/96, DNC.

3. Children and Spouses names, Christopher Ashby Jr, Anson Ashby, None.

4. Parents names, Patrick Ashby, none, John E. Ashby, deceased, Lillian Weddington, none.

5. Grandparents names, all grandparents deceased.

6. Brothers and spouses names John E. Ashby Jr, \$500, 92-96, Various Texas Republicans, Lynn Ashby, none.

7. Sisters and spouses names, Nancy Clark, none.

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.

David Timothy Johnson, of Georgia, a Career Member of the Senior Foreign Service,

Class of Counselor, for the rank of Ambassador during his tenure of service as Head of the United States Delegation to the Organization for Security and Cooperation in Europe (OSCE).

Cheryl F. Halpern, of New Jersey, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 1999. (Reappointment)

Thomas H. Fox, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

Ordered, that the following nomination be referred to the Committee on Foreign Relations:

Mark Erwin, of North Carolina, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1999.

Ordered, that the following nomination be referred to the Committee on Foreign Relations:

Terrence J. Brown, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Administrator of the Agency for International Development.

Hank Brown, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring April 6, 2000.

Richard Sklar, of California, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for UN Management and Reform.

Harriet C. Babbitt, of Arizona, to be Deputy Administrator of the Agency for International Development.

A. Peter Burleigh, of California, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as deputy Representative of the United States of America to the United Nations.

Bill Richardson, of New Mexico, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

Frank D. Yturria, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2002. (Reappointment)

Julia Taft, of the District of Columbia, to be an Assistant Secretary of State.

Carl Spielvogel, of New York, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 1999. (Reappointment)

Nancy H. Rubin, of New York, for the rank of Ambassador during her tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

B. Lynn Pascoe, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh.

Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Coordinator for Cyprus.

Penne Percy Korth, of Texas, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2000.

Betty Eileen King, of Maryland, to be an Alternate Representative of the United States of America to the Sessions of the

General Assembly of the United Nations during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Phyllis E. Oakley, of Louisiana, to be an Assistant Secretary of State.

(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.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably three nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of September 3, October 8 and 9, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that this nomination lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS on September 3, October 8 and 9, 1997, at the end of the Senate proceedings.)

The following-named Career Members of the Senior Foreign Service of the Department of State for promotion in the Senior Foreign Service to the classes indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Career Minister:

Jeffrey Davidow, of Virginia
Ruth A. Davis, of Georgia
Patrick Francis Kennedy, of Illinois

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Vincent M. Battle, of New York
Robert M. Beecroft, of Maryland
William M. Bellamy, of California
Peter Edward Bergin, of Maryland
John William Blaney, of California
William Joseph Burns, of Pennsylvania
John Campbell, of Virginia
John A. Collins, Jr., of Maryland
James B. Cunningham, of Pennsylvania
Robert Sidney Deutsch, of Virginia
Cedric E. Dumont, M.D., of Maryland
Barbara J. Griffiths, of Virginia
Lino Gutierrez, of Florida
Barbara S. Harvey, of the District of Columbia

Patrick R. Hayes, of Maryland
Donald S. Hays, of Virginia
John C. Holzman, of Hawaii
Sarah R. Horsey, of California
William H. Itoh, of New Mexico
Daniel A. Johnson, of Florida
Donald C. Johnson, of Texas
Richard H. Jones, of Virginia
John F. Keane, of New York
Marisa R. Lino, of Oregon
Michael W. Marine, of Connecticut
William C. McCahill, of New Jersey
William Dale Montgomery, of Pennsylvania
Janet Elaine Mules, M.D., of Washington
Robert C. Reis, Jr., of Missouri
Edward Bryan Samuel, of Florida
Theodore Eugene Strickler, of Texas
Robert J. Surprise, of Virginia
John F. Tefft, of Virginia
Robert E. Tynes, of Virginia

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, and for appointment

as Consular Officers and Secretaries in the Diplomatic Service, as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Michael Donald Bellows, of Iowa
Peter William Bodde, of Maryland
Martin G. Brennan, of California
Wayne Jeffrey Bush, of Oregon
Peter H. Chase, of Washington
Phillip T. Chicola, of Florida
Laura A. Clerici, of South Carolina
Frank John Coulter, Jr., of Maryland
Caryl M. Courtney, of West Virginia
Anne E. Derse, of Michigan
Milton K. Drucker, of Connecticut
David B. Dunn, of California
William A. Eaton, of Virginia
Reed J. Fendrick, of New York
Robert Patrick John Finn, of New York
Robert W. Pitts, of New Hampshire
Gregory T. Frost, of Iowa
Walter Greenfield, of the District of Columbia

Michael E. Guest, of South Carolina
Richard Charles Hermann, of Iowa
Ravic Rolf Huso, of Virginia
James Franklin Jeffrey, of Massachusetts
Laurence Michael Kerr, of Ohio
Cornelis Mathias Keur, of Michigan
Scott Frederic Kilner, of California
Sharon A. Lavorel, of Hawaii
Joseph Evan LeBaron, of Oregon
Rose Marie Likins, of Virginia
Joseph A. Limprecht, of California
R. Niels Marquardt, of California
Roger Allen Meece, of Washington
Gillian Arlette Milovanovic, of Pennsylvania
James F. Moriarty, of Massachusetts
Rosil A. Nesberg, of Washington
Stephen James Nolan, of Pennsylvania
Larry Leon Palmer, of Georgia
Sue Ford Patrick, of Florida
Maureen Quinn, of New Jersey
Kenneth F. Sackett, of Florida
David Michael Satterfield, of Texas
John F. Scott, of Iowa
Paul E. Simons, of New Jersey
Stephen T. Smith, of Nebraska
Joseph D. Stafford III, of Florida
George McDade Staples, of California
Doris Kathleen Stephens, of Arizona
Sharon Anderholm Wiener, of Ohio
Herbert Yarvin, of California

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Mary Janice Fleck, of Tennessee
Robert J. Franks, of Virginia
Burley P. Fuselier, of Virginia
Sidney L. Kaplan, of Connecticut
John J. Keyes III, of Florida
Robert K. Novak, of Washington
Anita G. Schroeder, of Virginia
Charles E. Sparks, of Virginia
Joseph Thomas Yanci, of Pennsylvania

The following-named Career Members of the Senior Foreign Service of the Agency for International Development for promotion in the Senior Foreign Service to the classes indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Career Minister:

Carl H. Leonard, of Virginia

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Donald Bolyston Clark, of New Hampshire
Toni Christiansen-Wagner, of Colorado
Kathleen Dollar Hansen, of Virginia
Donald L. Pressley, of Virginia
Henry W. Reynolds, of Florida
John A. Tennant, of California

The following-named Career Members of the Foreign Service of the Agency for Inter-

national Development for promotion into the Senior Foreign Service.

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Hilda Marie Arellano, of Texas
Priscilla Del Bosque, of Oregon
Ronald D. Harvey, of Texas
Peter Benedict Lapera, of Florida
George E. Lewis, of Washington
Wayne R. Nilsestuen, of Maryland
Joy Riggs-Perla, of Virginia
David Livingstone Rhoad, of Virginia
F. Wayne Tate, of Virginia

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular Officers and Secretaries of the Diplomatic Service, as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Joanne T. Hale, of California

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 Virginia
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 Quintron-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 McFarland, of Kentucky
Stephen Huxley Smith, of New Hampshire

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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. McCarter-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
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. Krittenbrink, 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
Phillip 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. Wetzell, of Virginia
Stephanie Turco Williams, of Texas
Margaret 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. Bond, of Virginia
Mary Susan Bracken, of Virginia
Mark B. Burnett, of California
Gerard 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 North Carolina
Anne Elizabeth Davis, of Georgia
Shirley Nelson Dean, of Virginia
Christopher James Del Corso, of New York
Lilburn 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. Mattel, 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
Phillip C. Reynolds, of Virginia
Sara C. Reynolds, of Virginia
Sara Darroch Robertson, of Virginia

Wylma Christina Samaranayke Robinson, of Virginia

Elbert George Ross, of Texas
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 Snyder, of Virginia
Dana Edward Sotherlund, of Virginia
Michael Christopher Speckhard, of Virginia
Bonnie Phillips Sperow, of Virginia
David T. Stadlmyer, 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 Connecticut

The following-named Career Member of the Foreign Service of the Department of State for promotion in 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

(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.)

By Mr. ROTH, from the Committee on Finance:

Nancy Killefer, of Florida, to be an Assistant Secretary of the Treasury.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's 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. JEFFORDS (for himself, Mr. INHOFE, Mr. AKAKA, Mr. CONRAD, Mr. REID, Ms. COLLINS, Mr. CRAIG, Mr. DASCHLE, Mr. MURKOWSKI, and Ms. SNOWE):

S. 1359. A bill to amend title 38, United States Code, to limit the amount of recoupment from veteran's disability compensation that is required in the case of veterans who have received certain separation payments from the Department of Defense; to the Committee on Veterans Affairs.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. D'AMATO, Mr. LEAHY, Mr. GRAMS, Mr. DORGAN, Ms. COLLINS, Mrs. MURRAY, Mr. BURNS, and Ms. SNOWE):

S. 1360. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 1361. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 1362. A bill to promote the use of universal product members on claims forms used for reimbursement under the medicare program; to the Committee on Finance.

By Mr. CHAFEE:

S. 1363. A bill to amend the Sikes Act to enhance fish and wildlife conservation and natural resources management programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MCCAIN (for himself and Mr. LEVIN):

S. 1364. A bill to eliminate unnecessary and wasteful Federal reports; to the Committee on Governmental Affairs.

By Ms. MIKULSKI:

S. 1365. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation; to the Committee on Finance.

By Mr. KERREY (for himself and Mr. CONRAD):

S. 1366. A bill to amend the Internal Revenue Code of 1986 to eliminate the 10 percent floor for deductible disaster losses; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 1367. A bill to amend the Act that authorized the Canadian River reclamation project, Texas to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1368. A bill to provide individuals with access to health information of which they are the subject, ensure personal privacy with respect to personal medical records and health care-related information, impose criminal and civil penalties for unauthorized use of personal health information, and to provide for the strong enforcement of these rights; to the Committee on Labor and Human Resources.

By Mr. DODD:

S. 1369. A bill to provide for truancy prevention and reduction, and for other purposes; 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 Mr. MCCAIN (for himself and Mr. THOMAS):

S. Con. Res. 60. A concurrent resolution expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself, Mr. INHOFE, Mr. AKAKA, Mr. CONRAD, Mr. REID, Ms. COLLINS, Mr. CRAIG, Mr. DASCHLE, Mr. MURKOWSKI, and Ms. SNOWE):

S. 1359. A bill to amend title 38, United States Code, to limit the amount of recoupment from veterans' disability compensation that is required in the case of veterans who have received certain separation payments from Department of Defense; to the Committee on Veterans' Affairs.

THE VETERANS' DISABILITY BENEFITS RELIEF ACT OF 1997

Mr. JEFFORDS. Mr. President, today I rise to introduce the Veterans' Disability Benefits Relief Act. This legislation would address an unfair provision that double taxes veterans who participate in military downsizing programs run by the Department of Defense [DOD].

Mr. President, since 1991, in an effort by the DOD to downsize the armed services, certain military personnel have been eligible for either the special separation benefit [SSB] or the voluntary separation incentive [VSI] program. However, SSB or VSI recipients who are subsequently diagnosed with a service-connected disability must offset the full SSB/VSI amount paid to that individual by withholding amounts that would be paid as disability compensation by the Department of Veterans Affairs [VA].

Additionally, veterans who participate in the DOD's downsizing by selecting an SSB lump sum payment or a VSI monthly annuity payment, are forced to pay back the full, pretax amount in disability compensation—offsetting money that the veteran would never see with or without a service-connected disability. This is a gross injustice to veterans by double taxing their hard-earned compensation.

My bill would ease this double taxation for all members who accept an SSB or VSI payment package and make these alterations retroactive to December 5, 1991. Thus, service members not able to receive payment concurrently since 1991 will be reimbursed for their lost compensation portion that was taxed. The cost of this bill was estimated by CBO to be only \$195 million over 25 years. This is a fraction of a percentage of our annual spending on compensation and benefits for

former military personnel. I urge Congress to correct this injustice to our Nation's veterans and provide these veterans with the proper compensation they deserve.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. D'AMATO, Mr. LEAHY, Mr. GRAMS, Mr. DORGAN, Ms. COLLINS, Mrs. MURRAY, Mr. BURNS, and Ms. SNOWE):

S. 1360. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes; to the Committee on the Judiciary.

THE BORDER IMPROVEMENT AND IMMIGRATION ACT OF 1997

Mr. ABRAHAM. Mr. President, today I am introducing legislation to address a problem that has been attracting significant concern not only in my State of Michigan, but also in many other northern border States as well as along the southern border. This bill, entitled "The Border Improvement and Immigration Act of 1997," will also add desperately needed resources for border control and enforcement at the land borders.

I am proud to have a broad range of bipartisan support on this bill and to have as original cosponsors Senators KENNEDY, D'AMATO, LEAHY, GRAMS, DORGAN, COLLINS, MURRAY, BURNS, and SNOWE.

This legislation is needed to clarify the applicability of a small provision of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act—section 110 of that act. That section requires the Immigration and Naturalization Service to develop, by September 30, 1998, an automated entry and exit system to document the entry and departure of every alien arriving in and leaving the United States. While that may sound straightforward enough, the truth is that there could be disastrous consequences if this is not amended to conform with Congress' intent and to provide a sensible approach to automated entry-exit control.

The problem is that the term "every alien" could be interpreted to include Canadians who cross our northern land border—and in fact to include all aliens crossing the land borders and many aliens entering elsewhere who are currently exempt from filling out immigration forms. We could literally end up with intolerable backlogs and delays at the land borders and could end up creating a conflict with current documentary requirements, such as our practice of not requiring Canadians to present a passport, visa or border-crossing identification card to enter the United States for short-term visits.

The potential problems here are generating great concern. The United States Ambassador to Canada wrote to me on October 14, for example, that he

is deeply concerned about this issue and noted that "section 110 is inconsistent with the concerted efforts the United States and Canada have made in recent years to improve and simplify cross-border traffic flows." The Canadian Ambassador to the United States expressed similar concerns to me when I met with him last month. I recently chaired a field hearing of the Immigration Subcommittee on this issue in Detroit, MI, at which elected officials and industry representatives testified about the unprecedented traffic congestion, decreased trade, lost business and jobs, and harm to America's international relations that could result from the full implementation of section 110 in its current form.

Mr. President, this provision was not intended by the law's authors to have the impact I just outlined. Our former colleague, Senator Alan Simpson, who preceded me as chairman of the Senate Immigration Subcommittee, and Representative LAMAR SMITH, who is chairman of the House Immigration Subcommittee, wrote in a letter last year to the Canadian Government that they "did not intend to impose a new requirement for border crossing cards on Canadians who are not presently required to possess such documents."

The INS appears to maintain, however, that the law as it stands does call for a record of each and every noncitizen entering or leaving the United States. When you look at the text of the statute, you can certainly see a basis for their view.

That is why I think the most sensible course here is simply to correct the statute. I should note that the administration shares our concern and has already requested that Congress correct section 110 and clarify that it should not apply along the land borders.

The full implementation of section 110 would create a nightmare at our land borders for several reasons. First, every alien could be required to fill out immigration forms and hand them to border inspectors. That would create added delays at entry points into the United States, which would be intolerable. Our land border crossings simply cannot support such added pressures.

A recent study by Parsons, Brinckerhoff, Quade & Douglas points out that traffic congestion and delays at our land borders already create unneeded costs and inconvenience. What we need are increased resources at the land borders, not increased burdens and bureaucracy.

Second, every alien would likewise have to hand in forms when they leave the United States. Our immigration officials currently inspect only those entering the United States, and there are thus no inspection facilities at locations where people leave the country. This means that new inspections facilities would need to be built and that we would see significant increases in traffic on U.S. roads leaving the country.

This additional infrastructure could run into billions of dollars, but the pre-

cise cost estimates are not possible at this point since we do not know what technology could even make such an exit system feasible. Even as a simple fiscal matter, we should not be requiring the kind of investment that would be involved here without knowing what the payoff, if any, will be, particularly where an undeveloped and untested system is involved. Also, at many border crossings, particularly on bridges or in tunnels, there simply is not room to construct additional facilities.

The magnitude of these problems cannot be overstated. As just one example, take the northern border, with which I am most familiar.

In 1996 alone, over 116 million people entered the United States by land from Canada, over 52 million of whom were Canadians or United States lawful permanent residents. The new provision would require a stop on the U.S. side to record the exit of every one of those 52 million people. That is more than 140,000 every day; it is more than 6,000 every hour; and more than 100 every minute. And that is only in one direction. The inconvenience, the traffic, and delays will be staggering.

If uncorrected, section 110 will also have a devastating economic impact. The free flow of goods and services that are exchanged every day through the United States and Canada has provided both countries with enormous economic benefits. Trade and tourism between the two nations are worth \$1 billion a day for the United States. Canada is not only the United States' largest trading partner, but the United States-Canadian trading relationship is the most extensive and profitable in the world.

My own State of Michigan has been an important beneficiary of that relationship. And 46 percent of the volume and 40.6 percent of the value of United States-Canada trade crosses the Michigan-Ontario border. Last year alone, exports to Canada generated over 72,000 jobs in key manufacturing industries in my State of Michigan and over \$4.68 billion in value added for the State.

The United States automobile industry alone conducts 300 million dollars' worth of trade with Canada every day. New just in time delivery methods have made United States-Canadian border-crossings integral parts of our automobile assembly lines. A delivery of parts delayed by as little as 20 minutes can cause expensive assembly line shutdowns.

Tourism and travel industries would likewise suffer by the full implementation of section 110. People in Windsor, Canada who thought they would head to Detroit for a Tiger's baseball game or Red Wing's hockey game might think again and stay home—with their money.

Canadians might decide not to bother to see the American side of Niagara Falls, or not to go hiking or fishing in Maine. This would happen all across the northern border.

I am beginning to hear concerns from those along the southern border as

well, and I believe that the impact of full implementation of section 110 there could be equally disastrous.

Congress did not intend to wreak such havoc on the borders. The fact is that these issues were simply not considered last Congress.

Section 110 was principally designed to make entry-exit control automated, so that the system would function better; it was not intended to expand documentary requirements and immigration bureaucracy into new and uncharted territory. A simple clarification of section 110 will take care of these problems. At the same time, we can take steps to improve inspections at our borders and to begin to take a sensible and longer term approach to automated entry-exit control.

Mr. President, my legislation is quite straightforward and contains three pieces.

First, it provides that section 110's requirement that the INS develop an automated entry-exit control system would not apply at the land borders, to U.S. lawful permanent residents, or to any aliens of foreign contiguous territory for whom the U.S. Attorney General and the Secretary of State have already waived visa requirements under existing statutory authority. This would maintain the status quo for lawful permanent residents and for a handful of our neighboring territories, including Canada, whose nationals do not pose a particular immigration threat and are already granted special status by the Attorney General and the Secretary of State.

As its second main provision, my legislation calls for a report on full automated entry-exit control. In my view, Congress should not expand entry-exit control into new territory until it has received a report on what that would mean.

The bottom line here is that we simply do not know whether such a fully implemented system is feasible, how much it will cost, whether the INS has the capacity and resources to use the data from such a system, and whether it might make more sense to devote our resources to going after the problem of visa overstayers in other ways.

Finally, my bill provides for increased personnel for border inspections by INS and Customs to address the backlogs and delays we already have on the border. For 3 years, it would increase INS inspectors at the land borders by 300 per year and Customs inspectors at the land borders by 150 per year.

Mr. President, our borders are already crowded. In 1993, nearly 9 million people traveled over the Ambassador Bridge, 6.4 million traveled through the Detroit-Windsor tunnel, and approximately 6.1 million crossed the Blue Water Bridge in Port Huron. Even without new controls, we have unacceptable delays at many points of our borders.

We should alleviate the problems we already have, not make them worse by

adding more controls and burdens. Even in the best case scenario, the new entry-exit controls might take an extra 2 minutes per border crosser to fulfill. That is almost 17 hours of delay for every hour's worth of traffic. It's just not practical. We must act to prevent it from happening and take action to address the delays already existing at our borders.

I would also like to note that placing new entry-exit control requirements on our border neighbors will do virtually nothing to catch people entering our country illegally. For that, we need to improve border inspections and increase resources there.

I do agree that automated entry-exit control certainly is needed to improve upon the INS's current system, which has a poor track record of providing data on visa overstayers. Having correct and usable data would be extremely helpful for a number of purposes; for example, to determine whether countries should remain in the visa waiver program and which countries pose particular visa overstay problems.

However, in my view, being able to use automated entry-exit control as a means of going after individual visa overstayers is a long way off. That is why we should be cautious in our approach.

We need to study this problem and consider some hard questions like what we will do down the road with all this data. Do we really think that the INS is currently capable of compiling and matching the data correctly or that INS has the resources to track down individuals based on this data? Do we want to be directing the INS to use its limited resources in this manner?

I recommend that for the time being we attack the visa overstayer problem by focussing on our current enforcement tools and by continuing the enforcement approach taken in last year's illegal immigration reform bill. I supported efforts there to increase the sanctions for visa overstayers and to increase the number of INS investigators looking into visa overstayers.

But before we burden the vast majority who do not present an enforcement problem and before we add inconveniences and costs to our own citizens, we should continue to study the options for broader automated entry-exit control.

I look forward to working with my colleagues to move this legislation quickly. Tomorrow, we will be having a hearing to consider this bill and these issues in the Immigration Subcommittee. Given the overwhelming support for this along the land borders and from the administration, there is no need to wait on such an important issue or to leave so many with uncertainty.

I ask unanimous consent that the entire 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. 1360

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 "Border Improvement and Immigration Act of 1997".

SEC. 2. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"(a) SYSTEM.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

"(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

"(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

"(2) EXCEPTION.—The system under paragraph (1) shall not collect a record of arrival or departure—

"(A) at a land border of the United States for any alien;

"(B) for any alien lawfully admitted to the United States for permanent residence; or

"(C) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the Immigration and Nationality Act."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546).

SEC. 3. REPORT.

(a) REQUIREMENT.—Not later than two years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders of the United States.

(b) CONTENTS OF REPORT.—Such report shall—

(1) assess the costs and feasibility of various means of operating such an automated entry-exit control system, including exploring—

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

(2) consider the various means of developing such a system, including the use of pilot projects if appropriate, and assess which means would be most appropriate in which geographical regions;

(3) evaluate how such a system could be implemented without increasing border traf-

fic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

(4) estimate the length of time that would be required for any such system to be developed and implemented.

SEC. 4. INCREASED RESOURCES FOR BORDER CONTROL AND ENFORCEMENT.

(a) INCREASED NUMBER OF INS INSPECTORS AT THE LAND BORDERS.—The Attorney General in each of fiscal years 1998, 1999, and 2000 shall increase by not less than 300 the number of full-time inspectors assigned to active duty at the land borders of the United States by the Immigration and Naturalization Service, above the number of such positions for which funds were made available for the preceding fiscal year. Not less than one-half of the inspectors added under the preceding sentence in each fiscal year shall be assigned to the northern border of the United States.

