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Senate

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

PRAYER

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

Dear Father, our lives are polluted with noise. The blaring sounds of a noisy society bombard our ears and agitate our souls. The television set is seldom turned off. We turn on our car radio at the same time we turn the ignition key. Music is piped into everywhere we go, from the grocery to the gym. On the streets, horns blare, tires screech, and tempers flare. Meanwhile, people around us talk constantly trying to find out what they want to say in the welter of words. It's so easy to lose the art of being quiet.

Even in this quiet moment, our minds are racing, our nervous systems are on red alert and we're like sprinters waiting for the starter's gun to go off. Calm us down, Lord, so we can work creatively today.

Lord, we hear Your voice saying, "Peace, be still." We want the miracle of that stillness and accept it as Your gift. We breathe out the tension and breathe in the breath of Your spirit. In this time of prayer speak to us the whisper of Your love and assurance, grace, and guidance. Get us ready for a day in which we can be still inside while living in a noisy world. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator STEVENS, is recognized.

SCHEDULE

Mr. STEVENS. Mr. President, for the information of all Senators, this morning, the Senate will resume consideration of Senate bill 672, the supple-

mental appropriations bill. Currently, there is one pending amendment which will necessitate a rollcall vote. The leader will notify Senators as to the scheduling of the rollcall vote later this morning. In addition, we expect other amendments to the supplemental appropriations bill to be proposed today, and votes will be scheduled accordingly. Therefore, Senators can expect additional votes during today's session of the Senate.

As a reminder, a cloture motion was filed yesterday. Therefore, all first-degree amendments must be filed by 2:30 p.m. today to be in order. I remind all Senators that the Senate will recess from 12:30 to 2:15 today for the weekly policy luncheons to meet.

RESERVATION OF LEADER TIME

Mr. STEVENS. I ask unanimous consent that the leader time on both sides be reserved for later in the day.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator KENNEDY be recognized for 10 minutes as in morning business and that Senator GRAMM of Texas be recognized later this morning for 10 minutes as in morning business during the consideration of this bill.

The PRESIDENT pro tempore. Without objection, it is so ordered. The distinguished Senator from Massachusetts is recognized.

SEVEN QUESTIONS ABOUT THE BUDGET AGREEMENT

Mr. KENNEDY. Mr. President, last Friday, the President and the congressional leadership announced that they had reached an agreement to balance the budget. I support the goal of balancing the budget by 2002, and I commend the President's emphasis on improving education, expanding health coverage for uninsured children, and

extending the solvency of the Medicare trust fund.

But as the administration and the congressional leadership continue to negotiate the specific provisions of the agreement, and as more information about the agreement becomes available, a number of questions arise about the agreement.

First, what is the distribution of the benefits in the tax package over the first 5 years? The new and expanded tax breaks in the agreement raise the most troubling questions in this regard. The only beneficiaries of the agreement's reductions in the estate tax are the top 1 percent of households. Three-quarters of the benefits of the capital gains provisions will go to households with incomes in excess of \$100,000. According to one tax expert, as much as 40 percent of the benefits of the tax cuts will go to the top 1 percent of taxpayers.

We know that the wealthy will receive large tax breaks under this agreement. It is fair to ask, how much, if any, of the major sacrifices under this budget are the wealthy being asked to share? Are the wealthy corporations being asked to give up any of the massive subsidies they receive under the current spending and tax laws? I urge the administration and the congressional leadership to make a detailed analysis of the proposed tax cuts available as soon as possible, so that Congress and the country can judge their fairness.

Second, what is the distribution of benefits in the tax package in the second 5 years? Because the capital gains tax break initially generates revenues as wealthy investors sell their assets to take advantage of the lower tax rate, an accurate assessment of its cost and fairness must examine a longer period of time.