(b) INCREASED NUMBER OF CUSTOMS INSPECTORS AT THE LAND BORDERS.—The Secretary of the Treasury in each of fiscal years 1998, 1999, and 2000 shall increase by not less than 150 the number of full-time inspectors assigned to active duty at the land borders of the United States by the Customs Service, above the number of such positions for which funds were made available for the preceding fiscal year. Not less than one-half of the inspectors added under the preceding sentence in each fiscal year shall be assigned to the northern border of the United States.

Mr. D'AMATO. I want to congratulate the chairman of the Immigration Subcommittee, Senator ABRAHAM, for focusing on this issue and am pleased to join him and my other colleagues in putting forth this legislation which is aimed at correcting deficiencies that exist in the current law.

Let me say I don't intend to repeat all of the arguments put forth by my colleagues. But I do want to point out, very clearly, there are a number of my colleagues who are concerned about the impact of implementation of this legislation.

We were given such assurances as it related to its enforcement—that there was no intent to impose various requirements that would actually stop people from Canada who were coming in on a daily basis—millions of people, millions. In New York, 2.7 million Canadians visit for at least 1 night. One bridge, the Peace Bridge, carries 80 million dollars' worth of goods and services between Canada and New York, my State. Mr. President, 80 million dollars' worth of merchandise a day.

It is estimated that if we impose this law that we will impose more time on inspections, which is now about 30 seconds per person, and make that at least 2 minutes a person. We will have traffic jams of 3, 4, 5 and 6 hours. We will cost American consumers hundreds and hundreds of millions of dollars. We will disrupt trade. We will create an absolute catastrophe at our borders.

Now, is that what we intend to do? If we really want to go after drug dealers, and that is what this intends to do, then let's go after them. We know who the cartel leaders are.

You are going to stop millions of people on a daily basis who are traveling

back and forth between Canada and the United States? That is not going to affect the drug trade. Who are we kidding?

The implementation of this would be costly because we are talking about \$1 billion a day in trade. That is what we are talking about, \$1 billion a day.

Senator Simpson, who was chairman of the Subcommittee on Immigration last year, along with Congressman LAMAR SMITH, chairman of the House committee, in a letter that they wrote to the Canadian Ambassador, said that "We did not intend to impose a new requirement for border crossing cards * * * on Canadians who are not presently required to possess such documents."

Mr. President, this legislation authored by Senator ABRAHAM, and which I am very pleased to support, would exclude Canadians who are currently exempted, just like we told the Canadian Ambassador. So this legislation really keeps a commitment that was made to our friends, to our partners in Canada, and one in which I must say is absolutely vital to the interests of many, many communities.

Let me mention a number of communities who have said if this legislation is not amended, it would be disastrous: Buffalo, NY; Syracuse, NY; Onondaga County; Oswego County and Plattsburgh. I have to tell you, they have been absolutely aghast. These are just some of the communities who have written to me and expressed, by either way of their elected officials or by the various trade groups and representatives, that this would be catastrophic. I believe they are right.

This bill will stop problems before they are created—traffic jams never envisioned before, the flow of goods and services absolutely brought to a stop. I don't think we should wait for the problem to take place, nor do I think we can continue to abdicate our responsibility. As Senator ABRAHAM has pointed out quite eloquently, we have not gotten the kind of clarification necessary that would allow the normal intercourse of business between our two great countries. You can't jeopardize people's lives, the well-being of our communities and, indeed, our national prosperity. I am pleased to support this bill. I hope we can get Senator ABRAHAM speedy action on this. I intend to support Senator ABRAHAM in every way possible and I want to commend you for having brought this to the attention of the U.S. Congress and putting forth legislation in such a thoughtful way.

Last but not least, this legislation does something that is pretty important. It calls for increasing the number of Customs and INS inspectors and says at least half of them have to be placed on northern borders. While I understand that we have some tremendous problems on our southern borders dealing with the flow of drugs, we cannot underestimate the importance of continuing the process of commerce—

in a manner which will continue to expand upon it and not impinge upon it.

I thank my colleague from Michigan for being so forthright on this. I hope we can get this legislation passed soon—rather than later.

To reiterate, I am pleased to join with the chairman of the Immigration Subcommittee, Senator ABRAHAM and the ranking member of the subcommittee, Senator KENNEDY, to introduce the Border Improvement and Immigration Act of 1997—a bill that will preserve the smooth and efficient trade and travel experienced between the United States and Canada.

A provision of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act has caused enormous trepidation among businesses and families living along the northern border of the United States and Canada. Several organizations have contacted me with their concern about section 110 of the 1996 act—a provision that requires "every alien" to display documents upon entry to or exit from the United States.

To put this problem into perspective, let me explain what implementation of section 110 would mean for New York State. Over 2.7 million Canadians visit New York each year for at least 1 night, spending over \$400 million. Last year, my State's exports to Canada exceeded \$9.5 billion and the first 6 months of 1997 has seen a rise in exports. The ties between the communities are strong and must not be disrupted.

The common council of the city of Plattsburgh has submitted a resolution indicating the threat to the strong relationship enjoyed by Canada and the United States—its economic, cultural, and social impact. The Greater Buffalo Partnership states that there are about 5,000 trucks moving goods through the port of Buffalo every day that will be subject to a time intensive document production under this provision. They conclude that "this provision will cause 5-hour delays and jeopardize every business relying on just in time deliveries."

This new requirement will cause unprecedented traffic jams at the border and chaos in the business and travel industry in northern New York.

Implementation of this border restriction would be costly for both American and Canadian business and tourism throughout both nations. Nationally, trade with Canada hovers near \$1 billion a day and there has been up to 116 million people entered the United States from Canada in 1996. As bilateral trade grows every year, traffic congestion and back ups could be expected to last hours, translating into frustration and lost opportunities.

When Congress passed this law, there was no intent to impose this requirement on Canadians. As expressed by Senator Alan Simpson, chairman of the Senate Subcommittee on Immigration last year, and Congressman LAMAR SMITH, the chairman of the House Sub-

committee on Immigration, in a letter to the Canadian Ambassador, "we did not intend to impose a new requirement for border crossing cards * * * on Canadians who are not presently required to possess such documents."

This new legislation will exclude Canadians, who are currently exempted from documentary requirements, from having to register every arrival and departure at the United States border. Because of the tremendous burden of enforcement on our borders, the bill also authorizes an increase of at least 300 INS inspectors and 150 Customs inspectors each year.

There is a major problem brewing on our border with Canada. It's a problem that threatens vital trade and travel between our two countries. This bill will halt the problem, and allow our normal trade and tourism to continue successfully. I am proud to lead the effort to pass this important legislation.

Mr. GRAMS. Mr. President, Minnesota and Michigan are two States that share a common border with Canada, and so I am very proud today to join my colleague, Senator ABRAHAM, chairman of the Judiciary Immigration Subcommittee, as a cosponsor of his bill to ensure Canada will receive current treatment once the immigration law is implemented in 1998. There has been a great deal of concern, especially in Minnesota, as well, as to how the immigration law we passed last year will affect the northern U.S. border. Right now the fear is the law is being misinterpreted by the Immigration and Naturalization Service.

Minnesota alone has about 817 miles of shared border with Canada and we share many interests with our northern neighbor—tourism, trade, and family visits among the most prevalent. In the last few years, passage back and forth over the Minnesota/Canadian border has been more open and free flowing, especially since the North American Free-Trade Agreement (NAFTA) went into effect. There were 116 million travelers entering the United States from Canada in 1996 over the land border. As our relationship with Canada is increasingly interwoven, we have sought a less restrictive access to each country.

The immigration bill last year was intended to focus on illegal aliens entering this country from Mexico and living in the United States illegally. The new law states that "every alien" entering and leaving the United States would have to register at all the borders—land, sea, and air. The Immigration and Naturalization Service was tasked with the effort to set up automated pilot sites along the border to discover the most effective way to implement this law, which was to become effective on September 30, 1998.

The INS was quietly going about establishing a pilot site on the New York State border when the reality sunk in. A flood of calls from constituents came into the offices of all of us serving in Canadian border states. Canadian citizens also registered opposition to this

new restriction. It became quite clear that no one had considered how the new law affected Canada. Current law already waives the document requirement for most Canadian nationals, but still requires certain citizens to register at border crossings. That system has worked. There have been very few problems at the northern border with drug trafficking and illegal aliens.

In an effort to resolve this situation, I have joined Senators ABRAHAM, D'AMATO, COLLINS, SNOWE, BURNS, JEFFORDS, KENNEDY, LEAHY, MOYNIHAN, and GRAHAM of Florida in a letter asking INS Commissioner Meissner for her interpretation of this law and how she expects to implement it. We have not had a response to date, but the INS' previous reaction to this issue indicates that every alien would include both Canadian nationals and American permanent residents—everyone crossing the border.

Therefore, we must make it very clear that Congress did not intend to impose additional documentary requirements on Canadian nationals; Senator ABRAHAM's bill will restore our intent. Our legislation, the Border Improvement and Immigration Act of 1997, will not open the floodgates for illegal aliens to pass through—it will still require those who currently need documentation to continue to produce it and remain registered in a new INS system. This will allow the INS to keep track of that category of non-immigrant entering our country to ensure they leave when their visas expire. Senator ABRAHAM's bill will not unfairly treat our friends on the Canadian side that have been deemed not to need documentation—they will still be able to pass freely back and forth across the border.

But our bill will enable us to avoid the huge traffic jams and confusion which would no doubt occur if every alien was to be registered in and out of the United States. Such registration would discourage trade and visits to the United States. It would delay shipments of important industrial equipment, auto parts services and other shared ventures that have long thrived along the northern border. It will discourage the economic revival that northern Minnesotans are experiencing, helped by Canadian shoppers and tourists.

Mr. President, I do not believe Congress intended to create this new mandate. We sought to keep illegal aliens and illegal drugs out, not our trading partners and visiting consumers. Through the Abraham bill, we will still do that while keeping the door open to our neighbors from the north. The bill is good foreign policy, good public policy and good economic policy. We all will benefit while retaining our ability to keep track of nonimmigrants who enter our borders.

Mr. President, I want to take a moment to thank Senator ABRAHAM for his leadership on this very important matter. I am aware that Senator ABRAHAM had a successful hearing on this issue recently in Michigan. Many Min-

nesotans, through letters, calls and personal appeals, have also showed their opposition to a potential crisis. I look forward to testifying before the Immigration Subcommittee hearing tomorrow and assisting my colleague from Michigan in his efforts to pass this bill before the 1998 implementation date. Again, this is an unacceptable burden on our Canadian neighbors and those who depend upon their free access that effects the economics of all border states.

Mr. DORGAN. Mr. President, I am pleased today to join Senator ABRAHAM, chairman of the Immigration Subcommittee, as a cosponsor of legislation to clarify the intent of Congress under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. He has taken up this matter to clarify the intent of Congress and I appreciate his efforts and those of Senator KENNEDY to deal with this expeditiously.

The interest of North Dakota in this bill specifically relates to the impact of imposing section 110 entry-exit requirements on the land border between Canada and North Dakota. In September, I introduced legislation, S. 1212, to exempt Canadian nationals from the requirements of section 110. Senators CONRAD, MOYNIHAN, and LEVIN have joined me in cosponsoring the bill.

I have subsequently heard from small businesses not only in North Dakota, but from New York State, Michigan, and other States. They are very concerned that if Congress fails to take action to exempt Canadian nationals from the section 110 requirements it could have a devastating impact on their businesses.

In 1995, Canadian visitors spent nearly \$200 million in North Dakota. That is one in every four total tourism dollars coming into the State of North Dakota. Grand Forks, ND, devastated by floods last spring, is seeing a return of Canadian weekend visitors. The Convention and Visitors Bureau there tells me that without the Canadian visitors—who shop there, and who stay in area motels—without the Canadian visitors Grand Forks may never see a full economic recovery. These visitors are terribly important to this city trying to make a comeback.

Ask any small business owner in northern North Dakota—or for that matter any northern border State. We should be talking about policies to encourage more Canadians to visit the United States. It is incumbent on the Senate and the House to act to exempt Canadian nationals from the requirements of section 110 and to send a signal that we welcome their business.

Mr. President, I commend Senator ABRAHAM for taking up this important issue at this time. I endorse the exemption of Canadian nationals from section 110 requirements, and I wholeheartedly support his efforts to authorize additional personnel for the northern border. The northern borders in particular have seen no growth in resources for some time now.

I encourage the committee to move expeditiously to bring this bill to the floor. To do so will reassure small business owners and small communities across the northern United States that we are looking out for their economic interests.

Mr. BURNS. Mr. President, I rise today to support my colleague from Michigan, Senator ABRAHAM, in the introduction of the Border Improvement and Immigration Act of 1997. This legislation will clarify a small provision of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, specifically section 110. Section 110 requires the Immigration and Naturalization Service to develop, by September 30, 1998, an automated entry and exit control system to document the entry and departure of 'every alien' arriving in and leaving the United States.

This section, if not amended, would pose great hardship to Montana, and to most border States. The current procedure allows Canadians to cross the United States-Canadian border without requiring them to present a passport, visa, or border-crossing identification card. This assists our communities, on both sides of the border, to expand their economic growth. A large portion of our economic life is derived from the business we have that comes from Canada, whether it be from travel, tourism, or regular trade. The free flow of goods and services that are exchanged every day through the United States and Canada has provided both countries with enormous economic benefits. If not amended, this could drop dramatically.

Congress did not intend to cause such a disruption of service when it passed the Immigration Reform and Immigrant Responsibility Act. Section 110 was principally designed to make the current entry-exit control system automated—so that the system would function better; it was not intended to expand documentary requirements and bureaucracy. This legislation will take the steps needed to insure that the law is read properly. This bill would require that the Immigration and Naturalization Service to develop an automated entry-exit control system would not apply at the land borders, to U.S. lawful permanent residents or to any nationals of foreign contiguous territory from whom the Attorney General and the Secretary of State have already waived visa requirements.

Mr. President, I hope that the Senate will review this bill and understand the merits that it provides, not only for our border States, but also for the Nation. I look forward to working with my colleagues to ensure its swift passage.

Mr. LEAHY. Mr. President, I am proud to be an original cosponsor of The Border Improvement and Immigration Act of 1997. This bill will ensure that Canadians and United States permanent residents are treated fairly and

appropriately and that the United States and Canada's long and friendly relationship regarding immigration issues is preserved.

We must preserve the integrity of our open border and ensure that no undue hassle, inconvenience, or burden is placed upon those who cross the United States-Canada border. Vermont and Canada share many traditions, and one that we all value is the free flow of trade and tourism. Ours is the longest open border in the world, and we should do nothing to change or endanger that relationship. On Vermont's border with Canada, commerce, tourism and other exchanges across the border are part of our way of life. A general store in Norton, VT, on the border has the separate cash registers at either end of the shop.

The Border Improvement Act will preserve the status quo for Canadians and Americans crossing the United States' northern border. It will ensure that tourists and trade continue to be able to freely cross the border, without additional documentation requirements. This bill will also guarantee that the over \$1 billion in daily cross-border trade is not hindered in any way. The Border Improvement Act takes a more thoughtful approach to modifying U.S. immigration policies than last year's bill, the Illegal Immigration Reform and Immigrant Responsibility Act [IIRIRA]. By requiring the Attorney General to thoroughly assess the potential cost and impact before implementing any sort of automated entry-exit monitoring system on the Nation's land borders, this bill ensures that any such system will be well planned and implemented. Finally, the Border Improvement Act will ensure adequate staffing on the northern border by requiring a substantial increase in the number of INS and Customs agents assigned to this region over the next 3 years.

I am particularly pleased to see that this bill has clear bipartisan support. Last year, I worked closely with Senator ABRAHAM to quash another ill-conceived proposed addition to the immigration bill—the implementation of border-crossing fees. We successfully defeated the fee proposal last year, but only after much debate and negotiation.

Unfortunately, we did not have the same opportunity to debate fully the provision in section 110 of the IIRIRA which mandates that the INS develop an automated entry and exit control system to track the arrival and departure of all aliens at all borders by next October.

The current language in section 110 of the IIRIRA, as agreed to in last would have a significant negative impact on trade and relations between the United States and Canada. By requiring an automated system for monitoring the entry and exit of all aliens, this provision would require that the INS and Customs agents stop each vehicle or individual entering or exiting

the United States at all ports of entry. Canadians, United States permanent residents and many others who are not currently required to show documentation of their status would either have to carry some form of identification or fill out paperwork at the points of entry. This sort of tracking system would be enormously costly to implement along the northern border, especially since there is no current system or infrastructure to track the departure of citizens and others leaving the United States. Section 110, as currently worded, would also lead to excessive and costly traffic delays for those living and working near the border. These delays would surely have a negative impact on the \$2.4 billion in goods and services shipped annually from Vermont to Canada and would likely reduce the \$120 million per year which Canadians spend in Vermont.

This legislation has been crafted with input from the INS and representatives of the Canadian Government. By including the administration and our northern neighbor in the discussions, Senators ABRAHAM and KENNEDY have developed a remedy which is sure to be implemented smoothly. My cosponsorship of this bill reflects my ongoing concern about the negative impact the implementation of the current language in section 110 of the IIRIRA would have on the economy in my home State of Vermont, as well as in the other northern border States. While this remedy was being negotiated, I cosponsored an amendment on the floor and sent letters to Attorney General Reno and INS Commissioner Meissner requesting that a study be undertaken before any sort of automated entry-exit monitoring system be implemented. I am pleased that this bill has a similar provision. But, the Border Improvement Act goes one step further to protect our Canadian neighbors' rights to freely cross the border into the United States without facing needless traffic delays or unnecessary paperwork requirements.

I am pleased that Senator ABRAHAM has called a hearing tomorrow to discuss this bill and the negative impact the current law would have in so many of our States. At the hearing, we will hear the testimony of Bill Stenger, the president of the Jay Peak Ski Resort in Vermont which is situated only a few miles from the Canadian border. Mr. Stenger will testify to the disastrous effect any increased documentation requirements for Canadians would have on his business, and so many other United States businesses which are dependent on the preservation of free trade and travel across the Canadian border.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 1361. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

THE WISCONSIN FEDERAL JUDGESHIP ACT OF 1997

Mr. KOHL. Mr. President, I rise today with my colleague from Wisconsin, Senator FEINGOLD, to introduce the Wisconsin Federal Judgeship Act of 1997. This bill would create one additional Federal judgeship for the eastern district of Wisconsin and situate it in Green Bay, where a district court is crucially needed. Let me explain how the current system hurts—and how this additional judgeship will help—businesses, law enforcement agents, witnesses, victims, and individual litigants in northeastern Wisconsin.

First, the four full-time district court judges for the eastern district of Wisconsin currently preside in Milwaukee. Yet for most litigants and witnesses in northeastern Wisconsin, Milwaukee is well over 100 miles away. Thus, litigants and witnesses must incur substantial costs in traveling from northern Wisconsin to Milwaukee—costs in terms of time, money, resources, and effort. Indeed driving from Green Bay to Milwaukee takes nearly two hours each way. Add inclement weather or a departure point north of Green Bay—such as Oconto or Marinette—and the driving time alone often results in witnesses traveling for a far longer period of time than they actually spend testifying.

Second, Mr. President, as Attorney General Janet Reno recently noted before the Judiciary Committee, Federal crimes remain unacceptably high in northeastern Wisconsin. These crimes range from bank robbery and kidnapping to Medicare and Medicaid fraud. However, without the appropriate judicial resources, a crackdown on Federal crimes in the upper will be made enormously more difficult.

Third, many manufacturing and retail companies are located in northeastern Wisconsin. These companies often require a Federal court to litigate complex price-fixing, contract, and liability disputes with out-of-State businesses. But the sad truth is that many of these cases are never even filed—precisely because the northern part of the State lacks a Federal court. Mr. President, this hurts businesses not only in Wisconsin, but across the Nation.

Fourth, prosecuting cases on the Menominee Indian Reservation creates specific problems that alone justify having a Federal judge in Green Bay. Under current law, the Federal Government is required to prosecute all felonies committed by Indians that occur on the Menominee Reservation. The reservation's distance from the Federal prosecutors and courts—more than 150 miles—makes these prosecutions problematic. And because the Justice Department compensates attorneys, investigators, and sometimes witnesses for travel expenses, the existing system costs all of us. In addition, Mr. President, we saw juvenile crime rates on this reservation rise by 279 percent last year alone. Without an additional judge in Green Bay, the administration

of justice, as well as the public's pocketbook, will suffer enormously.

Fifth, Mr. President, the creation of an additional judgeship in the eastern district of Wisconsin is also clearly justified on the basis of caseload. I have commissioned the General Accounting Office to look at this issue and their report will be released early next year and which we expect will confirm our belief. However, based on standards already established by the Judicial Conference, the administrative and statistical arm of the Federal judiciary, an additional judgeship is clearly needed. In 1994, the Judicial Conference recommended the creation of additional Federal judgeships on the basis of weighted filings; that is, the total number of cases filed per judge modified by the average level of case complexity. In 1994, new positions were justified where a district's workload exceeded 430 weighted filings per judge. On this basis, the eastern district of Wisconsin clearly merits an additional judgeship: it tallied more than 435 weighted filings in 1993 and averaged 434 weighted filings per judge between 1991-93. In fact, though our bill would not add an additional judge in the western district of Wisconsin, we could make a strong case for doing so because the average weighted filings per judge in the western district was almost as high as in the eastern district.

Mr. President, our legislation is simple, effective, and straightforward. It creates an additional judgeship for the eastern district, requires that one judge hold court in Green Bay, and gives the chief judge of the eastern district the flexibility to designate which judge holds court there. And this legislation would increase the number of Federal district judges in Wisconsin for the first time since 1978. During that period, more than 252 new Federal district judgeships have been created nationwide, but not a single one in Wisconsin.

And don't take my word for it, Mr. President, ask the people who would be most affected: in 1994 each and every sheriff and district attorney in northeastern Wisconsin urged me to create a Federal district court in Green Bay. I ask unanimous consent that a letter from these law enforcement officials be included in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a letter from the U.S. attorney for the eastern district of Wisconsin, Tom Schneider, also be included. This letter expresses the support of the entire Federal law enforcement community in Wisconsin—including the FBI, the DEA, and the BATF—for the legislation we are introducing. They needed this additional judicial resource in 1994, and certainly, Mr. President, that need has only increased over the last 3 years.

Perhaps most important, the people of Green Bay also agree on the need for an additional Federal judge, as the endorsement of our proposal by the Green Bay Chamber of Commerce demonstrates.

In conclusion, Mr. President, having a Federal judge in Green Bay will reduce costs and inconvenience while increasing judicial efficiency. But most important, it will help ensure that justice is more available and more affordable to the people of northeastern Wisconsin. As the courts are currently arranged, the northern portion of the eastern district is more remote from a Federal court than any other major population center, commercial or industrial, in the United States. For these sensible reasons, I urge my colleagues to support this legislation. We hope to enact this measure, either separately or as a part of an omnibus judgeship bill the Judiciary Committee may consider later this Congress.

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:

S. 1361

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

SECTION 1. ADDITIONAL FEDERAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN.

(1) **SHORT TITLE.**—This Act may be cited as the "Wisconsin Federal Judgeship Act of 1997".

(b) **IN GENERAL.**—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the eastern district of Wisconsin.

(c) **TABLES.**—In order that the table contained in section 133 of title 28, United States Code, shall reflect the change in the total number of permanent district judgeships authorized under subsection (a), such table is amended by amending the item relating to Wisconsin to read as follows:

<i>"Wisconsin:</i>	
"Eastern	5
"Western	2".

(d) **HOLDING OF COURT.**—The chief judge of the eastern district of Wisconsin shall designate 1 judge who shall hold court for such district in Green Bay, Wisconsin.

AUGUST 8, 1994.

U.S. Senator HERB KOHL,
Washington, DC.

DEAR SENATOR KOHL: We are writing to urge your support for the creation of a Federal District Court in Green Bay. The Eastern District of Wisconsin includes the 28 eastern-most counties from Forest and Florence Counties in the north to Kenosha and Walworth Counties in the south.

Green Bay is central to the northern part of the district which includes approximately one third of the district's population. Currently, all Federal District Judges hold court in Milwaukee.

A federal court in Green Bay would make federal proceedings much more accessible to the people of northern Wisconsin and would alleviate many problems for citizens and law enforcement. Travel time of 3 or 4 hours each way makes it difficult and expensive for witnesses and officers to go to court in Milwaukee. Citizen witnesses are often reluctant to travel back and forth to Milwaukee. It often takes a whole day of travel to come to court and testify for a few minutes. Any lengthy testimony requires an inconvenient and costly overnight stay in Milwaukee. Sending officers is costly and takes substantial amounts of travel time, thereby reduc-

ing the number of officers available on the street. Many cases are simply never referred to federal court because of this cost and inconvenience.

In some cases there is no alternative. For example, the Federal government has the obligation to prosecute all felony offenses committed by Indians on the Menominee Reservation. Yet the Reservation's distance from the Federal Courts and prosecutors in Milwaukee poses serious problems. Imagine the District Attorney of Milwaukee being located in Keshena or Green Bay or Marinette and trying to coordinate witness interviews, case preparation, and testimony.

As local law enforcement officials, we try to work closely with other local, state and federal agencies, and we believe establishing a Federal District Court in Green Bay will measurably enhance these efforts. Most important, a Federal Court in Green Bay will make these courts substantially more accessible to the citizens who live here.

We urge you to introduce and support legislation to create and fund an additional Federal District Court in Green Bay.

Gary Robert Bruno, Shawano and Menominee County District Attorney; Jay Conley, Oconto County District Attorney; John DesJardins, Outagamie County District Attorney; Douglas Drexler, Florence County District Attorney; Guy Dutcher, Waushara County District Attorney; E. James Fitzgerald, Manitowoc County District Attorney; Kenneth Kratz, Calumet County District Attorney; Jackson Main, Jr., Kewaunee County District Attorney; David Miron, Marinette County District Attorney; Joseph Paulus, Winnebago County District Attorney; Gary Schuster, Door County District Attorney; John Snider, Waupaca County District Attorney; Ralph Uttke, Langlade County District Attorney; Demetrio Verich, Forest County District Attorney; John Zakowski, Brown County District Attorney.

William Aschenbrener, Shawano County Sheriff; Charles Brann, Door County Sheriff; Todd Chaney, Kewaunee County Sheriff; Michael Donart, Brown County Sheriff; Patrick Fox, Waushara County Sheriff; Bradley Gehring, Outagamie County Sheriff; Daniel Gillis, Calumet County Sheriff; James Kanikula, Marinette County Sheriff; Norman Knoll, Forest County Sheriff; Thomas Kocourek, Manitowoc County Sheriff; Robert Kraus, Winnebago County Sheriff; William Mork, Waupaca County Sheriff; Jeffrey Rickaby, Florence County Sheriff; David Steger, Langlade County Sheriff; Kenneth Woodworth, Oconto County Sheriff.

Richard Awonhopay, Chief, Menominee Tribal Police; Richard Brey, Chief of Police, Manitowoc; Patrick Campbell, Chief of Police, Kaukauna; James Danforth, Chief of Police, Onelda Public Safety; Donald Forcey, Chief of Police, Neenah; David Gorski, Chief of Police, Appleton; Robert Langan, Chief of Police, Green Bay; Michael Lien, Chief of Police, Two Rivers; Mike Nordin, Chief of Police, Sturgeon Bay; Patrick Ravet, Chief of Police, Marinette; Robert Stanke, Chief of Police, Menasha; Don Thaves, Chief of Police, Shawano; James Thome, Chief of Police, Oshkosh.

U.S. DEPARTMENT OF JUSTICE, U.S.
ATTORNEY, EASTERN DISTRICT OF
WISCONSIN,

Milwaukee, WI, August 9, 1994.

To: The District Attorney's, Sheriffs and Police Chiefs Urging the Creation of a Federal District Court in Green Bay.

From: Thomas P. Schneider, U.S. Attorney, Eastern District of Wisconsin.

Thank you for your letter of August 8, 1994, urging the creation of a Federal District Court in Green Bay. You point out a number of facts in your letter:

(1) Although $\frac{1}{3}$ of the population of the Eastern District of Wisconsin is in the northern part of the district, all of the Federal District Courts are located in Milwaukee.

(2) A federal court in Green Bay would be more accessible to the people of northern Wisconsin. It would substantially reduce witness travel time and expenses, and it would make federal court more accessible and less costly for local law enforcement agencies.

(3) The federal government has exclusive jurisdiction over most felonies committed on the Menominee Reservation, located approximately 3 hours from Milwaukee. The distance to Milwaukee is a particular problem for victims, witnesses, and officers from the Reservation.

I have discussed this proposal with the chiefs of the federal law enforcement agencies in the Eastern District of Wisconsin, including the Federal Bureau of Investigation, Federal Drug Enforcement Administration, Bureau of Alcohol, Tobacco and Firearms, Secret Service, U.S. Marshal, U.S. Customs Service, and Internal Revenue Service-Criminal Investigation Division. All express support for such a court and given additional reasons why it is needed.

Over the past several years, the FBI, DEA, and IRS have initiated a substantial number of investigations in the northern half of the district. In preparation for indictments and trials, and when needed to testify before the Grand Jury or in court, officers regularly travel to Milwaukee. Each trip requires 4 to 6 hours of round trip travel per day, plus the actual time in court. In other words, the agencies' already scarce resources are severely taxed. Several federal agencies report that many cases which are appropriate for prosecution are simply not charged federally because local law enforcement agencies do not have the resources to bring these cases and officers back and forth to Milwaukee.

Nevertheless, there have been a substantial number of successful federal investigations and prosecutions from the Fox Valley area and other parts of the Northern District of Wisconsin including major drug organizations, bank frauds, tax cases, and weapons cases.

It is interesting to note that the U.S. Bankruptcy Court in the Eastern District of Wisconsin holds hearings in Green Bay, Manitowoc, and Oshkosh, all in the northern half of the district. For the past four years approximately 29% of all bankruptcy filings in the district were in these three locations.

In addition, we continue to prosecute most felonies committed on the Menominee Reservation. Yet, the Reservation's distance from the federal courts in Milwaukee poses serious problems. A federal court in Green Bay is critically important if the federal government is to live up to its moral and legal obligation to enforce the law on the Reservation.

In summary, I appreciate and understand your concerns and I join you in urging the certain of a Federal District Court in Green Bay.

THOMAS P. SCHNEIDER,
U.S. Attorney, Eastern District of Wisconsin.

Mr. FEINGOLD. Mr. President, I am pleased today to join my friend and

colleague from Wisconsin, Senator KOHL, in introducing the Wisconsin Federal Judgeship Act of 1997. I want to commend my colleague for his leadership and dedication on this very important matter.

Mr. President, the legislation being introduced will address a serious problem currently confronting the citizens of the eastern district of Wisconsin. At present, the eastern district of Wisconsin consists of four district court judges and two appellate judges, all of which sit in Milwaukee. However, the eastern district of Wisconsin is an expansive area which extends from Wisconsin's southern border with Illinois all the way to the north and the Great Lakes. Approximately one-third of the population of the eastern district of Wisconsin lives and works in the northern part of the district. While Milwaukee is centrally located for the majority of residents who reside in southeastern Wisconsin, the same cannot be said for the residents of my State which live in the northern portion of the district.

The Wisconsin Judgeship Act addresses this problem by placing a fifth district court judgeship in Green Bay which is centrally located in the northern portion of Wisconsin's eastern district. The simple fact of the matter is that at present access to the justice system is burdensome and expensive for the residents and for law enforcement of northeastern Wisconsin. In some instances, the travel time incurred by victims, witnesses, and law enforcement is as much as 3 or 4 hours each way, often longer depending upon the weather. In some cases, the cost, both in time and in scarce resources, may simply mean that legitimate cases are not being heard. Another troubling facet of this situation is that northeastern Wisconsin is home to the Menominee Indian Reservation. Because the Federal Government retains significant jurisdictional responsibility for cases arising on the reservation, the requirement that the cases be adjudicated in Milwaukee is particularly problematic in these cases. Based on these facts Mr. President, it is little wonder that this legislation has the strong support of law enforcement, both from police and prosecutors, from all across the eastern district of Wisconsin.

By placing a Federal judge in Green Bay, not only will the residents of the growing Fox River Valley have easier access to the court, but so too will those residents of my State which live in the north. Mr. President, I have long believed that access to the administration of justice is among the most important and fundamental rights that we as Americans retain. Ensuring access to the courthouse is one of the primary responsibilities that the Federal Government has to its citizens. As members of the Senate Committee on the Judiciary, Senator KOHL and I see firsthand how important the timely administration of justice is to our Demo-

cratic Government. The inability to receive one's day in court because of geographic distance, as appears to be happening to some in my State, is unacceptable. This legislation will address that inequity and I look forward to working with Senator KOHL and other members of the Judiciary Committee and the Senate as this legislation moves forward.

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 1362. A bill to promote the use of universal product members on claim forms used for reimbursement under the medicare program; to the Committee on Finance.

THE MEDICARE UNIVERSAL PRODUCT NUMBER
ACT OF 1997

Mr. GRASSLEY. Mr. President, on behalf of Senator BREAUX and myself, I am introducing legislation today to require the use of universal product numbers [UPNs] for all durable medical equipment [DME] Medicare purchases. The purpose of this legislation is to improve the Health Care Financing Administration's [HCFA] ability to track and to appropriately assess the value of the durable medical equipment it pays for under the Medicare Program. Very simply, our bill will ensure Medicare gets what it pays for.

According to an interim report by the General Accounting Office [GAO] and the Office of Inspector General's review of billing practices for specific medical supplies, the Medicare program is often paying greater than the market price for durable medical equipment and Medicare beneficiaries are not receiving the quality of care they should. HCFA currently does not require DME suppliers to identify specific products on their Medicare claims. Therefore it does not know for which products it is paying. HCFA's billing codes often cover a broad range of products of various types, qualities and market prices. For example, the GAO found that one Medicare billing code is used by the industry for more than 200 different urological catheters, with many of these products varying significantly in price, use, and quality.

Medicare's inability to accurately track and price medical equipment and supplies it purchases could be remedied with the use of product specific codes known as bar codes or universal product numbers [UPN's]. These codes are similar to the codes you see on products you purchase at the grocery store. Use of such bar codes is already being required by the Department of Defense and several large private sector purchasing groups. The industry strongly supports such an initiative as well. I am submitting several letters of endorsement for the record on behalf of the National Association of Medical Equipment Services and the Health Industry Distributors Association.

This bill represents a common-sense approach. It will improve the way Medicare monitors and reimburses suppliers for medical equipment and supplies. Patients will receive better care.

And the Federal Government will save money. I ask that my colleagues on both sides of the aisle support this legislation which I am introducing today with my friend and colleague, Senator BREAUX.

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:

S. 1362

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 "Medicare Universal Product Number Act of 1997".

SEC. 2. UNIVERSAL PRODUCT NUMBERS ON CLAIMS FORMS FOR REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) ACCOMMODATION OF UPNs ON MEDICARE ELECTRONIC CLAIMS FORMS.—Not later than February 1, 2000, all electronic claims forms developed or used by the Secretary of Health and Human Services for reimbursement under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) pursuant to part C of title XI of that Act (42 U.S.C. 1320d et seq.) or any other law shall accommodate the use of universal product numbers (as defined in section 1897(a)(2) of that Act (as added by subsection (b))) for covered items (as defined in section 1834(a)(13) of that Act (42 U.S.C. 1395m(a)(13))).

(b) REQUIREMENT FOR PAYMENT OF CLAIMS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (as amended by section 4015 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 337)) is amended by adding at the end the following:

"USE OF UNIVERSAL PRODUCT NUMBERS

SEC. 1897. (a) DEFINITIONS.—In this section: "(1) COVERED ITEM.—The term 'covered item' has the meaning given that term in section 1834(a)(13).

"(2) UNIVERSAL PRODUCT NUMBER.—The term 'universal product number' means a number that is—

"(A) affixed by the manufacturer to each individual covered item that uniquely identifies the item at each packaging level; and

"(B) based on commercially acceptable identification standards established by the Uniform Code Council—International Article Numbering System and the Health Industry Business Communication Council.

"(b) IN GENERAL.—No payment shall be made under this title for any claim for reimbursement for any covered item unless the claim contains the universal product number of the covered item."

(c) DEVELOPMENT AND IMPLEMENTATION OF PROCEDURES.—From the information obtained by the use of universal product numbers (as defined in section 1897(a)(2) of the Social Security Act (as added by section 2(b))) on claims for reimbursement under the medicare program, the Secretary of Health and Human Services, in consultation with interested parties, shall periodically review the covered items billed under the Health Care Financing Administration Common Procedure Coding System and adjust such coding system to ensure that functionally equivalent covered items are billed and reimbursed under the same codes.

(d) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to claims for reimbursement submitted on and after February 1, 2001.

SEC. 3. STUDY AND REPORTS TO CONGRESS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on the

results of the implementation of the provisions in subsections (a) and (c) of section 2 and the amendment to the Social Security Act in subsection (b) of that section.

(b) REPORTS.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to Congress that contains a detailed description of the results of the study conducted pursuant to subsection (a), together with the Secretary's recommendations regarding the use of universal product numbers (as defined in section 1897(a)(2) of the Social Security Act (as added by section 2(b) of this Act)) and the use of data obtained from the use of such numbers.

HEALTH INDUSTRY DISTRIBUTORS ASSN.,

Alexandria VA., November 3, 1997.

Hon. CHARLES GRASSLEY,
Chairman, Special Committee on Aging,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of the Health Industry Distributors Association (HIDA), I would like to applaud your support for the use of universal product number (UPNs) on Medical billings. HIDA is the national trade association of home care companies and medical products distribution firms. Created in 1902, HIDA represents over 600 companies with appropriately 2500 locations nationwide. HIDA Members provide value-added distribution services to virtually every hospital, physician's office, nursing facility, clinic, and other health care cities across the country, as well as to a growing number of home care patients.

HIDA has long supported the use of UPN's for medical products and supplies. UPNs provide a standard format for identifying each individual product. UPNs are a major enabling factor in the health industry's efforts to minimize fraudulent billings and automate the distribution process. The Department of Defense (DOD) has taken a leadership position in promoting the implementation of the industry standards of UPNs. As a part of their decision to use commercial medical products distributors, the DOD has mandated the use UPNs for all medical/surgical products delivered to DOD facilities.

HIDA believes that the Medicare Program could benefit greatly from the use of UPNs. By cross-referencing each UPN with the HCFA Common Procedure Coding System (HCPCS) and requiring the UPN on each claim for durable medical equipment, prosthetics, orthotics and supplies (DMEPOS), Medicare's ability to track utilization and combat fraud and abuse would be greatly enhanced. By using UPNs, the Medicare system would be able to correctly identify product utilization. As UPNs provide a unique, unambiguous means of identifying each item of DMEPOS on the market, Medicare would have a record of the exact product used by the beneficiary. Trends in product utilization and claims for "suspicious" items would be easily identifiable. HCPCS alone can not provide this information as many products of varying quality and cost are included in a single code.

In addition, problems with "upcoding" could be greatly reduced through the implementation of UPNs. Upcoding occurs when a beneficiary receives a product of lesser cost/quality than the HCPCS billed to Medicare. UPNs would correctly identify the specific item of DMEPOS, thereby making it impossible to misrepresent the cost and quality of the item. Importantly, by addressing the problem of upcoding, the Medicare Program would take great steps in assuring that beneficiaries receive the exact items of DMEPOS that they were intended to receive.

HIDA firmly believes that the Medicare Program and DMEPOS industry would ben-

efit greatly from the use of UPNs. This standard would not only increase Medicare's understanding of what it pays for, but also assist in the effective administration of the Program. If HIDA can provide any further information or be of any assistance, please contact Ms. Erin H. Bush, Associate Director of Government Relations at (703) 838-6110.

Again, thank you for your interest in this important matter.

Sincerely,

CARA C. BACHENHEIMER,
Executive Director, Home Care and
Long Term Care Market Groups.

NATIONAL ASSOCIATION FOR
MEDICAL EQUIPMENT SERVICES,
Alexandria, VA, November 3, 1997.

Hon. CHARLES GRASSLEY,

U.S. Senate, Special Committee on Aging.

Hon. JOHN BREAUX,
U.S. Senate, Special Committee on Aging.

DEAR SENATORS GRASSLEY AND BREAUX: The National Association for Medical Equipment Services appreciates your October 27 letter requesting comment on your draft bill concerning use of uniform product number on home medical equipment. On behalf of our 1,200 member companies, NAMES is pleased to endorse this bill. We look forward to working with you as it proceeds through the legislative process. And, once enacted, we would hope the Administration would work with the industry to implement this law appropriately.

Sincerely,

WILLIAM D. COUGHLAN, CAE,
President and Chief Executive Officer.

By Mr. MCCAIN (for himself and
Mr. LEVIN):

S. 1364. A bill to eliminate unnecessary and wasteful Federal reports; to the Committee on Governmental Affairs.

THE FEDERAL REPORTS ELIMINATION ACT OF 1997

Mr. MCCAIN. Mr. President, I am pleased to rise today to introduce legislation that would eliminate approximately 150 unnecessary reports that have been mandated by the Congress. All of these reports have been judged as unnecessary, wasteful, or redundant by each of the Federal agencies which have been required to produce them. I am also pleased to have the considerable assistance of the coauthor of this legislation, Senator LEVIN.

This proposal is intended to combat the growing problem of the thousands of mandatory reports that Congress has been imposing upon the executive branch over the last decade. Each year, Members of Congress continue to burden the executive branch agencies by mandating numerous reports. The price for the wasteful reports is extraordinarily high. Not only do they cost American taxpayers hundreds of millions of dollars each year, but they exhaust the often limited resources of the Federal agencies which have to meet these reporting requirements. Furthermore, the thousands of Federal employees who must work for months on these unnecessary reports could focus their energies to work on far more worthy ventures on behalf of taxpayers. They are a dubious use of taxpayers dollars and Government productivity.

Senator LEVIN and I began working on various aspects of eliminating and sunseting unnecessary Federal reports

in 1993. We have both been long concerned about the vast amounts of public funds and valuable government personnel resources that are being wasted. Let me state just one instructive example of how reporting mandates drain public funds and departmental resources. The Department of Agriculture alone spent over \$40 million in taxpayers money in 1993 to produce the 280 reports it was required to submit to the Congress that year. While many of these reports may provide vital information to the Congress and the public, it is undeniable that many others can and should be repealed in order to save taxpayer dollars and staff time. This is true for virtually every agency of the Federal Government.

In 1995, Senator LEVIN and I were able to successfully eliminate approximately 200 reports, and sunset several hundred others. However, since that time, the administration has highlighted 450 additional reports that they would like repealed. Here are a few examples of the type of reports I am talking about. Each year, the following are required to be sent to the Congress from Federal agencies: Report on the Elimination of Notice to Congress Regarding Waiver of Requirement for Use of Vegetable Ink in Lithographic Printing; Report on Canadian Acid Rain Control Program; and Report on Metal Casting Research and Development Activities.

I have asked OMB to calculate the total amount of public funds we would save if the unnecessary or redundant reporting requirements contained in this legislation are repealed, and I will provide my colleagues with their response. Considering that we currently have over a \$5 trillion dollar Federal deficit, Mr. President, I'm sure that you would agree that our citizens would not support this egregious expenditure of hundreds of useless reports each and every year.

It is important to note that this reporting mandate problem continues to grow with each passing year. GAO determined several years ago that "Congress imposes about 300 new requirements on Federal agencies each year." Prompt Senate action to authorize the elimination of wasteful reports in this proposal will be an important service to our constituents and these agencies. The staffing burdens and paper shuffling these outdated reporting mandates cause are of little real value to the important work of government. We should lighten the load of both overburdened taxpayers and the agencies involved by ending them now.

I would again like to thank Senator LEVIN for his hard work and dedication on this issue over the past few years. Furthermore, I must acknowledge the administration for its earnest support of this effort. Additionally, the proposed terminations were carefully reviewed and then approved by each respective committee chairman and ranking member. These reports represent the flagrant waste of taxpayers dollars and Government productivity.

It is clear that this bipartisan effort will put an end to a significant part of the unnecessary cycle of waste and misspent resources that these reports represent. The adoption of this legislation would be a strong contribution toward downsizing Government as the American people have repeatedly called upon us to do. I urge my colleagues to support this legislation and remove the millstone of unnecessary and costly paperwork that Congress has hung around the neck of the Federal Government for too long.

Mr. LEVIN. Mr. President, I am pleased to join Senator MCCAIN in introducing the Federal Reports Elimination Act of 1997, which will eliminate or modify 187 outdated or unnecessary congressionally mandated reporting requirements. This legislation will reduce unnecessary paperwork generated, and staff time spent, in producing reports to Congress that are no longer relevant or useful.

Senator MCCAIN and I introduced and got enacted similar legislation in 1995, Public Law 104-66, the Federal Reports Elimination and Sunset Act of 1995. In that legislation we eliminated or modified 207 congressionally mandated reporting requirements and placed a 4-year sunset on all other reports that were required to be made on an annual or otherwise regular basis. We also required in that legislation that the President include in the first annual budget submitted after the date of enactment of the Federal Reports Elimination and Sunset Act of 1995 a list of the congressionally mandated reports that he has determined to be unnecessary or wasteful. The President provided a list of nearly 400 reports in the fiscal year 1997 budget along with comments on why the agencies involved felt the reporting requirements should be eliminated or modified. In many instances, the administration states, the reports are obsolete or contain duplicate information already conveyed to Congress in another report or publication.

For example, one report that is required of the Department of Agriculture asks the agency to provide to Congress a list of the advisory committee members, principal place of residence, persons or companies by whom they are employed, and other major sources of income. This information may be useful at the agency level, but is not significant to Congress. The administration's recommendation for elimination of this report stated that the "preparation of this report is time consuming and may not be of particular interest to Congress. If the requirement for an annual report is deleted, the information contained in the report would still be available upon request."

Another example of unnecessary reporting is the requirement to provide reports for programs that have never been funded. The Department of Energy was tasked to provide a biennial update to the National Advanced Mate-

rials Initiative Five-Year Program Plan in support of the Energy Policy Act of 1992, for which funds were never provided. The Department of Justice never received funding for a program that required the submission of a report to the Judiciary Committee on the security of State and local immigration and naturalization documents and any improvements that occurred as a result of the Immigration Nursing Relief Act of 1989. The Department of Transportation has never received funding for a requirement to study the effects of climatic conditions on the costs of highway construction and maintenance. The National Advisory Commission on Resource Conservation and Recovery for the Environmental Protection Agency is tasked with providing an interim report of its activities. This Commission was established and commissioned in 1981 and has never met nor received funding for its activities.