According to an analysis of the Senate Republican leadership's tax proposals introduced this January conducted by the Center on Budget and Policy

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Priorities, the Republican capital gains tax cut cost \$33 billion in the first 5 years, and then nearly tripled to \$96 billion in the second 5 years. And their estate tax provisions, which cost \$18 billion in the first 5 years, ballooned to \$48 billion in the second 5 years. We must do all that we can to ensure that Congress does not repeat the mistake of the excessive 1981 tax cuts that led to the massive Reagan-Bush budget deficits.

Third, what spending cuts will pay for these increased tax cuts in the second 5 years? If the cost of the tax cuts in years 6 through 10 far exceeds the cost in years 1 through 5, will Congress face the impossible choice of making severe and unacceptable reductions in social programs, or doing nothing and acquiescing in a new round of deficits as far as the eye can see?

Fourth, what are the even longer-term costs of the tax breaks? By one estimate, the net cost of the tax breaks will reach \$45 billion a year by the 10th year. Projecting those rates into the second 10 years—years 2008 through 2017—the cost of these tax breaks could exceed half a trillion dollars for that period.

The great danger is that these pressures on the deficit will explode exactly at the same time that the country faces the severe budget pressures caused by the retirement of the baby boom generation. We already know that we face intense long-run problems with Social Security, Medicare, and Medicaid. The last thing that we should do in the current budget agreement is to make those long-run problems worse.

Fifth, can the country realistically accept the increasingly tight caps on domestic investments even in the first 5 years? President Clinton correctly resisted deeper cuts sought by Republicans. But the agreement slashes domestic investments by at least \$60 billion below the level needed to maintain the current level of services. That is roughly a 10-percent cut in real terms. Discretionary spending has remained relatively flat since 1991, and is already at its lowest level as a share of the economy in 60 years. These dramatic cuts will mean less for vital investments in areas such as research and development funded by the National Institutes of Health and the National Science Foundation, less for crime prevention and police officers on the street, less for repair and upgrading of our Nation's highways and bridges, less for education, health and safety, and the environment.

Can the country afford to continue to shortchange the key public investments needed to keep our economy strong into the next century? It is only through investment that the Nation can sustain needed economic growth. Using the definition of public investment accepted by the General Accounting Office—including education and training, public infrastructure, and civilian research and development—pub-

lic investment accounted for 2.5 percent of the economy under President Reagan. Today, it has fallen to 1.7 percent of the economy. How much lower is Congress prepared to see it go?

Sixth, what is the distribution of domestic discretionary spending cuts under this agreement? After protecting high-priority spending items, the agreement will force deeper cuts in the unprotected areas. The Center on Budget and Policy Priorities found that 34 percent of the cuts in non-defense discretionary spending in the last Congress came from programs for those with the lowest incomes, such as programs for fuel oil assistance, child care, senior nutrition and meals for senior shut-ins, vaccinations for children, school lunches, drug abuse prevention, and Head Start. Programs for low-income Americans have already borne a disproportionate burden of deficit reduction. They should not have to bear an unfair burden under this agreement.

Seventh, will defense spending be able to live within this agreement? The Secretary of Defense is conducting a quadrennial defense review of strategy, force structure, and modernization needs. Is the spending anticipated in this agreement sufficient to meet the commitments that the Department feels are essential? If the defense spending levels in the agreement are not adequate to meet future security needs, how can we ensure that defense increases are offset by reductions in the tax breaks, and not by further reductions in needed domestic investments?

Before we adopt this agreement as a budget resolution, we must do our best to obtain serious answers to these serious questions. Fairness is a fundamental issue. It will be fundamentally unfair if a handful of super-wealthy Americans benefit lavishly from this agreement, while millions of average Americans and their families take it on the chin. A fairly balanced budget is achievable. But a budget that fails to balance the Nation's basic needs will not be worth the paper on which it is printed.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I may speak for 5 minutes as in morning business.

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

Mr. WELLSTONE. Mr. President, I rise to thank the senior Senator from Massachusetts for raising very profound, important questions about this budget agreement. I came to the floor of the Senate yesterday, and I said that I really believed that there is a quiet crisis in our Nation when we don't make the kind of investments in providing opportunities for all the children in our country and that I find this budget to be woefully inadequate when it comes to such a question.