The Vice President's National Performance Review estimated that Congress requires executive branch agencies to prepare more than 5,300 reports each year. That number has increased dramatically from only 750 such reports required by Congress in 1970. The GAO reports that Congress imposes close to 300 new requirements on Federal agencies each year.

And preparation of these reports costs money. The Department of Agriculture estimated in 1993 that it spent more than \$40 million in preparing 280 mandated reports.

In developing this bill, Senator MCCAIN and I wrote to the chairmen and ranking members of the relevant Senate committees and asked them to review the list of reports, under their jurisdiction, that the administration identified as no longer necessary or useful and, therefore, ready for elimination or modification. We wanted to be sure that the committees of jurisdiction concurred with the administration in their assessment of the lack of need for these reports. Many of the committees responded to the request. Those responses were generally supportive and some contained only a few changes to the administration's recommendations. Some committees identified reports under their jurisdiction which they wanted to retain because the information contained in the report is still of use to the committee. Those suggestions were incorporated into the bill so that the bill reflects only those reports for which there is general agreement about elimination or modification.

Senator MCCAIN and I are introducing this bipartisan legislation to reduce the paperwork burdens placed on Federal agencies, streamline the information that flows from these agencies to Congress, and ultimately save millions of taxpayer dollars. I hope we can act quickly on this legislation.

By Ms. MIKULSKI:

S. 1365. A bill to amend title II of the Social Security Act to provide that the

reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation; to the Committee on Finance.

THE GOVERNMENT PENSION OFFSET
MODIFICATION ACT OF 1997

Ms. MIKULSKI. Mr. President, I rise to talk about an issue that is very important to me, very important to my constituents in Maryland, and very important to government workers and retirees across the Nation.

Today, I am introducing a bill to modify a harsh and heartless rule of government that is unfair and prevents current workers from enjoying the benefits of their hard work in their retirement. I want the middle class of this Nation to know that if you worked hard to become middle class you should stay middle class when you retire.

Under current law, there is something called the pension offset law. This is a harsh and unfair policy. Let me tell you why.

If you are a retired government worker, and you qualify for a spousal Social Security benefit based on your spouse's employment record, you may not receive what you qualify for. Because the pension offset law reduces or entirely eliminates a Social Security spousal benefit when the surviving spouse is eligible for a pension from a local, state, or federal government job that was not covered by Social Security.

This policy only applies to government workers, not private sector workers. Let me give you an example of two women, Helen and her sister Phyllis.

Helen is a retired Social Security benefits counselor who lives in Woodlawn, MD. Helen currently earns \$600 a month from her Federal Government pension. She's also entitled to a \$645 a month spousal benefit from Social Security based on her deceased husband's hard work as an auto mechanic. That's a combined monthly benefit of \$1,245.

Phyllis is a retired bank teller also in Woodlawn, MD. She currently earns a pension of \$600 a month from the bank. Like Helen, Phyllis is also entitled to a \$645 a month spousal benefit from Social Security based on her husband's employment. He was an auto mechanic, too. In fact, he worked at the same shop as Helen's husband.

So, Phyllis is entitled to a total of \$1,245 a month, the same as Helen. But, because of the pension offset law, Helen's spousal benefit is reduced by two-thirds of her government pension, or \$400. So instead of \$1,245 per month, she will only receive \$845 per month.

This reduction in benefits only happens to Helen because she worked for the government. Phyllis will receive her full benefits because her pension is a private sector pension. I don't think

that's right, and that's why I'm introducing this legislation.

The crucial thing about the Mikulski modification is that it guarantees a minimum benefit of \$1,200. So, with the Mikulski modification to the pension offset, Helen is guaranteed at least \$1,200 per month.

Let me tell you how it works. Helen's spousal benefit will be reduced only by two-thirds of the amount her combined monthly benefit exceeds \$1,200. In her case, the amount of the offset would be two thirds of \$45, or \$30. That's a big difference from \$400, and I think people like our Federal workers, teachers, and our firefighters deserve that big difference.

Why should earning a government pension penalize the surviving spouse? If a deceased spouse had a job covered by Social Security and paid into the Social Security system. That spouse expected his earned Social Security benefits would be there for his surviving spouse.

Most working men believe this and many working women are counting on their spousal benefits. But because of this harsh and heartless policy the spousal benefits will not be there, your spouse will not benefit from your hard work, and, chances are, you won't find out about it until your loved one is gone and you really need the money.

The Mikulski modification guarantees that the spouse will at least receive \$1,200 in combined benefits. That Helen will receive the same amount as Phyllis.

I'm introducing this legislation, because these survivors deserve better than the reduced monthly benefits that the pension offset currently allows. They deserve to be rewarded for their hard work, not penalized for it.

Many workers affected by this offset policy are women, or clerical workers and bus drivers who are currently working and looking forward to a deserved retirement. These are people who worked hard as Federal employees, school teachers, or firefighters.

Frankly, I would repeal this policy all together. But, I realize that budget considerations make that unlikely. As a compromise, I hope we can agree that retirees who work hard should not have this offset applied until their combined monthly benefit exceeds \$1,200.

In the few cases where retirees might have their benefits reduced by this policy change, my legislation will calculate their pension offset by the current method. I also have a provision in this legislation to index the minimum amount of \$1,200 to inflation so retirees will see their minimum benefits increase as the cost of living increases.

I believe that people who work hard and play by the rules should not be penalized by arcane, legislative technicalities. That's why I'm introducing this bill today.

Representative WILLIAM JEFFERSON of Louisiana has introduced similar legislation in the House. I look forward to working with him to modify the harsh pension offset rule.

If the Federal Government is going to force government workers and retirees in Maryland and across the country to give up a portion of their spousal benefits, the retirees should at least receive a fair portion of their benefits.

I want to urge my Senate colleagues to join me in this effort and support my legislation to modify the Government pension offset.

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. 1365

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

SECTION 1. LIMITATION ON REDUCTIONS IN BENEFITS FOR SPOUSES AND SURVIVING SPOUSES RECEIVING GOVERNMENT PENSIONS.

(a) WIFE'S INSURANCE BENEFITS.—Section 202(b)(4)(A) of the Social Security Act (42 U.S.C. 402(b)(4)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(b) HUSBAND'S INSURANCE BENEFITS.—Section 202(c)(2)(A) of such Act (42 U.S.C. 402(c)(2)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(c) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(7)(A) of such Act (42 U.S.C. 402(e)(7)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(d) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(e) MOTHER'S AND FATHER'S INSURANCE BENEFITS.—Section 202(g)(4)(A) of such Act (42 U.S.C. 402(g)(4)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(f) AMOUNT DESCRIBED.—Section 202 of such Act (42 U.S.C. 402) is amended by adding at the end the following:

"(z) The amount described in this subsection is, for months in each 12-month period beginning in December of 1997, and each succeeding calendar year, the greater of—

"(1) \$1200; or

"(2) the amount applicable for months in the preceding 12-month period, increased by the cost-of-living adjustment for such period

determined for an annuity under section 8340 of title 5, United States Code (without regard to any other provision of law)."

(g) LIMITATIONS ON REDUCTIONS IN BENEFITS.—Section 202 of such Act (42 U.S.C. 402), as amended by subsection (f), is amended by adding at the end the following:

"(aa) For any month after December 1997, in no event shall an individual receive a reduction in a benefit under subsection (b)(4)(A), (c)(2)(A), (e)(7)(A), (f)(2)(A), or (g)(4)(A) for the month that is more than the reduction in such benefit that would have applied for such month under such subsections as in effect on December 1, 1997."

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 1997.

By Mr. KERREY (for himself and Mr. CONRAD):

S. 1366. A bill to amend the Internal Revenue Code of 1986 to eliminate the 10 percent floor for deductible disaster losses; to the Committee on Finance.

DISASTER RELIEF LEGISLATION

Mr. KERREY. Mr. President, under current law, personal property damage is tax-deductible only to the extent that each loss is more than \$100 and the total losses exceed 10 percent of income. Today, I am introducing legislation which would eliminate the 10-percent test for unreimbursed casualty losses resulting from a Presidentially declared disaster that occurs in 1997.

Just over a week ago, Nebraska was hit by a massive winter storm that dumped up to 20 inches of snow and 2½ inches of rain on our State unusually early in the season. As a result, Nebraskans have suffered massive damages, the extent of which we are only beginning to discover as the process of digging out begins. More than 175,000 lost electrical power, and many of them are still waiting for it to be restored. Thousands still lack phone service. About 85 percent of trees—still heavy with fall leaves—were damaged in Omaha alone.

Mr. President, changing this tax law won't shovel the snow, or restore all the phone and electrical service. But for the homeowner whose property was damaged by felled trees, or thousands of other Nebraskans who suffered losses in this storm, allowing them to deduct the full amount of those losses will provide a little breathing room as the long process of digging out—and rebuilding—begins. I hope we act on it soon.

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. 1366

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

SECTION 1. ELIMINATION OF 10 PERCENT FLOOR FOR DEDUCTIBLE DISASTER LOSSES.

(a) GENERAL RULE.—Section 165(h)(2)(A) of the Internal Revenue Code of 1986 (relating

to net casualty loss allowed only to the extent it exceeds 10 percent of adjusted gross income) is amended by striking clauses (i) and (ii) and inserting the following new clauses:

"(i) the amount of the personal casualty gains for the taxable year,

"(ii) the amount of the federally declared disaster losses for the taxable year (or, if lesser, the net casualty loss), plus

"(iii) the portion of the net casualty loss which is not deductible under clause (ii) but only to the extent such portion exceeds 10 percent of the adjusted gross income of the individual.

For purposes of the preceding sentence, the term 'net casualty loss' means the excess of personal casualty losses for the taxable year over personal casualty gains."

(b) FEDERALLY DECLARED DISASTER LOSS DEFINED.—Section 165(h)(3) of such Code (defining personal casualty gain and personal casualty loss) is amended—

(1) by adding at the end the following new subparagraph:

"(C) FEDERALLY DECLARED DISASTER LOSS.—

"(i) IN GENERAL.—The term 'federally declared disaster loss' means any personal casualty loss attributable to a disaster occurring during 1997 in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(ii) DOLLAR LIMITATION.—Such term shall not include personal casualty losses to the extent such losses exceed \$10,000 for the taxable year," and

(2) by striking "OF PERSONAL CASUALTY GAIN AND PERSONAL CASUALTY LOSS" in the heading.

(c) CONFORMING AMENDMENT.—The heading for section 165(h)(2) of such Code is amended by striking "NET CASUALTY LOSS" and inserting "NET NONDISASTER CASUALTY LOSS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to losses attributable to disasters occurring after December 31, 1996, including for purposes of determining the portion of such losses allowable in taxable years ending before such date pursuant to an election under section 165(i) of the Internal Revenue Code of 1986.

By Mrs. HUTCHISON:

S. 1367. A bill to amend the act that authorized the Canadian River reclamation project, Texas to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project; to the Committee on Energy and Natural Resources.

THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY ACT OF 1997

Mrs. HUTCHISON. Mr. President, today I am introducing legislation that would enable the Canadian River Municipal Water Authority in Texas to use the Canadian River Project's water distribution system to transport water from sources other than those envisioned when the project was conceived nearly 50 years ago.

The Canadian River Municipal Water Authority is a State agency which supplies water to over 500,000 citizens in 11 cities on the Texas high plains, including Lubbock and Amarillo. The water authority was created by the Texas Legislature which authorized it to contract with the Federal Government

under Federal reclamation laws to build and develop the Canadian River Project, also known as Lake Meredith. While the operation and maintenance responsibilities of the project were transferred to the water authority, the Bureau of Reclamation retained the title and ownership of the project.

The quality and supply of water from the Canadian River Project has not met the expectations of either the Bureau of Reclamation or the residents of the Texas high plains. Not only is their insufficient water to provide adequately for the needs of the communities Lake Meredith serves, but the water has high levels of salt.

The Canadian River Municipal Water Authority has proposed to supplement the water in Lake Meredith with better quality groundwater from nearby aquifers. While this will not require any Federal funding, the Bureau of Reclamation has ill-conceived guidelines precluding nonproject water from flowing through their reservoirs or distribution systems.

The legislation I am introducing today would allow the use of the Canadian River Project water distribution system to transport better quality water from the nearby aquifers which are outside the originally defined project scope. An environmental review, as required by law, would be conducted and completed within 90 days of enactment of this legislation. Congressman MAC THORNBERRY has introduced similar legislation in the House of Representatives.

The citizens of the Texas Panhandle have long suffered from insufficient water and poor water quality. The Bureau of Reclamation has worked with the water authority to develop a solution to the high salt content in the water. Local officials believe that one solution is to simply dilute the poor quality water with better quality water from the nearby aquifers.

I urge my colleagues to pass this legislation quickly to meet the long-term water needs of many Texas Panhandle residents.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1368. A bill to provide individuals with access to health information of which they are the subject, ensure personal privacy with respect to personal medical records and health care-related information, impose criminal and civil penalties for unauthorized use of personal health information, and to provide for the strong enforcement of these rights; to the Committee on Labor and Human Resources.

THE MEDICAL RECORDS PRIVACY ACT OF 1997

Mr. LEAHY. Mr. President, the time has come for Congress to enact a strong and effective federal law to protect the privacy of medical records.

To address this need, today, Senator KENNEDY and I are introducing the Medical Information Privacy and Security Act (MIPSA).

Americans strongly believe that their personal, private medical records

should be kept private. The time-honored ethics of the medical profession also reflect this principle. The physicians' oath of Hippocrates requires that medical information be kept "as sacred as secrets."

A guiding principle in drafting this legislation is that the movement to more a integrated system of health care in our country will only continue to be supported by the American people if they are assured that the personal privacy of their health care information is protected. In fact, without the confidence that one's personal privacy will be protected, many will be discouraged from seeking medical help.

I am encouraged that a variety of public policy and health professional organizations, across the political spectrum, are signaling their intentions to step forward to join forces with consumers during this debate.

For the American public, and for the Congress, this debate boils down to a fundamental question: Who controls our medical records, and how freely can others use them?

Many of us in this chamber quickly criticized the Social Security Administration and the IRS regarding the security of computer records. We blasted the IRS for allowing employees to randomly scan through our personal financial records.

If we are concerned about IRS employees looking at our tax records, should we not be concerned about the millions of employers, insurers, pharmaceutical companies, government agencies and others who have nearly unfettered access to the personal medical records of more than 250 million Americans?

All of us are health care consumers—every individual and every American family. As Congress works toward answering this question, the privacy interests of the American public will be at odds with powerful economic interests and with the penchant for large organizations and complex systems to control this kind of personal information. Well-funded and sharply focused special interests often win in a match-up like this.

Senator Bob Dole, the former majority leader of the Senate, put his finger on this problem when he observed that a "compromise of privacy" that sends information about health and treatment to a national data bank without a person's approval would be something that none of us would accept.

Unfortunately, this nightmare that Senator Dole envisioned is being brought to life by provisions insisted upon by the House in last year's health insurance portability bill that require a system of health care information exchanges by computers and through computer clearinghouses and data networks.

We are now confronted with the fact that the computerization of health care record provisions are going into effect in the next few months but we are still contemplating the delay of

promulgating privacy protection until August of 1999, unless Congress acts sooner.

The Information Age opens the door to endless new possibilities and has empowered individuals with marvelous new tools and freedoms. But technology is our servant; we should not let it become our master. Unless we are vigilant, the Information Age can overwhelm our privacy rights before we even know it has happened.

I do not want advancing technology to lead to a loss of personal privacy and do not want the fear that confidentiality is being compromised to deter people from seeking medical treatment or stifle technological or scientific development.

The outlines of the challenge we face in stemming the erosion of medical privacy are already clear. Insurance companies have set up their Medical Information Bureau (MIB) which stores personal medical information on millions of Americans. M.I.B. may have personal information on all of us in Congress and our families.

Managed care companies, HMOs, drug companies, and hospitals are spending up to \$15 billion a year on information technology to acquire and exchange vast amounts of medical information about Americans.

While this in and of itself may not be the issue—the question is how and why is it being collected and for what specific use is this information being used and do individuals know about this? Patients should be advised about the existence of data bases in which medical information concerning the patients is stored.

This information can be very useful for quality assurance, and to provide more cost effective health care. But I am not certain that the American public would agree with a recent *Fortune* magazine article which lauded a health insurer that poked through the individual medical records of clients to figure out who may be depressed and could benefit from the use of the anti-depressant Prozac. Are we now encouraging replacing sound clinical judgment of doctors with health insurance clerks who look at records to determine whether you are not really suffering from a physical illness, but a mental illness?

Contrary to some, I believe that computerization can assure more privacy to individuals than the current system if my legislation is enacted. But if we do not act the increased potential for embarrassment and harassment is tremendous.

There are many more stories which highlight the problems that are out there due with the lack of privacy and security of individuals medical records, unfortunately so many other breaches of privacy are more subtle.

Singer Tammy Wynette entered the hospital in 1995 for a bile duct problem. She used a pseudonym, but a hospital staff member broke into her computerized medical records and sold the infor-

mation to the press, supposedly for thousands of dollars. The sensational *National Enquirer* then erroneously reported that Wynette was near death and in need of a liver transplant.

A current Member of Congress had her medical records faxed to the *New York Post* on the eve of her primary. In 1994, she offered eloquent testimony before Congress detailing her ordeal.

In another example, an insurance agent advised a couple that they would be denied coverage for any more pregnancies since they had a 25 percent chance that their children would have a fatal disease.

In Florida, a state public health worker improperly brought home a computer disk with the names of 4,000 HIV positive patients. The disks were then sent to two Florida newspapers.

Medical privacy issues in today's world also take on international implications. Canada and the nations of Europe are taking concrete steps to protect the confidentiality of computerized medical records.

Our nation lags so far behind others in its protection of medical records that companies in Europe may not be allowed to send medical information to the United States electronically. European countries—through an EU privacy directive—are ensuring that private medical records are kept private. The EU prohibits the transfer of personal information from Europe to the U.S. if the EU finds U.S. privacy law inadequate. The implications for U.S. trade are staggering.

The legislation we are introducing today addresses the issues I have outlined to close the existing gaps in federal privacy law to cover personally identifiable health information.

MIPSA is broad in scope—it applies to medical records in whatever form—paper or electronic. It applies to each release of medical information—including re-releases. It comprehensively covers entities other than just health care providers and payers, such as life insurance companies, employers and marketers and others that may have access to sensitive personal health data.

It establishes a clear and enforceable right of privacy with respect all personally identifiable medical information including information regarding the results of genetic tests.

It gives individuals the right to inspect, copy and supplement their protected health information. Today, only 28 states grant this right.

It allows individuals to segregate portions of their medical records, such as mental health records, from broad viewing by individuals who are not directly involved in their care.

It gives individuals a civil right of action against anyone who misuses their personally identifiable health information. It establishes criminal and civil penalties that can be invoked if individually identifiable health information is knowingly or negligently misused.

It sets up a national office of health information privacy to aid consumers in learning about their rights and how they may seek recourse for violations of their rights.

It creates a set of rules and norms to govern the disclosure of personal health information and narrows the sharing of personal details within the health care system to the minimum necessary to provide care, allow for payment and to facilitate effective oversight. Special attention is paid to situations such as emergency medical care and public health requirements.

We have tried to accommodate legitimate oversight concerns so that we do not create unnecessary impediments to health care fraud investigations. Effective health care oversight is essential if our health care system is to function and fulfill its intended goals. Otherwise, we risk establishing a publicly-sanctioned playground for the unscrupulous. Health care is too important a public investment to be the subject of undetected fraud or abuse.

MIPSA also extends to all research facilities using personally identifiable information the current requirements met by federally funded researchers. I am troubled that research is viewed by some as an area where privacy rights should be sacrificed and consent not required for use of individually identifiable health information. If there are to be any exceptions in a federal medical privacy law for research using personally identifiable health information, the Congress and the American people need to understand better why this may be necessary. To address this concern our bill mandates an evaluation of the waiver of informed consent that is allowed under current regulations.

It does not preempt state laws that are more protective of privacy. This is consistent with all other federal civil rights and privacy laws.

It prohibits law enforcement agents from searching through medical records without a warrant. It does not limit law enforcement agents to gain information while in hot pursuit of a suspect.

I know that these are important matters about which many of us feel very strongly. It is never easy to legislate about privacy.

I invite other Members of Congress, federal agencies and outside interest groups to examine the legislation we have introduced today. This bill is a work in progress and we welcome any comments or suggestions to make improvements to this legislation.

I am pleased that my colleague from Vermont, the Chairman of the Labor and Human Resources Committee, Senator JEFFORDS, has already held two hearings this year on the issue of medical privacy. The clock, however, is ticking and other Members of Congress need to join us to move forward to pass strong and workable medical privacy legislation.

As policy makers, we must remember that the right to privacy is one of our

most cherished freedoms—it is the right to be left alone and to choose what we will reveal of ourselves and what we will keep from others. Privacy is not a partisan issue and should not be made a political issue. It is too important.

By Mr. DODD:

S. 1369. A bill to provide truancy prevention and reduction, and for other purposes; to the Committee on Labor and Human Resources.

THE PREVENTION OF TRUANCY ACT OF 1997

Mr. DODD. Mr. President, I rise today to introduce legislation that would help our communities respond to an increasingly serious problem in our country: truancy. Truancy is a dangerous and growing trend in our nation's schools. It not only prevents our children from receiving the education they need, but it is often the first warning of more serious problems to come. Truant students are at greater risk of falling into substance abuse, gangs, and violent behavior. Truancy is a gateway into all of these activities.

In the past ten years, truancy has increased by 67 percent. In 1994, courts formally processed 36,400 truancy cases. And in some inner city schools, absentee rates approach 50 percent. Fortunately, truancy is a solvable problem. Many communities have begun to set up early intervention programs—to reach out and prevent truancy before it leads to delinquency and criminal behavior. These programs are showing signs of success, as several towns have reported drops in daytime burglary rates of as much as 75 percent after instituting truancy prevention initiatives.

Unfortunately, implementing these programs has been a challenge. Truancy is considered an educational rather than a criminal issue, and, with growing classroom enrollments, many financially-strapped schools don't have the resources to adequately address this problem.

Today, I am introducing "The Prevention of Truancy [PTA] Act of 1997" whose goal is to promote anti-truancy partnerships between schools, parents, law enforcement agencies, and social service and youth organizations. This bill would provide \$80 million in grant funding for the purpose of developing, implementing, or operating partnerships for the prevention and reduction of truancy. The partnerships would be administered by the Department of Education.

All of the partnership programs would be required to sanction students engaging in truancy, as well as provide incentives for parents to take responsibility for their children. These programs would also be evaluated for their effectiveness in preventing truancy, increasing school attendance, and reducing juvenile crime.

Truancy prevention programs produce long-term savings. By some estimates, truants cost this nation more than \$240 billion in lost earnings and

foregone taxes over their lifetimes. And billions more are spent on law enforcement, prisons, welfare, health care, and other social services for these individuals. Imagine what we could do with this money if we could keep our kids in school? Imagine how bright their futures could be? I hope my legislation will help communities build successful programs to prevent and reduce truancy so that one day we will realize these concrete savings and admire the accomplishments of the youth who benefitted from these programs.