Mr. President, an agreement is fine, but the question is: At what cost? We don't want to leave a whole class of

citizens behind. Mr. President, as I look at this budget, I have two questions, and the senior Senator from Massachusetts raised these questions in a very eloquent and important way.

The first question: If, in fact, we are going to have these tax cuts, which, as we look over the first 10 years and beyond, accelerate and you have cuts in the capital gains tax and estate tax disproportionately flowing to the top 1 or 2 percent, then cuts in programs that are important to vulnerable citizens—nutrition, education, housing, you name it—really are harsh. This represents no standard of fairness to have tax benefits disproportionately benefiting the wealthy and at the same time eliminating opportunities for some of our most vulnerable citizens, especially children.

Second, Mr. President, I said yesterday that I really worry about the symbolic politics—and I speak only for myself here. I said it yesterday, and I say it one more time, I speak more to my own colleagues in the Democratic Party.

It is going to become very difficult for us to be talking about the early years, childhood development, the importance of investing in children, and the fact that for one out of every four children under the age of 3 and 4 in America, and for one out of every two children of color in America, it is going to be impossible to talk about our schools and the physical infrastructure when we have a budget that does not invest in these children. We don't have one cent invested now in the physical infrastructure in our schools. Rotting schools don't send children a very positive message about themselves.

We know—the medical evidence is compelling—that we have to do so much more on the nutrition front, on the health care front, on the child care front, on the intellectual development front if all of our children in our Nation are going to be prepared for school, much less prepared for life. And there is precious little by way of investment in children and in educational opportunities for these children in America.

So, Mr. President, I rise to just simply say to my colleagues that it is going to become very difficult for Democrats or, for that matter, all of us in the House and in the Senate to say that we are for children, that we are for opportunities, that we believe in our national values and the quality of opportunity when we do not make the investment.

Mr. President, this is a budget without a soul. This is a budget without a soul. This is a budget that leaves too many Americans behind. This is a budget that will further intensify the profound problem of two Americas. We should have one America. We should have one America where all of our citizens—and let's start with our children and grandchildren—each and every one of them have the opportunity to reach their full potential. This budget

doesn't make an investment in these children. This budget doesn't provide these children with these opportunities, and for the sake of tax cuts that in the main go to wealthy people, I don't see the standard of fairness. And I don't see the soul of this budget. I think we are making a terrible mistake.

So, Mr. President, as much as I respect colleagues—I see my good friend, Senator DOMENICI, on the floor—my work will be to try to raise the bar, have amendments, and improve this piece of legislation so that, as a matter of fact, we have a budget that represents an investment in the future. When I talk about an investment in the future, I talk about an investment in children. That includes poor children in America. I do not want to leave them behind.

Mr. President, I yield the floor.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The PRESIDING OFFICER (Mr. SANTORUM). The Senate will resume consideration of S. 672, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Grams-Johnson amendment No. 54, to facilitate recovery from the recent flooding across North Dakota, South Dakota, and Minnesota by providing greater flexibility for depository institutions and their regulators.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that a member of my staff, Sarah Neimeyer, be granted the privilege of the floor during consideration of the votes relating to S. 672.

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

Mr. WELLSTONE. Mr. President, I say to my colleague from Alaska that I have several amendments that I am ready to proceed with. I don't know exactly what his plan is, so I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the Senator.

I would be prepared to discuss the amendments that Senator WELLSTONE has shown to the committee. We are awaiting the arrival of the distinguished Senator from West Virginia. But I believe that it would be in order, if the Senator wishes, to lay down the amendment and discuss the one pertaining to low-income home energy assistance. And I would be pleased to discuss that with the Senator—pending the arrival of the Senator from West Virginia with regard to accepting it, however.

Mr. WELLSTONE. Mr. President, I have several amendments that I would like to offer and I would be more than willing to wait for the Senator from West Virginia, Senator BYRD, to come to the floor, if the Senator from Alaska so desires.