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. 1369

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 "Prevention of Truancy Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1994, courts in the United States formally processed 36,400 truancy cases, representing a 35 percent increase since 1990, and a 67 percent increase since 1985, in the formal processing of truancy cases;

(2) in 1993, among individuals aged 16 through 24, approximately 3,400,000,000 (11 percent of all individuals in this age group) had not completed high school and were not enrolled in school;

(3) the economic and social costs of providing for the increasing population of youth who are at risk of leaving or who have left the educational mainstream are an enormous drain on the resources of Federal, State, and local governments and the private sector;

(4) truancy is the first indicator that a young person is giving up and losing his or her way;

(5) students who become truant and eventually drop out of school put themselves at a long-term disadvantage in becoming productive citizens;

(6) high school drop-outs are two and one-half times more likely to be on welfare than high school graduates;

(7) high school drop-outs are almost twice as likely to be unemployed as high school graduates;

(8) in 1993, 17 percent of youth under age 18 who entered adult prisons had not completed grade school, one-fourth of such youth had completed 10th grade, and 2 percent of such youth had a high school diploma or its recognized equivalent;

(9) truancy contributes to increased use of the foster care and court systems;

(10) truancy is a gateway to crime, and high rates of truancy are linked to high daytime burglary rates and high vandalism rates;

(11) communities that have instituted truancy prevention programs have seen daytime burglary rates decline by as much as 75 percent; and

(12) truancy prevention and reduction programs result in significant increases in school attendance.

SEC. 3. GOALS.

The goals of this Act are to prevent and reduce truancy.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms "elementary school"

and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) PARENT.—The term "parent" means the biological parent, adoptive parent, or legal guardian, of a child.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 5. ESTABLISHMENT OF TRUANCY PREVENTION AND CRIME CONTROL DEMONSTRATION PROJECTS.

(a) DEMONSTRATIONS AUTHORIZED.—The Secretary shall make grants to partnerships consisting of an elementary school or secondary school, a local law enforcement agency, and a social service and youth serving organization, for the purpose of developing, implementing, or operating projects for the prevention or reduction of truancy.

(b) USE OF FUNDS.—Grant funds under this section may be used for programs that prevent or reduce truancy, such as programs that use police officers or patrol officers to pick up truant students, return the students to school, or take the students to centers for assessment.

(c) APPLICATION AND SELECTION.—Each partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

(1) contain a description of the proposed truancy prevention or reduction project to be established or improved with funds provided under this Act;

(2) specify the methods to be used to involve parents in truancy prevention or reduction activities;

(3) specify the types of sanctions that students will face for engaging in truant behavior;

(4) specify the incentives that will be used for parental responsibility;

(5) specify the types of initiatives, if any, that schools will develop to combat the underlying causes of truancy; and

(6) specify the linkages that will be made with local law enforcement agencies.

(d) SELECTION CRITERIA.—The Secretary shall give priority in awarding grants under this Act to partnerships—

(1) serving areas with concentrations of poverty, including urban and rural areas; and

(2) that meet any other criteria that the Secretary determines will contribute to the achievement of the goals of this Act.

SEC. 6. EVALUATIONS AND REPORTS.

(a) PROJECT EVALUATIONS.—

(1) IN GENERAL.—Each partnership receiving a grant under this section shall—

(A) provide for the evaluation of the project assisted under this Act, which evaluation shall meet such conditions and standards as the Secretary may require; and

(B) submit to the Secretary reports, at such times, in such formats, and containing such information, as the Secretary may require.

(2) REQUIRED INFORMATION.—A report submitted under subparagraph (1)(B) shall include information on and analysis of the effect of the project with respect to—

(A) prevention of or reduction in truancy;

(B) increased school attendance; and

(C) reduction in juvenile crime.

(b) REPORTS TO CONGRESS.—The Secretary, on the basis of the reports received under subsection (a), shall submit interim reports, and, not later than March 1, 2002, submit a final report, to Congress. Each report submitted under this subsection shall contain an assessment of the effectiveness of the projects assisted under this Act, and any rec-

ommendations for legislative action that the Secretary considers appropriate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) \$80,000,000 for fiscal year 1998; and

(2) such sums as may be necessary for each of the fiscal years 1999, 2000, and 2001.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor 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. 143

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 143, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 512

At the request of Mr. KYL, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 512, a bill to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

S. 766

At the request of Ms. SNOWE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 995

At the request of Mr. LAUTENBERG, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 995, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1067

At the request of Mr. KERRY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1067, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

S. 1081

At the request of Mr. LEAHY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S.

1081, a bill to enhance the rights and protections for victims of crime.

S. 1102

At the request of Mr. CRAIG, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1102, a bill to amend the general mining laws to provide a reasonable royalty from mineral activities on Federal lands, to specify reclamation requirements for mineral activities on Federal lands, to create a State program for the reclamation of abandoned hard rock mining sites on Federal lands, and for other purposes.

S. 1222

At the request of Mr. CHAFEE, the names of the Senator from New Jersey [Mr. TORRICELLI] and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 1222, a bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1283

At the request of Mr. BUMPERS, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of 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.

S. 1311

At the request of Mr. LOTT, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Wyoming [Mr. ENZI], the Senator from Tennessee [Mr. THOMPSON], the Senator from New Hampshire [Mr. GREGG], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

S. 1350

At the request of Mr. LEAHY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1350, a bill to amend section 332 of the Communications Act of 1934 to preserve State and local authority to regulate the placement, construction, and modification of certain telecommunications facilities, and for other purposes.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund

and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 60—RELATIVE TO MONGOLIA

Mr. MCCAIN (for himself and Mr. THOMAS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 60

Whereas in 1990, Mongolia renounced the Communist form of government and peacefully adopted a series of changes that linked economic development with democratic political reforms;

Whereas the Mongolian people have held 2 presidential elections and 3 parliamentary elections since 1990, all featuring vigorous campaigns by candidates from multiple political parties;

Whereas these elections have been free from violence, voter intimidation, and ballot irregularities, and the peaceful transfer of power from one Mongolian government to another has been successfully completed, demonstrating Mongolia's commitment to peace, stability, and the rule of law;

Whereas every Mongolian government since the end of communism has dedicated itself to promoting and protecting individual freedoms, the rule of law, respect for human rights, freedom of the press, and the principle of self-government, thereby demonstrating that Mongolia is consolidating democratic gains and moving to institutionalize democratic processes;

Whereas Mongolia stands apart as one of the few countries in central and southeast Asia that is truly a fully functioning democracy;

Whereas the efforts of Mongolia to promote economic development through free market economic policies, while also promoting human rights and individual liberties, building democratic institutions, and protecting the environment, serve as a beacon to freethinking people throughout the region and the world;

Whereas the commitment of Mongolia to democracy makes it a critical element in efforts to foster and maintain regional stability throughout central and southeast Asia;

Whereas Mongolia has some of the most pristine environments in the world, which provide habitats to plant and animal species that have been lost elsewhere, and has shown a strong desire to protect its environment through the Biodiversity Conservation Action Plan while moving forward with economic development, thus service as a model for developing nations in the region and throughout the world;

Whereas Mongolia has demonstrated a strong commitment to the same ideals that the United States stands for as a nation, and has indicated a strong desire to deepen and strengthen its relationship with the United States;

Whereas the Mongolia Government has established civilian control of the military—a hallmark of democratic nations—and is now working with parliamentary and military leaders in Mongolia, through the United States International Military Education and Training program, to further develop oversight of the Mongolia military; and

Whereas Mongolia is seeking to develop political and military relationships with neighboring countries as a means of enhancing regional stability: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress—

(A) strongly supports efforts by the United States and Mongolia to use the resources of their respective countries to strengthen political, economic, educational, and cultural ties between the two countries;

(B) confirms the commitment of the United States to an independent, sovereign, secure, and democratic Mongolia;

(C) applauds and encourages Mongolia's simultaneous efforts to develop its democratic and free market institutions;

(D) supports future contacts between the United States and Mongolia in such a manner as will benefit the parliamentary, judicial, and political institutions of Mongolia, particularly through the creation of an interparliamentary exchange between Congress of the United States and the Mongolian parliament;

(E) supports the efforts of the Mongolia parliament to establish United States-Mongolia Friendship Day;

(F) encourages the efforts of Mongolia toward economic development that is compatible with environmental protection and supports an exchange of ideas and information with respect to such efforts between Mongolia and United States scientists;

(G) commends Mongolia for its foresight in environmental protection through the Biodiversity Conservation Action Plan and encourages Mongolia to obtain the goals illustrated in the plan; and

(H) commends the efforts of Mongolia to strengthen civilian control over the Mongolia military through parliamentary oversight and recommends that Mongolia be admitted into the Partnership for Peace initiative at the earliest opportunity; and

(2) it is the sense of Congress that the President—

(A) should, both through the vote of the United States in international financial institutions and in the administration of the bilateral assistance programs of the United States, support Mongolia in its efforts to expand economic opportunity through free market structures and policies;

(B) should assist Mongolia in its efforts to integrate itself into international economic structures, such as the World Trade Organization; and

(C) should promote efforts to increase commercial investment in Mongolia by United States businesses and should promote policies which will increase economic cooperation and development between the United States and Mongolia.

Mr. MCCAIN. Mr. President, today I am submitting a concurrent resolution expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia. Passage of this resolution will signal American support of Mongolia's peaceful transition to a stable democracy and market economy. Senator THOMAS is an original cosponsor to this resolution.

There has been a stunning political transformation in Mongolia since it broke away from Communist rule in 1990. In the past 7 years, there have been two Presidential elections and three parliamentary elections. All of these have been open and democratic, and have not suffered from violence or fraud.

The most important aspect of these elections is that they have showed the triumph of democracy and democratic forces. In 1996, the Mongolian Social Democratic Party [MSDP] and Mongo-

lian National Democratic Party [MNDP] formed a coalition with two smaller parties to promote a unified democratic front. The fruits of this decision soon came to bear when the unified coalition campaigned on a "Contract with the Mongolian Voter" and won 50 of the 76 seats in the 1996 Parliamentary elections. I am happy to say that the International Republican Institute played a major role in this victory by showing these parties how to mobilize their supporters and work toward victory. The Mongolian Peoples Revolutionary Party, the former Mongolian Communist Party, won a Presidential election this year, and the President-elect has made assurances, including to me personally in August, that he supports democracy.

This democratic transformation has established a firm human rights regime. The Mongolian Constitution allows freedom of speech, the press, and expression. Separation of church and state is recognized in this predominantly Buddhist nation as well as the right to worship or not worship. Full freedom of emigration is allowed, and Mongolia now is in full compliance with sections 402 and 409 of the Trade Act of 1974, also known as the Jackson-Vanik amendment. An independent judiciary has been established to protect these rights from any future violation.

Mongolia is also in the middle of an economic transformation. As part of the "Contract with the Mongolian Voter," the democratic coalition of the MNDP and MSDP ran on promises to establish private property rights and encourage foreign investment. The Mongolian Government is now steadily creating a market economy. A program has been set up to allow residents of Government-owned high rise apartments to acquire ownership of their residences. Mongolia joined the World Trade Organization in January this year, and in May the Parliament eliminated all tariffs, except on personal automobiles, alcoholic beverages, and tobacco. In September 1996, the Government removed price controls and Mongolians were able to finally survive a winter without a major breakdown of heat or electricity. The Mongolian Government is now boldly moving to set the nation on a course to privatize large-scale enterprise and reform the state pension system.

When I was in Mongolia, I saw the effects of this economic transformation firsthand. At a town hall meeting in Kharakhorum, the ancient capital of the Mongol Empire, I met a herdsman and asked him about the economic liberalization. First, I asked him how many sheep he had under communism. He said none, because the Communists didn't allow private property. Then I asked him how many sheep he owned after privatization. He answered that he had 3 sheep then, which is not much in a country with 25 million sheep. So I asked him how many sheep he has now. He answered that he now has 90 goats, 60 sheep, 20 cows, and 6 horses. I

asked him if that was considered successful. He replied that he was successful as were many herdsmen in this new economy. He then told me that he would never want to change the system back to what it was, because "now Mongols have control over their own life and destiny." That is the new culture of a market Mongolian economy.

There are many benefits to supporting Mongolian democracy and economic liberalization. In 1991, Secretary of State James Baker promised Mongolia that the United States would be Mongolia's "third neighbor." We remain committed to that course of action to encourage Mongolia in its endeavors and promote it as an example of how nations can successfully convert from a Communist totalitarian state to a market democracy. Finally, a democratic Mongolia will promote peace and stability in northern Asia.

Finally, there are important economic benefits to the United States. Mongolia would like to make the United States a major trading partner. Total two-way trade between the United States and Mongolia has almost tripled in value from \$13 million in 1991 to \$35 million in 1996. Total U.S. exports have more than doubled from over \$2 million in 1992 to \$4.2 million in 1996. As Mongolia continues to liberalize its economy, the United States will be able to count on it to become an important market for American goods and services.

I hope that my colleagues here in the Senate will join me in recognizing Mongolia as an example of successful democratic transformation and supporting the Mongol transition to a market economy.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on Thursday, November 13, 1997 at 9:00 a.m. in SR-328A. The hearing will examine ways renewable fuels could aid in decreasing greenhouse gas emissions and increasing U.S. energy security.

NOTICES OF FIELD HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that an oversight field 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 Saturday, November 15, 1997 at 9:00 a.m. to 12:00 noon at the Cooperative Service Building at the University of Florida, 18710 S.W. 288 Street, Homestead, Florida. The purpose of this hearing is to review the National Parks Restoration Plan—"Vision 2020" and to solicit proactive solutions and innovative remedies to build a more efficient and effective National Park Service System.

The Committee will invite witnesses representing a cross-section of views

and organizations to testify at the hearing. Others wishing to testify may, as time permits, make a brief statement of no more than 2 minutes. Those wishing to testify should contact Jim O'Toole or Steve Schackelton of the Subcommittee staff at (202) 224-6969. Every attempt will be made to accommodate as many witnesses as possible, within the time allowed, while ensuring that all views are represented.

Witnesses invited to testify are requested to bring 10 copies of their testimony with them to the hearing, it is not necessary to submit any testimony in advance. Statements may also be submitted for inclusion in the hearing record. Those wishing to submit written testimony should send two copies of their testimony to the attention of Jim O'Toole, Committee on Energy and Natural Resources, United States Senate, 354 Dirksen Senate Office Building, Washington, D.C. 20510.

For further information, please contact Jim O'Toole of the Committee staff at (202) 224-5161.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that an oversight field 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 Monday, November 17, 1997 at 9:00 a.m. to 12:00 noon in the Rock Mountain Room at the EPA Region 8 Institute & Conference Center, 999 18th Street, Denver, CO. The purpose of this hearing is to review the National Parks Restoration Plan—"Vision 2020" and to solicit proactive solutions and innovative remedies to build a more efficient and effective National Park Service System.

The Committee will invite witnesses representing a cross-section of views and organizations to testify at the hearing. Others wishing to testify may, as time permits, make a brief statement of no more than 2 minutes. Those wishing to testify should contact Jim O'Toole or Steve Schackelton of the Subcommittee staff at (202) 224-6969. Every attempt will be made to accommodate as many witnesses as possible, within the time allowed, while ensuring that all views are represented.

Witnesses invited to testify are requested to bring 10 copies of their testimony with them to the hearing, it is not necessary to submit any testimony in advance. Statements may also be submitted for inclusion in the hearing record. Those wishing to submit written testimony should send two copies of their testimony to the attention of Jim O'Toole, Committee on Energy and Natural Resources, United States Senate, 354 Dirksen Senate Office Building, Washington, D.C. 20510.

For further information, please contact Jim O'Toole of the Committee staff at (202) 224-5161.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that an

oversight field 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 Wednesday November 19, 1997 at 9:00 a.m. to 12:00 noon at the Officer's Club in the Presidio of San Francisco in San Francisco, California. The purpose of this hearing is to review the National Parks Restoration Plan—"Vision 2020" and to solicit pro-active solutions and innovative remedies to build a more efficient and effective National Park Service System.

The Committee will invite witnesses representing a cross-section of views and organizations to testify at the hearing. Others wishing to testify may, as time permits, make a brief statement of no more than 2 minutes. Those wishing to testify should contact Jim O'Toole or Steve Schackelton of the Subcommittee staff at (202) 224-6969. Every attempt will be made to accommodate as many witnesses as possible, within the time allowed, while ensuring that all views are represented.

Witnesses invited to testify are requested to bring 10 copies of their testimony with them to the hearing. It is not necessary to submit any testimony in advance. Statements may also be submitted for inclusion in the hearing record. Those wishing to submit written testimony should send two copies of their testimony to the attention of Jim O'Toole, Committee on Energy and Natural Resources, United States Senate, 354 Dirksen Senate Office Building, Washington, D.C. 20510.

For further information, please contact Jim O'Toole of the Committee staff at (202) 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate in executive session on Tuesday, November 4, 1997, to conduct a markup of pending nominations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, November 4, 1997, at 9:30 am on pending committee business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources

be granted permission to meet during the session of the Senate on Tuesday, November 4, for purposes of conducting a full committee hearing which is scheduled to begin at 10:00 a.m. The purpose of this hearing is to consider the nominations of Curtis L. Hebert and Linda Key Breathitt to be Members of the Federal Energy Regulatory Commission.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, November 4, 2:00 p.m., Hearing Room (SD-406), on S. 627, The African Elephant Conservation Act reauthorization, and S. 1287, the Asian Elephant Conservation Act of 1997.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 4, 1997, at 2:15 to hold a Business Meeting.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, November 4, at 9:00 a.m. for a Nomination Hearing on the following nominees: Ernesta Ballard, to be a Member, Postal Board of Governors; Dale Cabaniss, to be a Member, Federal Labor Relations Authority; and Susanne T. Marshall, to be a Member, Merit Systems Protection Board.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet at 9:15 a.m. on Tuesday, November 4, 1997 in Room 485 of the Russell Senate Building to mark-up the following: H.R. 976, the Mississippi Sioux Tribe Judgment Fund Distribution Act of 1997; and the Nomination of B. Kevin Gover, to be Assistant Secretary for Indian Affairs, Department of the Interior.

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

COMMITTEE ON THE JUDICIARY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, November 4, 1997 at 10:00 a.m. in room 216 of the Senate Hart Office Building to hold a hearing on "competition, innovation, and public policy in the digital age."

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. D'AMATO. The Committee on Veterans' Affairs requests unanimous

consent to hold a markup on the following nominations: Richard J. Griffin to be Inspector General, Department of Veterans Affairs; William P. Greene, Jr. to be Associate Judge, Court of Veterans Appeals; Joseph Thompson to be Under Secretary for Benefits, Department of Veterans Affairs; and Espiridion A. Borrego to be Assistant Secretary for Veterans Employment and Training, Department of Labor;

The markup will take place in S216, of the Capitol Building, after the first scheduled votes in the Senate on Tuesday morning, November 4, 1997.

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

SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, November 4, 1997, to conduct a hearing on "mandating year 2000 disclosure by publicly traded companies".

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science, and Transportation be authorized to meet at 2:30 p.m. on next generation internet.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Tuesday, November 4, 9:30 a.m., Hearing Room (SD-406) on the status of Federal transportation programs in the absence of a multi-year reauthorization.

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

ADDITIONAL STATEMENTS

REAPPOINTMENT OF FRANK D. YTURRIA TO THE INTER-AMERICAN FOUNDATION BOARD OF DIRECTORS

• Mrs. HUTCHISON. Mr. President, I am pleased to recognize an outstanding American and Texan and to take note of his recent reappointment by President Clinton as a member of the Board of Directors of the Inter-American Foundation.

Many in South Texas know Frank Yturria, and his wife, Mary, for the many years they have devoted to public service in Brownsville, TX, and throughout the Rio Grande Valley. As a leading voice for community improvement, Frank Yturria has served

as an example of devotion to community. He and his wife have been involved in, and often led, numerous community projects in the south Rio Grande Valley. They are also pioneers in the effort to forge meaningful and productive relationships with private and public sector community leaders on the Mexican side of the border.

Frank Yturria was first appointed in 1990 by President Bush to serve as chairman of the Board of Directors of the Inter-American Foundation, a development agency which promotes self-help community efforts in Latin America and the Caribbean. During his tenure, Frank Yturria instituted necessary reforms at the agency and insisted on program accountability. Because of his efforts and hard work, Frank Yturria is the first member of the Inter-American Foundation's Board of Directors to be reappointed by any President, Democrat or Republican. This reappointment by President Clinton clearly speaks volumes about Frank Yturria's contributions to his community, Texas, and to our Nation. I support his reappointment and wish him well as he continues to work for mutual friendship and prosperity of the United States and Latin America.●

INTERNATIONAL REPUBLICAN INSTITUTE 1997 FREEDOM AWARD

• Mr. GRAMS. Mr. President, late last month in downtown Washington, the International Republican Institute honored Ronald Reagan as the recipient of their 1997 Freedom Award. Seldom, if ever, has a Washington dinner been held to honor an American when the honor was more richly deserved or more sincerely conferred. There was a deep and abiding outpouring of respect, admiration and affection for our Nation's 40th President. Even a touch of nostalgia was present as guests and speakers recalled when our Nation was led by a President guided by a clear vision and deeply-held convictions.

The formal program included remarks by James Billington, the Librarian of Congress, and our colleague, the chairman of I.R.I., Senator McCAIN of Arizona. Mrs. Reagan was there to represent her husband and she made a brief statement in his behalf when the award was presented. These statements focused on Ronald Reagan's indispensable leadership that led to the fall of the Berlin Wall and to freedom for hundreds of millions throughout the globe.

Mr. President, the statements of these distinguished Americans deserve the attention of the Senate and the American people. Moreover, they should be part of the public record so that future generations will have convenient access to them as they examine the life and influence of this great American whose vision and leadership changed the world.

Accordingly, Mr. President, I ask that the statements by Senator McCAIN and Dr. Billington, as well as the brief remarks by Mrs. Reagan, be printed in the RECORD.

The statements follow:

THE FOREIGN POLICY OF PRESIDENT RONALD REAGAN (BY JAMES H. BILLINGTON, LIBRARIAN OF CONGRESS, SEPTEMBER 25, 1997)

The Cold War was the central conflict of the second half of the 20th century, the longest and most unconventional war of the entire modern era and an altogether unprecedented experience for Americans. We never directly fought our principal antagonist, the Soviet Union, but we were faced for the first time in our history—and over a long period—with an opponent who was both ideologically committed to overthrow our system and materially equipped to destroy us physically.

President Ronald Reagan was the single most important political figure in ending the Cold War without either making concessions or incurring major loss of life on either side. It was an astonishing accomplishment. Not surprising, those who never thought such an outcome was possible in the first place have been slow to recognize that the unraveling of the Soviet Empire began, and became irreversible, on his watch—and in no small part as a result of his special qualities of leadership.

In his monumental study of the rise and fall of civilizations, written just as the Cold War was beginning, Arnold Tonybee suggested that empires begin their inevitable decline when they meet a challenge to which they are systematically unable to respond. The hierarchical control system of the Soviet Empire met such a challenge with the Solidarity Movement in Poland. As a bottom-up mass movement rooted in religion within the largest Soviet satellite, Solidarity was not the kind of movement which Soviet imperial managers could domesticate either by decapitating or co-opting the leaders or by offering carrots and sticks to its members. John Paul II, the first Slavic Pope, spiritually inspired it, and President Reagan's political support helped it survive martial law to become the decisive catalyst in the eventual chain reaction of Communist collapse at the end of the 1980's.