Mr. STEVENS. He sent word to go ahead with regard to amendments that we have seen so far.

AMENDMENT NO. 57

(Purpose: To strike section 304)

Mr. WELLSTONE. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE) proposes an amendment numbered 57.

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

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

The amendment is as follows:

Beginning on page 47, strike line 19 and all that follows through page 48, line 12.

Mr. WELLSTONE. Mr. President, I am going to lay this amendment aside and get to an amendment we may agree on. But I want to briefly mention the first two amendments that I have discussed with my colleagues.

Mr. STEVENS. Will the Senator yield?

Mr. WELLSTONE. Please.

Mr. STEVENS. Mr. President, we have only seen two of the Senator's amendments. We would like an opportunity to review them, if he would be so kind.

Mr. WELLSTONE. I would be pleased to. This is an amendment that has to do with brand name drugs for adults. I was going to simply offer it, lay it aside, and then go to the energy assistance amendment.

Mr. STEVENS. Mr. President, that is agreeable with the managers of the bill. I would like to have it laid aside and not be the pending amendment, if the Senator wishes. But we don't want to see a roadblock and have to get consent to move on to the other amendments.

Mr. WELLSTONE. I would be pleased to do that.

Mr. President, I ask unanimous consent that this amendment be laid aside.

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

AMENDMENT NO. 58

(Purpose: to make certain funds available, under the Low-Income Home Energy Assistance Act of 1981, to victims of flooding and other natural disasters)

Mr. WELLSTONE. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE) proposes an amendment numbered 58.

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

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

The amendment is as follows:

At the end of title III, add the following:

SEC. 326. The Secretary of Health and Human Services shall—

(1) make available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)), \$45,000,000 in assistance described in such Act to victims of flooding and other natural disasters in Minnesota, North Dakota, and South Dakota, for fiscal year 1997; and

(2) make the assistance available from funds appropriated to carry out such Act prior to the date of enactment of this section.

Mr. WELLSTONE. Mr. President, let me, first of all, say to my colleague from Alaska that I hope we will be able to eventually negotiate this out. We have been in contact with the Department of Health and Human Services to find out exactly what the need is in other States and see how we can make the best use of low-income energy assistance money to help people who have been the victims of floods.

So I thought, that while I know that my colleague is willing to perhaps take this, that I might start by explaining this amendment, unless my colleague has remarks which he wants to make at the moment.

Mr. STEVENS. Mr. President, if the Senator will yield, it would be my position that, if the Senator would delete the references to specific States, we would have no objection to the amendment. It is my understanding that the money is available and this would earmark \$45 million for assistance under section 2604(g) of the Low-Income Home Energy Assistance Act. But there are other disaster areas that are covered by this bill. We see no reason why there should not be similar assistance in those areas.

There are some disasters from 1996 and some from the spring of 1997 covered by this bill. They are all within the assistance for fiscal year 1997. Being limited to the assistance that is in this bill for 1997, we would have no objection if it is not earmarked to specific States.

I don't know the extent of assistance that would be available outside of the three States mentioned, but I do believe there are circumstances that would warrant them because of the type of flooding that took place in the fall of 1996.

Mr. WELLSTONE. Mr. President, I say to my colleague, perhaps I will then lay out the rationale for this. The reason I hesitate is that perhaps we might need, in the agreement, to work on another number. In other words, the \$45 million was based upon the very best advice that I received from Governors of our States about what we needed. It may be that we are going to talk about other States as well, which I am pleased to do, however, I just want to have some understanding of what the need is and whether or not this is enough funding. Altogether I think there is a contingency fund of

over \$200 million that Health and Human Services has in the LIHEAP program.

So, if my colleague would not mind, I would like to explain why I have offered this amendment. First of all, I very much appreciate the offer from the Senator from Alaska.

I also want to say at the very beginning that both Senator STEVENS and Senator BYRD have—I want people in Minnesota to know this—really left no stone unturned when it comes to this effort to get the assistance to people. I thank them.