What were the key elements of Ronald Reagan's role in all of this? First of all, he was guided by a simple vision that ordinary people everywhere could understand—rather than by some complex strategic doctrine intelligible only to foreign policy wonks. In 1981 at Notre Dame, he spoke not of winning the cold war but of the bright prospects "for the cause of freedom and the spread of civilization," indicating that "the West will not contain Communism; it will transcend Communism."

He made it clear at the beginning of the administration that tokenism in arms control and photo-op summit solutions to serious problems would no longer be accepted. In effect, he told the world he would not go on playing the old favorite Russian game of chess, the aim of which always seemed to be to play for a draw. Here, at last, was a good old-fashioned American poker player who knew he had the stronger hand, was willing to raise the ante to a level that the strained Soviet system could not meet, and had the imagination to throw in the wild card of a strategic defensive initiative. He proved that an American President could be reelected without having had a summit meeting of any kind—let alone the kind which legitimized Soviet leaders and placed the spotlight on weapons: the one area where the Soviet Union did, in some respects, enjoy parity with America.

Reagan's strategic defense initiative addressed a need which is arguably still important today with the possibility of rogue states acquiring deadly delivery capabilities. But, at that time, it represented as well a second key challenge to which the Soviet

system was systematically unable to respond—neither materially, because of their backwardness in computers and high technology, nor politically, because ordinary people (as distinct from policy wonks) could not believe that a defensive system that we were willing to share with others really threatened anybody.

If the first element of the Reagan leadership, then, was vision backed by strength in his first term, the second ingredient was his ability to be an altogether gracious winner in his second term. By establishing a genuinely warm and basically non-adversarial relationship with Gorbachev, cemented by a rapid-fire set of summits in his second term, President Reagan defied the general assumption of the foreign policy establishment that summits had to be basically choreographed by experts and incremental in accomplishment. He began at Geneva by going one-on-one with Gorbachev. He reacted to the accelerating crisis of communism in a way that did not humiliate but, in fact, honored an opponent who was moving things in the right direction.

It is easy to forget now just how ritualized the Soviet-American conflict had become by the end of the 1970's—and how fatalistic the Western establishment had become in accepting a more-or-less indefinite coexistence with a Soviet Empire then at the height of its expansiveness. What helped change all that was the third element in President Reagan's formula: the disarmingly simple way he redefined the conflict itself as being not fundamentally between systems, alliances, or even nations but between good and evil.

His famous "evil empire speech," which met with almost universal condemnation in the Western media and academia, may well have played an important role in unclogging the logjam in the Soviet system and ending the menace of accidental or mutual destruction that always hovered over the Cold War. Two different Soviet reformist politicians told me amidst the alcoholic bonhomie of the state dinner at the Reagan-Gorbachev Moscow summit in June 1988 that they used the unprecedentedly undiplomatic nature of that talk to convince other Soviet leaders that they should try to accommodate and not continue to confront the West. It seems of course, paradoxical to suggest that a beligerent speech could pave the way to peaceful change. But what seems unlikely in theory may well be true in real life. Real life is told in stories. No one was a greater storyteller in real life than Ronald Reagan; and he had a good basic story to tell. In my view, the end of the Cold War represented essentially the victory of a story over a theory.

The United States of America is the result not of any theory but of a story—made up over the years out of hundreds of individual human stories. The Soviet Union was the product of a theory suddenly superimposed by politicized intellectuals through a coup in the midst of the inhuman chaos of World War I. Because Communism as a theory was, in some ways, inherently appealing, Americans were often reluctant to believe that the Soviet system was evil rather than just a temporary victim of Stalin's paranoia or perhaps of defective genes traceable back to Ivan the Terrible or Genghis Khan. It had been easy for intellectuals to believe that Nazi totalitarianism represented a threat because of its exclusivist, racist underpinnings, but it seemed hard to believe that anything could be fundamentally wrong with the inclusive ideal of an egalitarian society or with fellow intellectuals like Marx and Lenin, who spent so much time in the British Museum even if they never worked in factories.

The capacity to provide gratuitous excuses for Soviet behavior had reached a grotesque

climax in the immediate aftermath of the Afghan invasion. For the first couple of days, the only explanation the Soviet regime could offer was that they were intervening at the invitation of the leader whom they had then proceeded to shoot. They were soon rescued from this embarrassment by the gratuitous rationalizations and explanations for their behavior provided by the Western media.

Reagan, the storyteller, instinctively realized that America was a story, not a theory; that stories tend to unify people; and that the best stories are based on relatively universal archetypes that deal with good and evil. Theories rarely bring peace, since they inspire divisions based on right and wrong and invite argument that leads to conflict. Stories are shared; theories are debated.

Anyone who came within the President's orbit was immediately attracted by his stories. They invariably drew the diverse people at his table together and were essentially inclusive. Theories, on the other hand, tend to exclude those who do not believe in them—and to induce arrogance in those who do.

The American academic experts whom President Reagan periodically gathered around a lunch table in the White House were often perplexed by his tendency to relate tales of his own negotiations with labor leaders in Hollywood. Yet, as I listened to these stories, I saw that he was both securing a measure of buy-in from the often skeptical intellectual community and, at the same time, pre-testing his future tactics by probing for the reaction of theorists to the practicalities of his negotiating techniques.

President Reagan could negotiate from strength because he had reassured us that our own story was a positive one, and that the sun was rising and not setting on America.

I do not know exactly what the substance was of the President's early conversations with Gorbachev, but they seemed to involve more the telling of stories than the debating of theories. Debates like wars have a winner and loser, but a story can celebrate the common victory of a higher good. President Reagan never claimed victory in the cold war. Rather, he seemed to be welcoming Russia into the near-universal story of movement toward freedom and openness.

President Reagan also had respect for the Russians' own story. In his important addresses of June 1988 at Moscow State University, he repeatedly used Russian examples to illustrate the universal principles of freedom and moral responsibility. During the same Moscow summit, he invited for lunch a full range of dissident Russian voices, each of whom had a story to tell; and at the State dinner at Spaso House, he invited many of these same figures and mixed them up at tables with political leaders. Each dinner table brought the best storytellers of the emerging reforms face-to-face for the first time in one room with the powerful perpetrators of outmoded theories.

I was able to observe first-hand, in the course of preparations for and the execution of President Reagan's Moscow summit in June 1988, how he supported the forces of change at the level of both vision and tactics. The President had asked me, as perhaps he had asked others on the eve of the summit, a simple but centrally important question. How was it possible, he asked, for people to survive with sanity in such a cruel and repressive system? I did not have time to think much about the question and responded instinctively, largely on the basis of my own family's experience of living there, "Because of the women, Mr. President." It was the *babushkas* who held the family together, staying at home while both parents worked, creating a nest of warmth and honesty that compensated for the falsehoods and

absurdities of the system and the coldness of both the climate and the bureaucracy.

At a dramatic moment at the Moscow summit of 1988, President Reagan was asked by a Russian reporter on live television if he had any messages to leave behind to the Russian people. He replied that he wanted to send this heartfelt greetings to the women of Russia for their role in holding families together and transmitting the traditions and values of the Russian people from one generation to another. This spontaneous response was mentioned by almost all Russians with whom I talked in the additional week I stayed on after the summit to inventory popular reactions. And I thought of this remark again when I was in Moscow three years later as the entire system imploded during 48 dramatic hours in August 1991. Crucial in the resistance against the coup attempt of the dying Communist system were the old women who castigated the young boys in the tanks and, in effect, became an alternate chain of command, demanding that they obey their mothers rather than their officers.

President Reagan's Moscow summit in 1988 coincided with the Russian celebration of the Millennium of Christianity, and the President had planned to visit the newly restored Danilov Monastery and to identify himself with the old Biblical story that Russians were then recovering. Many Americans, however, were urging him to cancel this visit because of the role that the Russian Orthodox Church hierarchy had played in suppressing the rights of Uniate Catholics in the Ukraine. The President resolved this dilemma not by retreating from the visit but by using it energetically to endorse the rights of the Catholic minority in the very sanctuary of Russian Orthodoxy. He seems instinctively to have understood that even imperfect sources of the good should be supported if the mission is to expel the real evil that had so long been camouflaged under the mask of utopian perfection.

Of course, Ronald Reagan was not the only, and at times not the main, hero of the story of the Cold War's ending. The peoples of Eastern Europe and leaders like Gorbachev basically affected the changes; and, on the American side, it was a cumulative and essentially bi-partisan accomplishment.

But President Reagan, in playing out the all-important end game of the Cold War, had a rare gift for making the American people comfortable with the main lines of his foreign policy even when they were uncomfortable with details.

At the end of an ideal story, good not only triumphs over evil, but those who had been in darkness find the light and every one lives happily ever after. We all know that even this happy story did not quite work out this way. Many are still in darkness in the East; there were and are some shadows in our light; and it was not the end of history.

But the long-lingering cloud of potential total war was evaporated along with the empire that might have activated it. And our children and our children's children will always owe a lot to a man who had a good story to tell, and like most great storytellers, was at heart a romantic.

In most morality tales that have human appeal, there is a strong woman who helps the forces of good overcome those of evil and redeem the follies of man.

Ronald Reagan had—and still has—such a woman at his side. At the Moscow summit of 1988, the President was sustained and supported at every turn by a wife who did not simply do traditional, ritual things, but read richly into Russian history and subjected herself to a cram course that continued right up to the moment Air Force One touched down in Moscow. She then plunged into an

overdrive schedule of visiting and empathizing with almost all the positive elements in Russia that were then pressing for change. As she debarked from the plane, she was whisked by Raisa Gorbachev into the Cathedral of the Assumption in the Kremlin, where she politely asked why it was no longer the center of worship that it had been and would once again soon become. She got up early the next morning and asked to see Russia's greatest icons which had been removed from public view by the regime, ostensibly for restoration but probably also to avoid excessive veneration during Russia's Millennium year of Christianity. By prying these holy pictures out of the reserve collection of the Tretyakov Gallery, she enabled Russians to see them since there had to be television coverage of her visit.

She visited schools, writers, and Pastenak's grave, and—all on one hectic day—the greatest single mind and the two best cultural centers in St. Petersburg before returning by plane to host the state dinner at which she inter-seated the Soviet political establishment with its own cultural and political opposition.

This whirlwind of activity exhausted her traveling companions, like the wife of the Russian President, Mrs. Gromyko, who observed on the plane going back to Moscow that she had solemnly concluded that some kind of Supreme Being might actually exist. Gorbachev met for the very first time at Nancy Reagan's dinner Tengiz Abuladze, whose great film "Repentance" was probably the most important, single cultural document in pushing for the repudiation rather than just the modification of the Soviet system.

Thanks, largely to Nancy, the Reagan story is not over just because the sound track is now silent. The one key illustration for this story is that of a man and woman, hand-in-hand, who made their sunset years those of America's sunrise.

REMARKS BY SENATOR JOHN MCCAIN

A long running dispute among historians is whether great men and women shape their times or whether the times shape the person. I suspect both propositions are true, but, there is no doubt that Ronald Reagan, a man whose character was certainly shaped by the times, profoundly influenced the course of human history. He did so in many ways which Senator Lott so ably identified.

But, of all the lessons President Ronald Reagan also taught the world, the one which transcended all the others was his extraordinary insight into the universal appeal of American Ideals and the ultimate futility of building walls to freedom.

At the time Ronald Reagan began his presidency there were few among us who shared his remarkable confidence that a new age of enlightenment for the rights of man would be ascended in all the corners of the world. This was not only possible in some distant century but probable in our time. For most of us who have lived through the long struggle between the forces of freedom and the forces of tyranny the prospect of our eventual triumph seemed a long distance off. Ronald Reagan did not see it that way. Ronald Reagan did not believe in walls. That was his genius. Ronald Reagan predicted to a skeptical world that it was inevitable, eminent for freedom. "Let us by shy no longer" he asked, "let us go to our strength. Let us offer hope, let us tell the world that a new age is not only possible but probable." These words marshaled the American people and their allies for a reinvigorated campaign to support the forces of liberty in some of the most closed societies on earth.

In one perfect sentence, that keen observer of the Reagan Presidency, Lady Margaret

Thatcher summed up President Reagan's contribution to the astonishing changes in the world today, "Ronald Reagan won the Cold War without firing a shot." Credit for the victory is shared by all who fought and suffered for the idea that just government is derived from the consent for the government.

Americans and freedom fighters everywhere recognize President Reagan as the godfather of the contemporary movement that would liberate half a billion people from communism and authoritarianism.

Mrs. Reagan, tonight we are giving IRI's Freedom Award to President Reagan to honor the man who's faith in our country and it's mission is unyielding. But, we are here to honor you as well for your long partnership with the President for the work that has meant so much to America and the world. For your shared commitment to preserve the ideals which make America great, for your compassion for those who struggle to live their lives as we live ours, free people in a free country.

This is a fitting expression of our gratitude but it will not suffice to honor the service you and the President rendered to humanity, merely a token of our appreciation. The highest tribute we can pay it to keep faith, your faith, and the faith that shouts to tyrants, "tear down this wall." Like Ronald Reagan we must be destroyers, not builders of walls. All Americans, especially Republicans gain courage from your example and not fear the challenge from an every smaller world. We should build our walls in a futile attempt to keep the world at bay, not walls to people, no walls to the free exchange of ideas, no walls to trade. Ronald Reagan knew and you did, that an open competition of our ideals and ingenuity assure our success. You both knew that isolationism and protectionism is a fools error. You both knew that walls were for cowards, not for us, not for Americans.

There are those who define this country by what we are against and not what we are for. It is enough for them that the United States opposed communism and once the threat communism posed to our security was defeated they view America as the champion of liberty to become an expensive vanity which was sure to disappear with the Berlin wall. Such a grand view of the American purpose insults the generous spirit of Ronald Reagan who believed that supporting the forces of democracy overseas was our abiding moral obligation just as it was a practical necessity during the Cold War.

I am proud of Americas long and successful opposition to communism, but being anti-communist was not enough. It was never enough. In our efforts to help others secure the blessings of liberty distinguishes us from all other nations on earth. It was necessary to defeat communism to protect the well-being of Americans but it was also necessary to defeat communism because it threatened America's best sense of itself and our sublime legacy to the world.

Mrs. Reagan, we thought long and hard about a gift to give you and the President this evening in addition to the Freedom Award. We decided upon something appropriate for the occasion and to the spirit of the Reagan legacy. But without our sincere commitment of carrying on that legacy, these tokens will have little value, and on behalf of everyone here, I give you and President Reagan that commitment.

Many years ago now, I and a great many friends were kept behind walls in a place where human beings suffered for their dignity without a feel to a just government. When we came home many of us were eager to visit with two people we knew who didn't believe in walls, two people who did the right

things to help free us from the walls which confined us. Two people who we knew kept faith in us as we were challenged to keep faith in our country. You and, then, Governor Ronald Reagan, graciously attended a homecoming reception for us one evening in San Francisco. It was an event none of us will ever forget, nor our admiration and appreciation for you began many years before when we learned that taps on walls and whispered conversations was work being done to help us return to a land without walls.

This handsome box contains two symbols of the vision and faith for which we and the President will always be celebrating. The first is a piece of the multi-colored brick taken from the rubble of what was once a prison wall built by the French a century ago and called by the Vietnamese 'hoaloo'. The Americans who were later obliged to dwell there, called it the 'Hanoi Hilton'. These walls no longer stand, the prison was demolished a few years ago and a real hotel, presumably with better room service was erected in its place.

The second gift is a customized POW bracelet inscribed to you and President Reagan for your faith, loyalty and perseverance from all of us who came home, as well as those who did not, remember with enormous gratitude your loyalty to us and your steadfast faith in the cause we serve.

There's a story about President and Mrs. Reagan that has always impressed me, because it demonstrates their sincerity and concern for Americans who suffer for their countries sake. A long time ago, the President and Mrs. Reagan became concerned about the plight of those who were held captive in Vietnam. President Reagan decided to hold a press conference to express his support for improvement in their treatment and their rapid homecoming. At that press conference were families and children of those who were missing in action at that time. As President Reagan began his remarks for the bank of cameras and media people there, a little boy, about three years old, came forward from the crowd and tugged at his sleeve. President Reagan bent over and the little boy whispered in his ear and then President Reagan left with the little boy to his office and then came back. It turns out that the young boy had to go to the bathroom.

Then as President Reagan began his remarks again the young boy tugged his sleeve again and Ronald Reagan bent over and he said, "Please, can you help bring my daddy home?" President Reagan from that time on wore a bracelet with Captain Hanson's name on it.

Mrs. Reagan, your husband served and honored us and are honoring us still. As you remember us, we will always remember you. And stand witness to a greatness and a faith that could not abide walls. Mrs. Reagan.

REMARKS BY MRS. NANCY REAGAN 1997

Thank you very much. Thank you for all our presents and for a very kind introduction. Thank you, Trent and thank you, Jim for those wonderful remarks about my husband and me. I do know that I am not the speech maker in the family or the storyteller. But I am very honored to be here tonight to accept the 1997 IRI Freedom Award on my husband's behalf. I wanted to be here tonight for him, especially since tonight is really a special night for the both of us. Not only is the IRI honoring my husband but it's been done in partnership with the Ronald Reagan Presidential Foundation that supports the Reagan library and its programs. The library is a very special place for both Ronnie and me. It's a place where the legacy of Ronald Reagan is preserved for genera-

tions to come. And speaking of legacies, the International Republican Institute is really the living legacy of Ronald Reagan's peace through strength approach to foreign policy. I know I am being biased a little bit, I know you'll agree that during his eight years in the White House, my husband encouraged untold numbers of people around the world to move toward democracy. Ronnie was a believer. He believed in the power of freedom. He had a dream that in the twenty-first century human beings would be respected everywhere, hoping that one day, people of all nations would have the privilege of basking in the light of freedom and I'm convinced that along with your help and vision this dream will come true, and I know you do to.

Thank you for inviting me here, for acknowledging my roommate. I know that he will enjoy being a part of these special people. Thank you.●

THE INVESTITURE OF THE HONORABLE DEBORAH ROSS ADAMS

● Mr. ABRAHAM. Mr. President, I rise today to congratulate the Honorable Deborah Ross Adams on her appointment as a new judge of the 36th District Court. On Friday, November 14 she will be invested and begin her official duties.

Judge Adams is very deserving of this appointment. Throughout her career, she has maintained the strongest of commitments to the highest judicial standards. From her private practice to her role as a magistrate, Judge Adams has been recognized by her peers for her impartiality and broad knowledge of the law.

Judge Adams has accumulated this wealth of legal knowledge over several years and numerous experiences. After attending one of the most outstanding institutions of legal education in the Nation, she was a law clerk, started her own private practice, and served the city of Detroit, among other roles. These many experiences have afforded Judge Adams tremendous opportunities to gain a better, more comprehensive understanding of the law. In the process, she has become a most qualified individual.

Additionally, Judge Adams is very involved with her community. Belonging to numerous civic and professional organizations, Judge Adams continues to help the children and families of Michigan. Through these many memberships, Judge Adams has come to know her community intimately; an education that especially prepares her for the role she now undertakes.

Mr. President, it gives me great pleasure to welcome Judge Adams to the bench. Her reputation as being fair-minded precedes her, and I am confident the 36th District and the State of Michigan will benefit from her tenure.●

SUDAN SANCTIONS ON TARGET

● Mr. FEINGOLD. Mr. President, I rise today to commend the Administration on a policy change announced today.

Last night President Clinton signed an executive order imposing com-

prehensive sanctions on the Government of the Sudan. Specifically, the United States has put into place new, unilateral sanctions that will prevent the Government of the Sudan from reaping financial and material gain from trade and investment initiatives by the United States.

As Secretary of State Madeleine Albright said earlier today, this policy change is designed to send a strong signal to the Sudanese Government that it has failed to address the concerns expressed in no uncertain terms and on several occasions by the Clinton Administration. In particular, the Sudan continues to engage in practices that we Americans find unconscionable, including: providing sanctuary for individuals and groups known to have engaged in terrorist activity; encouraging and supporting regional insurgencies; continuing a violent civil war that has cost the lives of thousands of civilians; and engaging in abominable human rights abuses.

Mr. President, these are the four main issues that continue to plague U.S.-Sudan relations. Let me take each of them in turn.

First, terrorism. Terrorism is clearly one of the most vexing threats to our national security today. Terrorist groups, by seeking to destabilize or overthrow governments, serve to erode international stability. By its very nature, terrorism goes against everything we understand to be part of the "international system," challenging us with methods we do not necessarily comprehend. People—often, innocent bystanders—die as a result of such terrorism. Buildings are destroyed. And everyone's sense of personal safety is shattered.

According to the State Department's most recent Patterns of Global Terrorism report, Sudan "continued to serve as a refuge, nexus, and training hub in 1995 for a number of international terrorist organizations," which likely include some of the most notorious groups in the world such as Hamas, Abu Nidal and Hezbollah, among others. In addition, the government continues to harbor individuals known to have committed terrorist acts. For example, it is widely believed that Osama Bin Laden, who was once described by the State Department as "one of the most significant financial sponsors of Islamic extremist activities in the world," enjoyed refuge in the Sudan in the early 1990's.

Second, Sudan's support of insurgency movements in many of its neighboring countries poses a significant threat to regional stability. In Eritrea, it supports the Eritrean Islamic Jihad, and in Uganda, it supports both the Lord's Resistance Army and the West Bank Nile Front. Sudanese government officials have been known to smuggle weapons into Tunisia.

Third, Sudan continues to promote a brutal civil war against the largely Christian and animist people of Southern Sudan. Sadly, during its 41 years of

independence, Sudan has only seen about 11 years of peace. This seemingly endless conflict has taken the lives of more than 1.5 million people and resulted in well over 2 million displaced persons or refugees. Perhaps the saddest consequence of the war is that there are thousands of teenagers who do not remember a peaceful period, and who know better the barrel of a gun than the inside of a classroom.

The international community has done the best that it can with this situation; there are approximately 40 national and international humanitarian organizations providing millions of dollars annually in food aid and development assistance. For its part, the United States government has provided more than \$600 million in food assistance and non-food disaster assistance since the mid-1980's.

The United Nations' Operation Lifeline Sudan [OLS], which maintains a unique agreement with parties to the conflict, has been instrumental in allowing humanitarian access to displaced persons in the southern Sudan. I commend the humanitarian organizations operating in the region who daily face not only enormous technical and logistical challenges in serving the Sudanese population, but also the all-too-frequent threat of another offensive nearby.

Fourth, the Sudanese government has a deplorable record in the area of human rights. According to the most recent State Department human rights report, the Khartoum government maintains not only regular police and army units, but also internal and external security organs, a militia unit, and a parallel police called the Popular Police, whose mission includes enforcing proper social behavior. In 1996, according to the report, government forces were responsible for extrajudicial killings, disappearance, forced labor, slavery, and forced conscription of children. Basic freedoms—of assembly, of association, of privacy—are routinely restricted by the government. Worse, imposition of Islamic law on non-Muslims is far too common. An April 1997 U.N. Human Rights Commission resolution identified pages of similar abuses.

Mr. President, this is not a regime that should be included in the community of nations.

In response to Sudan's actions in these areas, particularly with respect to terrorism, the U.S. government has imposed a series of sanctions on the current Sudanese regime over the past several years, including suspending its assistance program and denying senior Sudanese government officials entry into the United States.

In part at my urging, the Administration officially designated Sudan as a state sponsor of terrorism by placing it on the so-called "terrorism list" in 1993. Inclusion on the terrorism list, according to Section 6(j) of the Export Administration Act (P.L.96-72), automatically puts statutory restrictions

on the bilateral relationship including prohibitions on foreign, agricultural, military and export-import assistance, as well as licensing restrictions for dual use items and mandated U.S. opposition to loans from international financial institutions.

In addition, the United States has supported several resolutions by the United Nations Security Council, including three demands that Sudan extradite three suspects wanted in connection with the failed 1995 assassination attempt against Egyptian President Hosni Mubarak. After Sudan failed to comply with these resolutions, the Council later adopted measures calling on member states to adopt travel restrictions and to ban flights by Sudanese-government controlled aircraft.

But, as important as these measures have been, Sudan has apparently refused to get the message that its actions are simply unacceptable.

Sudan has the potential to be one of the most important countries in Africa. It is the largest country on the continent and has a population of 29 million people. With cultural and geographic ties to both Arab North Africa and black sub-Saharan Africa, the Sudan has the potential to play a significant role in East Africa and the Gulf region.

Unfortunately, Mr. President, Sudan continues to squander that potential by engaging in or supporting outrageous acts of violence and terrorism.

So, Mr. President, I welcome the President's decision to take a tougher line with respect to Sudan.●

FEHBP + 65 DEMONSTRATION PROJECT

● Mr. BURNS. Mr. President, as a cosponsor of S. 224, to allow Medicare—eligible military retirees to join the Federal Employees Health Benefits Plan, I am pleased to cosponsor S. 1334, introduced by Senator BOND. S. 1334 will create a demonstration project to evaluate the concept of increasing access to health care for military retirees by allowing them to enroll in the Federal employees plan.

After hearing from military retirees in Montana, I am convinced that FEHBP + 65, as it's called, is a necessary step to help ensure that military retirees have access to quality health care. When military retirees turn 65, they no longer have guaranteed access to health care. The lucky ones can get services from military treatment facilities [MTFs] on a space-available basis, but the rest do not have access to MTF's. They must rely on Medicare, which has less generous benefits and significant out-of-pocket costs, despite the commitment they received for lifetime health benefits by virtue of their service to this country. They are the only group of Federal employees to have their health benefits cut off at age 65. That just not right.

The Federal Employees Health Benefits Plan is a popular program which

provides good benefits at a reasonable cost. It will serve military retirees well and uphold the Government's commitment to provide quality health benefits. Our military retirees deserve no less.●

FUNDING OF THE MEDICINE CREEK TRIBAL COLLEGE

●Mrs. MURRAY. Mr. President, would the chairman of the Interior Appropriations Subcommittee yield for a question?

Mr. GORTON. I would be happy to yield to the Senator from Washington.

Mrs. MURRAY. Mr. President, Senator GORTON and I have been working with the Puyallup Tribe of Washington to establish base funding in the BIA budget for the Medicine Creek Tribal Community College in Tacoma, WA. The Tribe has been working diligently and patiently with the BIA to secure the necessary accreditation to facilitate such base funding. I am happy to report that the tribe has just recently received such accreditation.

However, the BIA has recently denied the Puyallup request for funding on the grounds that they had not established their accreditation, even though that was not a requirement of the BIA rules when the initial request for funding was made. On April 8, 1997, I wrote the BIA to express my concern regarding an apparent accreditation "catch-22". It seemed that in order to be accredited, the school needed to demonstrate a secure funding base. However, to secure a funding base the college needed to be accredited. I expressed to the BIA my sincere desire to see this apparent conundrum resolved. Over the past several months, it appeared that the BIA was, in fact, moving to address this issue. In a recent meeting the tribe had with Michael Anderson, Deputy Assistant Secretary for Indian Affairs, they were assured they would receive funding for fiscal year 1998. But we now understand that the BIA has changed its mind and indicated that Medicine Creek Tribal College will not receive funding for fiscal year 1998. This is not acceptable.

In the conference report on H.R. 2107, the conferees agreed to increase funding for tribally controlled community colleges by \$2,500,000 over the fiscal year 1997 level. Is it the intention of the chairman of the subcommittee that the Medicine Creek Tribal College be eligible for some of this funding?

Mr. GORTON. Mr. President, like Senator MURRAY, I am disturbed that BIA has now taken the position that the Medicine Creek Tribal College will not receive any funding. My office has worked with the tribe and understood that their funding needs would be met in fiscal year 1998. We urge the BIA make funds available from the increase in tribal community college funding to assist the Medicine Creek Tribal College move forward with its recent accreditation.

Mrs. MURRAY. Mr. President, I thank the chairman for this important clarification.●

TRIBUTE TO DELEGATE LACEY PUTNEY

● Mr. WARNER. Mr. President, across our great Nation in the 50 State legislatures, we find true public servants who receive very little remuneration, but dedicate themselves to the challenge—the pain and the joy—of representing at the grassroots of American citizens. They are the first line of defense and offense for our citizens.

I rise today to pay tribute to one who quietly and humbly personifies the best qualities of these public servants. Delegate Lacey Putney of Big Island, VA, is the most senior member of the Virginia House of Delegates and the only Independent. When he is re-elected today, he will tie with former speaker John Warren Cooke's record for the longest service in Virginia's General Assembly—38 years.

Delegate Putney and I were classmates and close friends as students at Washington and Lee University a half century ago. I have been privileged to count him as a valued advisor since that time.

As this month's "Virginia—Capitol Connections" magazine states: "Lacey Putney: The Democrats Want Him, The Republicans Want Him, But the People of Virginia Have Him."

I ask unanimous consent to place in the RECORD at this point two tributes to Delegate Putney.

The tributes follow:

THE HONORABLE LACEY E. PUTNEY

(By Charles W. Gunn, Jr.)

Some forty-two years ago I first met Lacey Putney, the country gentleman from Big Island, Virginia. This young man was different from most in his comfortable approach to strangers in that he assisted them while thanking them for helping him. I never saw him ask for help, but I saw him carefully seek out those who needed help.

His deep compassion for his fellow man was quite unique and so needed in our world today. He is a man of action with many personal accomplishments of assisting the most needy without seeking public acknowledgment. When he hears of a need, he responds either in person or else contacts the person or agency who can best address the problem. He is tough and thorough, while coupled with a soft heart. If you decide to debate him, be certain you are well prepared, for he seldom uses all of his ammunition but saves some for the rebuttal. He rarely loses!

During his thirty-six years of selfless service, thousands of citizens have been helped by his legislative actions. Equally, thousands have been helped by his personal involvement or intervention. He is an Independent by choice (officially since 1967) but has always been independent in making decisions in our government. If it's a matter of principle, Lacey will take his stand even if he is alone. That's integrity at its best.

I am grateful to Lacey's wonderful wife, Elizabeth, and his children, Susan and Edward, for their sacrifice in giving Lacey their sincere support during these thirty-six years of service to all Virginians.

Lacey touched my personal life and family in ways that were miraculous as he did in

dozens of lives that I am personally aware of. His private nature and extreme humility prevented me from detailing these "personal blessings" that he made possible for many of us.

I am honored to have the privilege of sharing with you some of the contributions made by the country boy from Big Island; that man of great integrity, wisdom, faith, compassion and humility; the gentleman from Bedford, the Honorable Lacey E. Putney, House of Delegates member, Nineteenth District, with thirty-six years of distinction.

"Bedford City Council works with a number of Virginia legislators and it is gratifying to see the high level of esteem and respect that Lacey is accorded from both his state peers as well as national representatives.

"Lacey has taken a personal interest in assuring that Bedford has received proper recognition and the deserved respect on the following:

"Passage of legislation that guaranteed Barr Laboratories locating in Bedford County;

"Strong leadership position with respect to the National D-Day Memorial's state funding;

"Persistence with the Highway Commission to insure needed work on Highway 501 and the Independence Boulevard project.

"Lacey has responded to the needs of our community in real time with real results.

"Lacey plays a pretty good game of tennis for an old guy."—Skip Tharp, Bedford City Council.●

SURGE IN DIABETES

● Mr. DOMENICI. Mr. President, as I work with my colleagues to increase federal support for combating the incidence of diabetes particularly among minorities such as American Indians, Hispanics, Blacks, and Asians, I would like to draw your attention to an article in Monday's Washington Times, November 3, 1997. It is by Joyce Howard Price and entitled "Surge in diabetes tied to unhealthy lifestyles."

Dr. Gerald Bernstein, President-elect of the American Diabetes Association, is reported to say that the national increase in diabetes was predictable, "given that the population is older, fatter, and less active."

Dr. Bernstein was referring to a report from the Centers for Disease Control and Prevention (CDC) estimating that 16 million Americans currently have diabetes, but only 10 million have been diagnosed. He said, "Cancer is much more dramatic and devastating. With diabetes, you erode and rot away. It's almost like leprosy."

The article goes on to quote Dr. Richard C. Eastman, director of the National Institute of Diabetes and Digestive and Kidney Diseases who said, "While we usually get an increase of 3 to 4 percent, there was an 8 percent increase this year. We fund 1 in 4 or 1 in 5 investigators." Dr. Eastman estimates the current national research effort in diabetes at \$200 million.

Health and Human Services (HHS) Secretary Donna Shalala agreed with me earlier this year that a special effort is needed to create a multi-million dollar effort for a "large-scale, coordi-

nated primary, secondary, and tertiary prevention effort among the Navajo, who have a large population with a high incidence of diabetes and risk factors for diabetes."

I have reached agreements in the Senate Appropriations bill for Labor-HHS to fund such a center for preventing diabetes in Gallup, New Mexico. In a colloquy with Subcommittee Chairman ARLEN SPECTER, we will affirm the need for this center in our national approach to alleviating the acute increases in diabetes, especially among American Indians whose incidence rate is almost three times the national average.

Among Navajo Indians over age 45, two in five have been diagnosed as diabetic, and many experts believe that almost four in five actually have diabetes, but we will not know until our outreach and testing efforts are improved on this vast Indian reservation.

Dr. Bernstein "points out that the gene that predisposes someone to diabetes is five times more prevalent in American Indians than in whites and twice as prevalent in blacks, Hispanics and Asians than in non-Hispanic whites." He says the disease has "failed to get priority status because it strikes minorities disproportionately."

He is absolutely right about the lack of attention to the problems of Navajo and Zuni Indians in New Mexico and Arizona. I would remind my colleagues that the Balanced Budget Act of 1998 has a \$30 million per year program for preventing and treating diabetes among American Indians through the Indian Health Service (IHS). This commitment is for five years or a total of \$150 million.

I am currently working with HHS Secretary Shalala to coordinate the efforts of this IHS funding from the Balanced Budget Act with CDC to focus on designing more culturally relevant prevention and diagnosis approaches in a new prevention research center in Gallup, New Mexico. Even if we are slow to learn more about treating this dreaded disease, enough is known today to significantly control the negative end results of diabetes like blindness, amputation, and kidney failure.

I hope my colleagues will continue to support my efforts to create this very specialized center for the study of improving prevention techniques for Indians and other minorities. In the case of Navajo and Zuni Indians, prevention can be difficult to incorporate into daily reservation life. Exercise programs may not be readily available, dietary changes may be contrary to local custom for preparing foods, or soft drinks may be routinely substituted for drinking water that is not plentiful or potable.

These kinds of factors in Indian life will be studied carefully at the Gallup Diabetes Prevention Research Center. Recommendations and CDC assistance will be provided to IHS service providers throughout the Navajo Nation, the Zuni Pueblo, and other Apache and

Pueblo Indians in New Mexico and Arizona. It is my hope that improved diagnostic and prevention programs will readily flow from this Gallup center to all IHS facilities around the country.

It may surprise my colleagues as it did me, that in the 1950's the IHS officially reported negligible rates of diabetes among Navajo Indians. In less than 50 years, diabetes has gone from negligible to rampant and epidemic.

I commend the Washington Times for this timely and informative update on the surge in diabetes in our nation. I ask to have the entire article printed in the RECORD following my remarks.

I believe this article is a poignant reminder of the seriousness of this disease and its rapid growth in our country. My colleagues can count on me to continue to help with the critical funding to control this disease with every sensible means possible, especially among the First Americans who seem to suffer at disproportionately high rates. With our funding successes of this year, I would urge my colleagues to continue to seek ways to combat the slow physical erosion that Dr. Bernstein described as being almost like leprosy.

Dr. Bernstein is advocating for a billion dollars to expand urgent research and treatment of diabetes. I do not see this amount possible in our current budget situation, but I do concur that the medical costs of treating diabetes will continue to escalate unless our medical and prevention research efforts are more successful. I thank the Senate for this year's strong support of our efforts in this year's budget to improve the situation for all Americans who are susceptible to the ravages of diabetes.

The article follows:

[From the Washington Times, Nov. 3, 1997]

SURGE IN DIABETES TIED TO UNHEALTHY LIFESTYLES—DOCTORS CALL FOR FEDERAL RESEARCH FUNDS

(By Joyce Howard Price)

The president-elect of the American diabetes Association, Dr. Gerald Bernstein, says no one should be surprised by the explosion of diabetes in the United States today, confirmed in a new federal report.

Given that the population is older, fatter and less active, Dr. Bernstein says, the continued increase in diabetes was predictable. He also criticizes the federal government for "totally inadequate" levels of support for research.

With all its complications, he says, diabetes costs the nation about \$140 billion a year—about 15 percent of all U.S. health expenditures:

"While cancer, HIV [and other major diseases] get \$5 to \$10 for research for every \$100 spent on health care, diabetes gets just 25 cents," says Dr. Bernstein, director of the Harold Rifkin Diabetes Center in New York.

A report by the federal Centers for Disease Control and Prevention says about 16 million Americans currently have diabetes, but only about 10 million have been diagnosed. The number of diagnosed cases is up from 1.6 million in 1958.

Diabetes is the nation's seventh leading killer and was the primary cause of more than 59,200 deaths in 1995, according to the National Center for Health Statistics. But

data also indicate it may have contributed to as many as 180,000 deaths that year.

"We are becoming a more overweight population, we are less active and we are also getting somewhat older," says Dr. Frank Vinicor, director of the CDC's diabetes division. "If you put all of those factors together, we are seeing a chronic disease epidemic occurring."

Diabetes is a disease caused by a deficiency of insulin, a hormone secreted by the pancreas that is necessary for the metabolism of sugar.

Of the estimated 16 million diabetics in the United States today, less than 1 million have Type I diabetes, meaning their pancreases do not work at all, and they are insulin-dependent. Type I diabetes usually occurs in childhood or adolescence.

The overwhelming majority of diabetics have Type 2 diabetes, a form of the disease that usually occurs after age 40 and is usually treated by diet, pills or both.

"The prevalence of Type 2 diabetes is increasing tremendously in the United States as people adapt more sedentary lifestyles and obesity increases," says Dr. Stephen Clement, director of the Diabetes Center at Georgetown University Medical Center.

Dr. Bernstein says "more women die of diabetes than breast cancer."

Nevertheless, he says, it has been hard to "politicize" diabetes except when young children are involved, because the average Type 2 diabetic is a "fat [adult] individual who's not compliant" with recommendations that he or she exercise and adopt a healthy diet.

"Cancer is much more dramatic and devastating. With diabetes, you erode and rot away. It's almost like leprosy," he says, explaining why this disease has been given short shrift by political leaders, the media and those handing out research dollars. He says the disease has failed to get priority status because it strikes minorities disproportionately.

He points out that the gene that predisposes someone to diabetes is five times more prevalent in American Indians than in whites and twice as prevalent in blacks, Hispanics and Asians than in non-Hispanic whites.

Dr. Richard C. Eastman, director of the National Institute of Diabetes and Digestive and Kidney Diseases, declines to comment on the adequacy of research funding for diabetes, which he says is currently \$200 million a year.

"We had a record (funding) increase this year," he says. "While we usually get an increase of 3 to 4 percent, there was an 8 percent increase this year. We fund 1 in 4 or 1 in 5 investigators."

Dr. Bernstein says the recent push for stepped-up diabetes research money came from medical insurers, overwhelmed by having to pay the staggering costs of treating patients stricken with strokes, cardiovascular disorders, nerve damage, kidney problems, limb amputations, and vision loss triggered by diabetes.

Cardiovascular disease and stroke risk are two to four times more common among diabetics than the general population, and better than 60 percent of diabetics have high blood pressure and mild to severe neuropathy, or nerve damage.

"This disease is going to break the economic back of this country, so the amount provided [by the federal government] for diabetes research should be a billion dollars a year," Dr. Bernstein says.

As evidence of the need for more research, he cites a recent study by researchers at the University of Arkansas "who found a teenage population that was obese, hypertensive [had high blood pressure], and also had Type

2 diabetes," a condition usually confined to middle-aged adults. "So we're now seeing it's all over the place."

Dr. Clement agrees a lot more federal money is needed for research. But he and Dr. Eastman point out that the National Institutes of Health is currently funding large studies designed to determine if both types of diabetes can be prevented. ●

CBO COST ESTIMATE—S. 1228

● Mr. D'AMATO. Mr. President, the Committee on Banking, Housing, and Urban Affairs reported S. 1228, the 50 States Commemorative Coin Program Act on Friday, October 31, 1997. The committee report, Senate Report No. 105-130, was filed the same day.

The Congressional Budget Office cost estimate required by Senate Rule XXVI, section 11(b) of the Standing Rules of the Senate and section 403 of the Congressional Budget Impoundment and Control Act, was not available at the time of filing and, therefore, was not included in the committee report. Instead, the committee indicated the Congressional Budget Office cost estimate would be published in the CONGRESSIONAL RECORD when it became available.

Mr. President, I ask that the full statement and cover letter from the Congressional Budget Office regarding S. 1228 be printed in the RECORD.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 31, 1997.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing,
and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1228, the 50 States Commemorative Coin Program Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter (for federal costs), and Matthew Eyles (for the private-sector impact).

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE
S. 1228—50 States Commemorative Coin Program Act

Summary: S. 1228 would require the U.S. Mint to make changes to the quarter-dollar and one-dollar coins and to issue three coins commemorating the 100th anniversary of the first flight at Kitty Hawk, North Carolina. CBO estimates that enacting this bill would decrease direct spending by \$15 million over the 1998-2002 period and by \$40 million over the 1998-2007 period. Because the bill would affect direct spending, pay-as-you-go procedures would apply. S. 1228 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would not affect the budgets of state, local, or tribal governments.

Description of the bill's major provisions: S. 1228 would direct the Secretary of the Treasury to design and issue a series of quarters commemorating the 50 states over a 10-year period beginning in 1999. During this period, designs for each state would replace the current eagle design on the reverse side of

the George Washington quarter. The Mint would issue five quarters a year in the order that the states ratified the Constitution or were admitted into the Union. Before selecting an emblem for each state, the Secretary of the Treasury would consult with the state's governor and with the federal Commission of Fine Arts (CFA) and would submit the selected design for review by the Citizens Commemorative Coin Advisory Committee (CCCAC). The bill would authorize the Mint to sell silver replicas of the quarters—both in proof and uncirculated versions.

S. 1228 also would permanently replace the current Susan B. Anthony one-dollar coin with a new dollar coin. Under the bill, the Mint could produce additional quantities of the Susan B. Anthony, if needed, until the new coin was ready for circulation. (The Mint predicts that public demand will exhaust its current inventory of approximately 130 million coins in about 30 months.) The new one-dollar coin would be golden in color and have distinctive tactile and visual features but would have the same diameter and weight as the current coin. In consultation with the Congress, the Secretary of the Treasury would select the designs for both sides of the coin. The bill also would direct the Treasury to market the coin to the American public before placing it into circulation and to study and report to the Congress on the results of its efforts. In addition, the Mint would have the authority to include quantities of the new coin in collector sets sold to the public prior to its introduction into circulation. Unlike previous proposals to introduce a new dollar coin, S. 1228 would not eliminate the one-dollar bill.

Finally, S. 1228 would direct the U.S. Mint to produce a ten-dollar gold coin, a one-dollar silver coin, and a half-dollar clad coin in fiscal years 2003 and 2004 commemorating the 100th anniversary of the first flight of Orville and Wilbur Wright at Kitty Hawk, North Carolina. In selecting a design for each coin, the Secretary of the Treasury would consult with the Board of Directors of the First Flight Foundation and the CFA and submit the designs for review by the CCCAC. The coins would be available for sale from August 1, 2003, through July 31, 2004. The price of each coin would equal the sum of its face value, the amount of the surcharge set for it by the bill, and the costs of the Mint to produce it. The bill would set a surcharge of \$35 per coin for the ten-dollar coin, \$10 per coin for the one-dollar coin, and \$1 per coin for the half-dollar coin. S. 1228 would require the Mint to transfer all proceeds from surcharges to the First Flight Foundation.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1228 is shown in the following table. The costs of this legislation fall within budget function 800 (general government).

In addition to the budgetary effects summarized in the table, by increasing the public's holding of coins, S. 1228 also would result in the government acquiring additional resources for financing the federal deficit. The seigniorage (or profit, the difference between the face value of coins and their cost of production) from placing the additional coins in circulation would reduce the amount of government borrowing from the public. Under the principles established by the President's Commission on Budget Concepts in 1967, seigniorage does not affect the deficit but is treated as a means of financing the deficit.

	By fiscal year, in millions of dollars—				
	1998	1999	2000	2001	2002
Estimated Outlays	0	-8	-5	-5	-5
New One-Dollar Coin:					
Estimated Budget Authority	1	3	3	1	0
Estimated Outlays	1	3	3	1	0
Net Change in Direct Spending Under S. 1228:					
Estimated Budget Authority	1	-5	-2	-4	-5
Estimated Outlays	1	-5	-2	-4	-5

Note.—The table only includes provisions that would change direct spending in fiscal years 1998 through 2002. S. 1228 also includes a provision that would authorize the Mint to issue three commemorative coins during fiscal years 2003 and 2004.

Basis of estimate

Direct spending

50 States Circulating Commemorative Quarter Program. Beginning in 1999, S. 1228 would authorize the Mint to sell silver replicas of the redesigned 50 states quarters—both in proof and uncirculated varieties. CBO estimates that enacting this provision would decrease direct spending by \$23 million over the 1998–2002 period and by \$48 million over the 1998–2007 period.

CBO assumes the Mint would sell a five-coin proof set a price of around \$30, which would cover the full cost of the set and provide it with a margin of profit consistent with past silver proof sets. We also assume the Mint would sell each uncirculated silver quarter at a price equal to the spot price of silver plus a markup of 3 percent. Because the silver replicas would be sold as a commercial product, the receipts would constitute offsetting collections to the Mint. Based on information provided by the Mint, including historical sales and profit data for past silver proof and uncirculated designs, CBO estimates that the sale of the silver replicas would increase offsetting collections to the Mint by about \$10 million each year for a total of \$40 million over the 1999–2002 period. This estimate assumes that, on average, the Mint would sell about 1 million five-coin proof sets each year, which would generate the \$10 million in profits. CBO expects that the profits earned in any one year from selling uncirculated versions of the quarters would not be significant.