Mr. STEVENS. Will the Senator yield further, Mr. President?

The Senator's amendment mandates the Secretary to make this available from the moneys that the Senator has mentioned. The Secretary has current authority to do it. It is discretionary. The effect of his amendment is to mandate that, of the moneys that are there, at least \$45 million shall be available immediately for the disaster victims. I believe that the fund itself is for general population assistance for LIHEAP projects. If the Senator will take out the reference to the specific States, what it means is that the \$45 million is reserved for the purposes he seeks and, if there is additional money in there, for others. But we think this reserving money ought to be for victims of all disasters covered by the bill.

Mr. WELLSTONE. Mr. President, I again appreciate the Senator from Alaska and his wisdom on this matter. The Senator is quite correct.

A little bit of background about this: We have been working very hard with the administration over the last month to get them to release this contingency funding. I talked with the Office of Management and Budget and others about releasing some of this funding to the State of Minnesota. Under the best of all circumstances, you want to keep this contingency fund intact because you may need it for the summer cooling assistance. We don't normally think about that. But not too many summers ago we were faced with a tragic situation in our country where people actually died from the heat. I understand the need to keep some of that money in the contingency fund. It just so happens that this flooding and the extent of this devastation is unprecedented, and we are trying to take some of this fund to deal with an emergency—indeed, the emergency that confronts people in our States.

Let me, first of all, explain the reason for this amendment. This money is in a contingency fund to provide assistance to people who really need that assistance, who are really faced with an emergency situation, and that is the case in Minnesota and the Dakotas. But what we are faced with in Minnesota is the situation where many people are now going back to their homes and they are trying to rebuild their lives. This money, which can be delivered expeditiously and will help people repair their furnaces so that

they can begin the process of rebuilding their lives by cleaning up and moving back into their homes.

If I could get both Senators' attention, if I could get the attention of the Senator from Alaska, I want to say to the Senator from Alaska and to the Senator from West Virginia that we will accept the very generous offer. We have now made some calls and this is fine with us.

Maybe I could summarize this amendment and we will be done with it, if that is OK.

Mr. President, in Minnesota alone, we have estimates of around \$30 million to help people with their emergency energy needs. Once this amendment is accepted, and it will be and hopefully be part of this disaster relief bill, we are in a position, out in Minnesota, to deliver this assistance to people within a couple of weeks. We are talking about, roughly speaking, in Minnesota alone, about 16,000 households which will be eligible for this assistance.

So, I say to my distinguished colleague from Alaska, and I say to my distinguished colleague from West Virginia as well: Thank you. I want this assistance to help people in, not just three States, but other States as well. It sounds like this additional funding will really make a difference. It sounds like a small amount. I thank my colleagues, all of my colleagues, because, while it may sound like a small amount, given the context of the overall disaster relief bill, this will be a huge help. I have been receiving a lot of calls from State officials and from families in Minnesota saying: Look, we are going home. We are trying to rebuild our homes, trying to rebuild our lives. If you could get just a little bit of assistance to us to repair our furnaces, for example, this would make all the difference in the world.

I say to Senator STEVENS and Senator BYRD, you have helped make all the difference in the world for some families in Minnesota. I thank you and I am very pleased to have this amendment accepted.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, as Senator WELLSTONE has indicated, the effect of this amendment will be to dedicate a portion of the moneys that are available to the Secretary of Health and Human Services to make LIHEAP-type assistance available to victims of flooding and other natural disasters covered by the bill. It is moneys that are there and could be made available. This mandates making it available.

We believe under the circumstances that that is a proper thing to do. For this side, I am willing to accept the amendment.

Mr. President, I ask Senator BYRD if he is willing to accept the amendment.

Mr. BYRD. Yes, if the Senator will yield, I am happy to associate myself with the remarks of the distinguished Senator from Alaska.

Mr. STEVENS. I ask the Senator modify his amendment in accordance with our agreement by deleting the references to the States. Has he done that?

Mr. WELLSTONE. Mr. President, I say to the Senator from Alaska, I will so modify it.

The PRESIDING OFFICER. The Senator has a right to modify his amendment at this time.

Mr. STEVENS. As modified, it then reads "natural disasters for the fiscal year 1997," is that correct?

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 58), as modified, is as follows:

At the end of title III, add the following:
SEC. 326. The Secretary of Health and Human Services shall—

(1) make available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)), \$45,000,000 in assistance described in such Act to victims of flooding and other natural disasters for the fiscal year 1997; and

(2) make the assistance available from funds appropriated to carry out such Act prior to the date of enactment of this section.

Mr. STEVENS. I am prepared to accept the amendment of the Senator and ask for a vote.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 58), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Does the Senator wish to proceed to other amendments?

Mr. WELLSTONE. I am ready, but in deference to both Senators, they had wanted me to lay aside the extension of the drug patent?

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

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

The Senator from Alaska.

AMENDMENT NO. 60

(Purpose: To make a technical amendment to language in the manager's amendment)

Mr. STEVENS. Mr. President, the Department of Transportation has provided us a technical correction to some language that is in the nonemergency title of the bill. The correction in no way changes the scope or intent of our committee action and it has been cleared, now, on both sides. I offer it, to bring about the technical correction that has been sought by the administration through the Department of Transportation.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 60.

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

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

The amendment is as follows:

On line 1, page 37 of the bill, after the colon, strike all through "1997" on line 15 of page 37, and insert the following:

Provided further, That notwithstanding any other provision of law, such additional authority shall be distributed to ensure that States receive amounts that they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996; and that notwithstanding any other provision of law, an amount of obligational authority in addition to the amount distributed above, shall be made available by this Act and shall be distributed to assure that States receive obligational authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996:

Provided further, That such additional authority shall be distributed to ensure that no State shall receive an amount in fiscal year 1997 that is less than the amount a State received in fiscal year 1996."

Mr. STEVENS. Mr. President, I ask for immediate consideration of the amendment.

Mr. BYRD. Mr. President, this side is in agreement with the distinguished Senator from Alaska with reference to this amendment. We are willing to accept it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 60) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, so there is no misunderstanding, I ask unanimous consent that amendment No. 60 that I offered on behalf of the Treasury Department to make a technical correction to the bill be considered original text for the purpose of amendment.

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

Mr. STEVENS. Mr. President, does the Senator from Minnesota wish to proceed now?

Mr. WELLSTONE. Mr. President, I am ready to speak about the bill, the disaster relief bill, and how important it is to Minnesota. I am waiting on the amendment for Senator HOLLINGS.

Mr. STEVENS. Mr. President, if the Senator wishes to address the bill in any way, it is his privilege.

Mr. WELLSTONE. Mr. President, I thank the Chair. I will, just for a minute, suggest the absence of a quorum, and then I will be right back on the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the Senator from Texas is recognized for 10 minutes as in morning business.

Mr. GRAMM. Mr. President, I thank the distinguished chairman of the Appropriations Committee for giving me this time.

BUDGET DEAL

Mr. GRAMM. Mr. President, obviously, with the budget deal completed over the weekend, Members are trying now to look at the facts. What I would like to do in these 10 minutes is turn and look at the facts.

I know to many people in America, it may seem too good to be true to believe that we could give the President the largest increase in social spending that we have seen in America since the 1960's, in his own words, that we could give Republicans a tax cut and that we could give the American people a balanced budget all at the same time.

If all that seems too good to be true, it is for a simple reason: It is too good to be true. Let me begin by simply running through the budget very quickly.

Because the economy has been growing, this year we had an easier task of balancing the budget than we have had before. In fact, we only needed about \$330 billion of deficit reduction in order to balance the budget. Let me outline how the budget agreement achieves that \$330 billion of deficit reduction.