Public Law 104-52, which established the U.S. Mint Public Enterprise Fund, requires the Mint to transfer any excess funds to the general fund of the Treasury at least annually. For the purposes of this estimate, CBO assumes that the Mint would retain about one-half of the \$10 million in increased offsetting collections generated from annual sales of the silver replicas. We estimate that half of the amount retained would be spent in the same fiscal year, with the other half spent in the following fiscal year. In total, net direct spending would decrease by between \$20 million and \$25 million over the 1998–2002 period, or by about one-half of the increase in offsetting collections to the Mint.

New One-Dollar Coin. S. 1228 would replace the current Susan B. Anthony one-dollar coin with a new one-dollar coin. The bill would authorize the Mint to produce quantities of the Susan B. Anthony, as needed, until the new coin was ready for circulation. (The Mint has not produced any new Susan B. Anthony coins since 1981). According to the Mint, it would need at least 30 months to design, test, and produce a new one-dollar coin for circulation. Thus, assuming this bill is enacted within the next several months, CBO expects that the new coin would not begin circulating before sometime in fiscal year 2000. CBO estimates that producing a new one-dollar coin would increase direct spending by between \$5 million and \$10 million over the 1998–2002 period.

Previously, the Mint has estimated cost of about \$93 million to purchase the necessary

infrastructure and materials and to design and promote a new one-dollar coin. That estimate, however, assumed that the one-dollar bill would be eliminated, and that the Mint would produce an initial supply of approximately 9 billion coins to meet the public's demand for one-dollar currency. Under S. 1228, CBO expects the public's annual demand for one-dollar coins would approximate the roughly 50 million Susan B. Anthony coins currently added to the nation's circulation of coins each year. Thus, based on information provided by the Mint, CBO estimates start-up costs under this bill of between \$5 million and \$10 million. That estimate includes the costs to research, design, and test the new coin and to market it to the public. CBO estimates the Mint would also incur costs of less than \$500,000 in fiscal year 2001 to study the effects of the marketing program and report its results to the Congress by March 31, 2001.

S. 1228 also would authorize the Mint to include the redesigned dollar coin in coin sets sold as commercial products to the public. The Mint currently offers a five-coin proof set, a five-coin silver proof set, and a 10-coin uncirculated set. Adding a redesigned dollar coin to one or all of these sets could increase offsetting collections to the U.S. Mint Public Enterprise Fund if its addition increases collectors' interest in the sets. It is uncertain whether the Mint would add a redesigned dollar coin to each of these sets. Given the addition of the commercial items that would be included under the 50 states quarter program, as well as the Mint's recent introduction of platinum coins and its expected first-time issue of .9999 fine gold coin sets, CBO estimates that even if the Mint does include the new dollar coin, any increase in net offsetting collections from the sale of all commercial products would be small—as much as several million dollars in the first two years—and largely one-time. In addition, CBO estimates that the Mint would retain and spend any additional collections, resulting in no net budgetary effect over time.

Commemorative Coins. S. 1228 would direct the Mint to produce and issue three coins commemorating the 100th anniversary of the first flight at Kitty Hawk, North Carolina. Because the coins would not become available until 2003, the provision would have no budgetary impact over the next five years. CBO estimates that the provision would have no net budgetary effect over the 1998–2007 period. The bill could raise as much as \$9.25 million in surcharges if the Mint sold the maximum mintage level authorized for each coin, although the experience of recent anniversary-based commemoratives suggests that sales would be less than the authorized total of 1.35 million coins. Because the bill would require that the Mint transfer all surcharges to the First Flight Foundation, a nonfederal entity, proceeds from surcharges would have no net budgetary impact over time. We expect that the Mint would retain and spend any additional net proceeds generated from such sales to fund other commercial activities.

Seigniorage

In addition to the bills' effects on direct spending, by increasing the public's holding of quarters, S. 1228 also would result in the government acquiring additional resources for financing the federal deficit. Based on the previous experience of both the United States, with the bicentennial quarter in 1975 and 1976, and Canada, with its series of quarters commemorating its 12 provinces and territories in 1992, CBO expects that enacting the bill would lead to a greater production of quarters. The seigniorage, or profit, from placing the additional coins in circulation would reduce the amount of government borrowing from the public. Such profits are

	By fiscal year, in millions of dollars—				
	1998	1999	2000	2001	2002
CHANGES IN DIRECT SPENDING					
50 States Quarter Program:					
Estimated Budget Authority	0	-8	-5	-5	-5

likely to be very significant—the Mint estimates that the seigniorage from making a quarter is 20.2 cents, so for each additional \$100 million worth of quarters put into circulation each year for 10 years, the amount of seigniorage earned by the federal government would increase by about \$808 million over the ten-year period.

By substituting a new dollar coin for the current Susan B. Anthony, the legislation could also affect the seigniorage earned—estimated at 92 cents per coin—from circulating one-dollar coins. That increase would occur only to the extent that the public de-

manded more one-dollar coins than under current law. (According to the Mint, the federal government currently is increasing the amount of Susan B. Anthony dollars placed in circulation by about 50 million coins each year.) Because S. 1228 would not eliminate the one-dollar bill, CBO expects that any increase in circulation of the one-dollar coin would not be significant.

Previously, CBO has done estimates for proposals that would replace the one-dollar bill with a new one-dollar coin. S. 1228 would not remove the one-dollar bill from circulation. Consequently, the savings in the pro-

duction and handling of the nation's currency and the changes in seigniorage previously estimated by CBO would not apply to S. 1228.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 specifies procedures for legislation affecting direct spending or receipts. The projected changes in direct spending are shown in the following table for fiscal years 1998 through 2007. For purposes of enforcing pay-as-you-go procedures, however, only the effects in the budget year and the succeeding four years are counted.

SUMMARY OF EFFECTS ON DIRECT SPENDING AND RECEIPTS

	By fiscal year, in millions of dollars—									
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Changes in outlays	1	-5	-2	-4	-5	-5	-5	-5	-5	-5
Changes in receipts					Not applicable					

Estimated impact on State, local, and tribal governments: S. 1228 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimated impact on the private sector: S. 1228 contains no private-sector mandates as defined in UMRA. However, some private-sector entities would incur costs as a result of provisions in the bill to issue a new dollar coin. Vending machine operators who choose to accept the new coin, for example, would be required to modify their machines because the electromagnetic properties of the new gold-colored dollar coin would be different from those of the Susan B. Anthony dollar (which many machines are currently equipped to accept). Costs of modification would be reduced if the new coins were used with some regularity and operators were able to eliminate bill acceptors from most vending machines. In addition, to the extent that the dollar coin circulates even modestly, depository institutions would incur some additional expenses because they bear a substantial share of processing costs for all circulating coinage. Other entities, such as mass transit authorities, would experience lower costs because coins can be collected and processed at a cost that is significantly lower than notes. Mass transit authorities, however, are generally publicly operated and therefore not included in the private sector. Nevertheless, because no provision in federal law requires any person or organization to accept a specific form of payment, including the proposed new dollar coin, S. 1228 contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: John R. Righter. Impact on the Private Sector: Matthew Eyles.

Estimated approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.●

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a) appoints the following Senator to the Board of Visitors of the U.S. Military Academy: The Senator from New Jersey [Mr. LAUTENBERG] from the Committee on Appropriations, vice the Senator from Wisconsin [Mr. KOHL].

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF JAMES S. GWIN

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m., on Wednesday, November 5, the Senate proceed to executive session and that there then be 10 minutes of debate, equally divided, between the chairman and ranking member of the Judiciary Committee. I further ask unanimous consent that following that debate, the Senate proceed to vote on the confirmation of Calendar No. 328, the nomination of James Gwin to be U.S. district judge in Ohio. I finally ask unanimous consent that immediately following that vote, the President be notified of the Senate's action, and that the Senate then return to legislative session.

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

HOOPA VALLEY RESERVATION SOUTH BOUNDARY ADJUSTMENT ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 230, H.R. 79.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 79) to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe.

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

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

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 79) was read the third time and passed.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2464, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2464) to amend the Immigration and Nationality Act to exempt internationally adopted children 10 years of age or younger from the immunization requirement in section 212(a)(1)(A)(ii) of such Act.

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

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

Mr. KENNEDY. Mr. President, this bill exempts adopted immigrant children ages 10 and under from the battery of immunizations they would normally have to receive before being allowed to enter the United States.

I share Senator ABRAHAM's disappointment that this bill does not go further. The immunization requirement which has caused so many problems for all immigrants, including the parents of adopted immigrant children, was passed as a part of last year's immigration bill. This provision requires all immigrants to receive the entire series of vaccinations recommended by the Advisory Committee on Immunization Practices before they are allowed to enter the United States. During the debate of the immigration bill, significant concerns were raised that this requirement would lead to many unintended results, such as forged immunization records, unavailability of vaccines, and inadequate health care if the immigrant had an adverse reaction to a vaccine.

As a result of these concerns, the Senate passed a modified immunization provision, requiring immigrants to obtain most of their immunizations after they entered the United States, where vaccines and health care are available and adequate. Unfortunately, the Senate provisions were dropped in the conference on the final bill. Our

concerns were borne out, and the bill we are about to pass deals with part of the problems caused by the overseas immunization requirement. I had hoped we could pass a bill that exempted all immigrant children, not just adopted immigrant children, from this requirement. However, the adoptive parents are legitimately concerned about their children's health, and they deserve this relief. I urge my colleagues to approve this legislation.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 2464) was read the third time and passed.

VETERANS' CEMETERY PROTECTION ACT OF 1997

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 224, S. 813.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 813) to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

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 the Judiciary, 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 "Veterans' Cemetery Protection Act of 1997".

SEC. 2. SENTENCING FOR OFFENSES AGAINST PROPERTY AT NATIONAL CEME- TERIES.

(a) *IN GENERAL.*—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 2 levels for any offense against the property of a national cemetery.

(b) *COMMISSION DUTIES.*—In carrying out subsection (a), the Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of an offense described in that subsection are—

- (1) appropriately severe; and
- (2) reasonably consistent with other relevant directives and with other Federal sentencing guidelines.

(c) *DEFINITION OF NATIONAL CEMETERY.*—In this section, the term "national cemetery" means a cemetery—

(1) in the National Cemetery System established under section 2400 of title 38, United States Code; or

(2) under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Interior.

Mr. BENNETT. Mr. President, I ask unanimous consent that the committee substitute be agreed to.

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

The committee substitute was agreed to.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 813), as amended, was read the third time and passed.

U.S. FIRE ADMINISTRATION AU- THORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 237, S. 1231.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1231) to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, 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.

Mr. HOLLINGS. Mr. President, I rise today in support of S. 1231 as reported by the Commerce Committee. This bill would reauthorize the programs of the U.S. Fire Administration [USFA].

As I stated when we introduced this bill, it is a tragic statistic that the United States currently has one of the worst fire records of any country in the industrial world with more than 2 million fires reported in the United States every year. Even more tragic is the fact that these fires result in over 4,500 deaths, 30,000 civilian injuries, and billions property losses.

The USFA has done a tremendous job since its creation in 1974, pursuant to the recommendation of the National Commission on Fire and Control, in reducing deaths and damage caused by fires. This bill before the Senate today will allow the USFA to continue assisting our Nation's 1.2 million member fire service in doing their job, efficiently and safely, with the best technology available.

Mr. President, the fire service is one of the most hazardous professions in the country. Firefighters not only confront daily the dangers of fire; they also are required to respond to other natural disasters, such as earthquakes, floods, medical emergencies, and hazardous materials spills.

Finally, we are all well aware of the recent rise in arson activities in this country. Arsonists are responsible for

over 500,000 fires every year. Arson is the No. 1 cause of all fires, and is the second leading cause of fire deaths in residences.

The USFA has initiated several measures to combat this weapon of hatred, including: community grants in high risk areas to hire part-time law enforcement officers, and to pay for law enforcement overtime and other church arson prevention activities; National Fire Academy training courses; additional training and education for arson investigators with the Bureau of Alcohol, Tobacco, and Firearms; arson prevention information for the general public; and juvenile arson prevention workshops. This bill allows these efforts to continue.

Mr. President, we owe our support to this Nation's 1.2 million firefighters who risk their lives every day to save the lives and property of others. By passing this bill, the USFA can continue providing the education, data analysis, training, and technology needed to enable these brave individuals to do their job as efficiently and safely as possible. This bill ensures that both firefighters and the USFA get the financial resources they need to serve the public. I encourage my colleagues to support passage of S. 1231.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 1231) was read the third time and passed, as follows:

S. 1231

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 "United States Fire Administration Authorization Act for Fiscal Years 1998 and 1999".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

- (1) by striking "and" at the end of subparagraph (E);
- (2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and
- (3) by adding at the end the following:

“(G) \$29,664,000 for the fiscal year ending September 30, 1998; and

“(H) \$30,554,000 for the fiscal year ending September 30, 1999.”

SEC. 3. SUCCESSOR FIRE SAFETY STANDARDS.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

- (1) in section 29(a)(1), by inserting "or any successor standard to that standard" after "Association Standard 74";
- (2) in section 29(a)(2), by inserting "or any successor standard to that standard" before "which is appropriate";
- (3) in section 29(b)(2), by inserting "or any successor standard to that standard" after "Association Standard 13 or 13-R";
- (4) in section 31(c)(2)(B)(i), by inserting "or any successor standard to that standard" after "Life Safety Code"; and

(5) in section 31(c)(2)(B)(ii), by inserting "or any successor standard to that standard" after "Association Standard 101".

SEC. 4. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

(a) IN GENERAL.—Not later than 60 days before the termination or transfer to a private sector person or entity of any significant function of the United States Fire Administration, as described in subsection (b), the Administrator of the United States Fire Administration shall transmit to Congress a report providing notice of that termination or transfer.

(b) COVERED TERMINATIONS AND TRANSFERS.—For purposes of subsection (a), a termination or transfer to a person or entity described in that subsection shall be considered to be a termination or transfer of a significant function of the United States Fire Administration if the termination or transfer—

(1) relates to a function of the Administration that requires the expenditure of more than 5 percent of the total amount of funds made available by appropriations to the Administration; or

(2) involves the termination of more than 5 percent of the employees of the Administration.

SEC. 5. NOTICE.

(a) MAJOR REORGANIZATION DEFINED.—With respect to the United States Fire Administration, the term "major reorganization" means any reorganization of the Administration that involves the reassignment of more than 25 percent of the employees of the Administration.

(b) NOTICE OF REPROGRAMMING.—If any funds appropriated pursuant to the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(c) NOTICE OF REORGANIZATION.—Not later than 15 days before any major reorganization of any program, project, or activity of the United States Fire Administration, the Administrator of the United States Fire Administration shall provide notice to the Committees on Science and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

SEC. 6. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 rapidly approaching, it is the sense of Congress that the Administrator of the United States Fire Administration should—

(1) give high priority to correcting all 2-digit date-related problems in the computer systems of the United States Fire Administration to ensure that those systems continue to operate effectively in the year 2000 and in subsequent years;

(2) as soon as practicable after the date of enactment of this Act, assess the extent of the risk to the operations of the United States Fire Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving compliance for all of the mission-critical systems of the system by the year 2000; and

(3) develop contingency plans for those systems that the United States Fire Administration is unable to correct by the year 2000.

SEC. 7. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Fire Administration.

(2) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(3) SCHOOL.—The term "school" means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the Administrator should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to the President a report that meets the requirements of this paragraph. The President shall submit that report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Administrator under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 8. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the United States Fire Administration (referred to in this section as the "Administrator") shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this section.

(b) CONTENTS OF REPORT.—The report under this section shall—

(1) examine the risks to firefighters in suppressing fires caused by burning tires;

(2) address any risks that are uniquely attributable to fires described in paragraph (1), including any risks relating to—

(A) exposure to toxic substances (as that term is defined by the Administrator);

(B) personal protection;

(C) the duration of those fires; and

(D) site hazards associated with those fires;

(3) identify any special training that may be necessary for firefighters to suppress those fires; and

(4) assess how the training referred to in paragraph (3) may be provided by the United States Fire Administration.

BATTLE OF MIDWAY NATIONAL MEMORIAL STUDY ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 228, S. 940.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 940) to provide for the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes.

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

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

had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited the "Battle of Midway National Memorial Study Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) September 2, 1997, marked the 52nd anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the battle that the Imperial Japanese Navy never again took the offensive against the United States or the allied forces.

(3) During the Battle of Midway on June 4, 1942, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed Forces under the command of Admiral Nimitz and Admiral Spruance, out-manuevered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to study whether Midway Atoll should be established as a national memorial to the Battle of Midway to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

(5) The historic structures and facilities on Midway Atoll should be protected and maintained.

SEC. 3. PURPOSE.

The purpose of this Act is to require a study of the feasibility and suitability of designating the Midway Atoll as a National Memorial to the Battle of Midway within the boundaries of the Midway Atoll National Wildlife Refuge. The study of the Midway Atoll and its environs shall include, but not be limited to, identification of interpretative opportunities for the educational and inspirational benefit of present and future generations, and of the unique and significant circumstances involving the defense of the island by the United States in World War II and the Battle of Midway.

SEC. 4. STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL AS A NATIONAL MEMORIAL TO THE BATTLE OF MIDWAY.

(a) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of the Interior shall, acting through the Director of the National Park Service and in consultation with the Director of the United States and Wildlife Service, the International Midway Memorial Foundation, Inc. (hereafter referred to as the "Foundation"), and Midway Phoenix Corporation, carry out a study of the suitability and feasibility of establishing Midway Atoll as a national memorial to the Battle of Midway.

(b) CONSIDERATIONS.—In studying the establishment of Midway Atoll as a national memorial to the Battle of Midway under subsection (a), the Secretary shall address the following:

(1) The appropriate federal agency to manage such a memorial, and whether and under what conditions, to lease or otherwise allow the Foundation or another appropriate entity to administer, maintain, and fully utilize the lands (including any equipment, facilities, infrastructure, and other improvements) and waters of Midway Atoll if designated as a national memorial.

(2) Whether designation as a national memorial would conflict with current management of Midway Atoll as a wildlife refuge and whether, and under what circumstances, the needs and requirements of the wildlife refuge should take precedence over the needs and requirements of a national memorial on Midway Atoll.

(3) Whether, and under what conditions, to permit the use of the facilities on Sand Island for purposes other than a wildlife refuge or a national memorial.

(4) Whether to impose conditions on public access to Midway Atoll as a national memorial.

(c) REPORT.—Upon completion of the study required under subsection (a), the Secretary shall submit, to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives, a report on the study, which shall include any recommendations for further legislative action. The report shall also include an inventory of all known past and present facilities and structures of historic significance on Midway Atoll and its environs. The report shall include a description of each historic facility and structure and a discussion of how each will contribute to the designation and interpretation of the proposed national memorial.

SEC. CONTINUING DISCUSSIONS.

Nothing in this Act shall be construed to delay or prohibit discussions between the Foundation and the United States Fish and Wildlife Service or any other government entity regarding the future role of the Foundation on Midway Atoll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the committee substitute be agreed to.

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

The committee substitute was agreed to.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 940), as amended, was read the third time and passed.

BILOXI HARBOR NAVIGATION ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 238, S. 1324.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1324) to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi.

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

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

Mr. CHAFEE. Mr. President, today the Senate is considering S. 1324, a bill introduced by Senator LOTT to deauthorize a portion of the project for navigation at Biloxi Harbor, MS. The Senate Committee on Environment and Public Works unanimously approved this measure on October 29, 1997.

This technical legislation is necessary as the Mississippi Department of Transportation intends to replace an existing bascule bridge, which spans a segment of the Bernard Bayou Federal navigation channel in Biloxi Harbor,

with a fixed span bridge. Construction of the fixed span bridge would obstruct the navigation channel, which was authorized as part of the 1960 River and Harbor Act. However, the U.S. Army Corps of Engineers has determined that there is no current or expected commercial navigation along the channel.

Thus, deauthorization of a portion of the Bernard Bayou Federal channel appropriately addressed an artifact of the 1960 authorization and allows for construction of the fixed span bridge. The Army Corps of Engineers has informed the Congress that it has no objection to deauthorization of the Bernard Bayou Federal navigation channel segment identified in S. 1324. Mr. President, I encourage Senate adoption of this necessary measure.

I ask unanimous consent that a letter from June O'Neill of the CBO to me be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 31, 1997.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1324, a bill to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown.

Sincerely,

JAMES. L. BLUM
(For June E. O'Neill).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE
S. 1324—A bill to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi

CBO estimates that enacting the bill would have no impact on the federal budget. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, and would impose no costs on state, local, or tribal governments.

S. 1324 would deauthorize a portion of the project for navigation of Bernard Bayou Channel, Biloxi, Mississippi, that was authorized by the River and Harbor Act of 1960. The deauthorization would allow the Mississippi Department of Transportation to replace the existing bascule bridge (drawbridge) that spans that channel with a fixed-span bridge. Any costs associated with constructing a bridge would be incurred voluntarily by the state of Mississippi.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 1324) was read the third time and passed, as follows:

S. 1324

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

SECTION. 1 BILOXI HARBOR, MISSISSIPPI.

The portion of the project for navigation, Biloxi Harbor, Mississippi, authorized by the River and Harbor Act of 1960 (74 Stat. 481), for the Bernard Bayou Channel beginning near the Air Force Oil Terminal at approximately navigation mile 2.6 and extending downstream to the North-South ½ of Section 30, Township 7 South, Range 10 West, Harrison County, Mississippi, just west of Kremer Boat Yards, is not authorized after the date of enactment of this Act.

GRAZING PRIVILEGES ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 219, H.R. 708.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 708) to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges.

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

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

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 708) was read the third time and passed.

ORDERS FOR WEDNESDAY, NOVEMBER 5, 1997

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Wednesday, November 5th. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate proceed immediately to 10 minutes of debate in executive session on the nomination of Judge James Gwin, of Ohio, to be U.S. District Judge for the Northern District of Ohio, to be followed by a rollcall vote on his confirmation, as under the previous order.

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

Mr. BENNETT. Mr. President, I also ask unanimous consent that following the vote on the Gwin nomination, the Senate proceed to legislative session to

resume consideration of the motion to proceed to S. 1269, the fast-track legislation, with Senator ROTH or his designee being in control of 3 hours and Senator DORGAN or his designee in control of 4 hours. I further ask unanimous consent that at no later than 5 p.m., the Senate proceed to a rollcall vote on or in relation to the motion to proceed to S. 1269.

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

PROGRAM

Mr. BENNETT. In conjunction with the previous consent agreements, tomorrow at 9:40 the Senate will proceed to executive session to vote on the

nomination of James S. Gwin to be U.S. district judge for the Northern District of Ohio. Following that vote, the Senate will resume legislative session and debate on the motion to proceed to S. 1269, the fast-track legislation, with Senator ROTH in control of 3 hours and Senator DORGAN in control of 4 hours. As under the previous consent, the Senate will vote on or in relation to the motion to proceed to S. 1269 at no later than 5 p.m. tomorrow. Following that vote the Senate could turn to any of the following items, if available: The D.C. appropriations bill, the FDA reform conference report, the Intelligence authorization conference report, and any additional legislative or executive items that can be cleared for

action. Therefore, Members can anticipate rollcall votes throughout Wednesday's session of the Senate. As a reminder to all Members, the first rollcall vote tomorrow will occur at 9:40 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:11 p.m., adjourned until Wednesday, November 5, 1997, at 9:30 a.m.