As many of you know, on Thursday night, at the very point where the budget agreement had reached an impasse, the budgeting arm of Congress, the Congressional Budget Office, miraculously discovered a revenue windfall where they reestimated, again, the rate of growth in the economy and the amount of taxes taken from the economy and, in the process, produced a revenue windfall that lowered the deficit by \$225 billion. That one assumption of stronger economic growth provides 68 percent of the deficit reduction required to balance the budget.

The budget negotiators assumed a lower inflation rate which reduced the deficit by \$15 billion, another 5 percent of the required deficit reduction. They assumed by balancing the budget, the economy will be stronger still, and we will get a balanced budget dividend with stronger economic growth, and they assumed that economic growth would provide \$77 billion of additional deficit reduction, another 23 percent. In the final analysis, the deficit reduction in this budget can be divided in the following way: 96 cents out of every dollar of deficit reduction is simply assumed; 4 cents out of every dollar, \$14 billion out of \$330 billion comes from a change in public policy.

So why is the budget balanced in this budget? It is balanced because the negotiators assumed that it is balanced. Only \$14 billion of the \$330 billion of required deficit reduction comes from policy change.

What is very much real about the budget is discretionary spending. When the Speaker said this budget is the fulfillment of the Contract With America, I think if you go back and look at the 1996 budget that was passed by Congress, which embodied the Contract With America, you will see that over the 5 years of this current budget negotiation it spent \$216 billion less on social spending than the budget deal that has just been completed. The budget we adopted last year spent \$193 billion less on nondefense discretionary spending. The President's budget from last year spent \$79 billion less on nondefense discretionary spending. And finally, if you take the President's budget as scored by CBO, with the across-the-board cuts in the last year, this budget agreement actually gives the President \$5 billion more than he asked for in his own budget with the CBO adjustment and the automatic cut mechanism in the end.

In addition to this massive increase in discretionary spending, the budget entails a whole group of entitlements. It expands Medicaid in two different ways; it overturns welfare reform from last year and reinstitutes welfare benefits for illegal immigrants; it expands food stamps and, together with mandatory and entitlement programs, it spends roughly another \$35 billion.

Then the major savings claimed in the budget is in Medicare, but virtually all these savings come from lowering reimbursement to doctors and hospitals, because what the negotiators did is they not only picked the number of \$115 billion, but they committed to the Clinton policy. The only problem is that on a dozen occasions in the last 30 years, we have assumed a lower reimbursement rate for doctors and hospitals under Medicare, and each and every time this policy has not worked because the doctors and the hospitals have found ways around it. But we take every penny of that \$115 billion of claimed Medicare savings and spend it on new entitlements and on new social programs.

Finally, we come to the tax cut which is funded by odds-and-ends, dogs-and-cats savings and by spectrum auction. This is selling the right to use spectrum. I remind my colleagues that the Appropriations Committee last year assumed \$2.9 billion of spectrum broadcast auction to fund spending. When that auction actually occurred, it raised only \$13.6 million, or, in other words, we got \$1 for every \$200 of spectrum auction we assumed last year.

But let me talk about the tax cut. We, in the budget, have an \$85 billion net tax cut. Any tax cut beyond that we have to raise other taxes to pay for it. About \$5 billion of that is offset by the lower CPI assumed in the budget

and its impact on taxes, and that gets the net real tax cut down to about \$80 billion. We commit in the budget to fund the President's education priorities which takes another \$35 billion, though it is unclear at this point whether this was a 5-year commitment or 10 years. So we are now down to a \$45 billion net tax cut.

I remind my colleagues that the full Republican tax cut cost \$188 billion. In fact, a \$500 tax credit per child cost \$105 billion over 5 years. Capital gains, the way it is scored by the budgeting arm of the Congress, cost \$33 billion. Our death and estate tax relief cost \$18 billion, and our IRA expansion cost \$32 billion. The point is, if you read the newspaper, it is as if we got an agreement to cut capital gains taxes, to reform death taxes and give a \$500 tax credit. The reality is the net tax cut available will not pay for a third of that policy. What we are going to end up with, invariably, is a \$500 tax credit but excluding middle-income Americans from the tax cut. I don't know how you are going to end up fitting the rest of these items into that limited space.

Finally, let me conclude by saying, well, what about the question, Is this deal worse than nothing? Let me give you two reasons why I believe it is and why I am going to oppose it.

No. 1, it assumes a balanced budget and, in the process, convinces America that we have really done something about the deficit when we have not. I am very concerned that that is going to take pressure off Congress to control spending. We are seeing in this budget agreement itself the largest increase in social spending since the 1960's, and I am afraid that by convincing people we have balanced the budget when, in fact, we just assume it is balanced, that that is going to open the floodgates for spending.

No. 2, and of at least equal importance, in Medicare, we reduce reimbursement for doctors and hospitals. We take the fastest-growing part of Medicare, home health care, and transfer it out of the Medicare trust fund, something we Republicans denounced as a fraud only 2 or 3 months ago. By doing these things, we now claim that we have saved Medicare for a decade.

I am concerned that this is going to trample on the emerging bipartisan consensus to do something to save Medicare. I am concerned that we are going to let 2 or 3 years pass where we believe we have done something about Medicare, or at least claim we have, when, in fact, Medicare, when you look at the payment for hospitals and doctors, will be a \$1.6 trillion drain on the Federal budget in the next 10 years. I am afraid that by claiming we have done things we have not done—balance the budget, save Medicare—that we are going to undercut those real efforts. Those are efforts that desperately need to be undertaken.

Obviously, many people will have many different views on this subject. I

am a firm believer in the Jefferson adage that good people with the same facts are going to disagree. But I wanted my colleagues to understand that I am not here this morning speaking with passion about some priority I have that is not contained in the budget. What I am trying to do is to, basically, get people to understand that we assume the budget is balanced, we don't institute any policy to balance it; that we are granting a massive increase in spending for social programs that someday will have to be paid for; we are creating new entitlement benefits; and we are continuing to talk as if we are going to have this massive tax cut when we have only \$45 billion net available to pay for it. Trying to get \$188 billion of tax cuts into a \$45 billion allowable space is going to be very, very difficult and, in the end, a lot of people are going to be disappointed.

Let me, again, thank the distinguished chairman of the Appropriations Committee for giving me an opportunity to speak for 10 minutes as in morning business. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, Senator DURBIN has asked for time to speak on the budget. I ask unanimous consent that he be permitted to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois is recognized.

Mr. DURBIN. Thank you, Mr. President. I thank Chairman STEVENS for yielding this time in morning business.

AGREEMENT ON BALANCING THE BUDGET

Mr. DURBIN. Mr. President, it has only been a few weeks since this Chamber was the platform and the focus for a debate on amending the Constitution of the United States. Members of this Senate came to the floor, mainly Republican but some Democrats, and argued it was politically impossible for the leaders in this country to reach an agreement on a balanced budget absent an amendment to the Constitution which would require it, which would involve the Federal judiciary, which would have added language to the Constitution, binding language on future Congresses. And yet here we stand today, just a few weeks later, many of us in favor of, some opposed, but speaking to an agreement to balance the budget. Did it take a constitutional amendment? Of course not, it took leadership, leadership from both political parties.

I voted against that balanced budget amendment. I said then, as I say now, you do not need to amend the Constitution to meet your constitutional responsibility, and my responsibility is to make certain that we live within our means while our economy moves forward. And I am happy today that we can stand and discuss this balanced

budget absent a constitutional amendment.

I want to acknowledge on the floor my colleague, Senator BYRD, of West Virginia. If you were to list his accolades, I think the one he would be proudest of is his role as guardian of the Constitution. He carries that Constitution in his pocket every day. He believes in it to his core that it embodies what America is all about. He does not take constitutional amendments very lightly, and he has effectively argued against the balanced budget amendment and others over the years.

Senator BYRD, this balanced budget agreement is a tribute to your tenacity and your commitment to the Constitution. History has proven you right again. A constitutional amendment was unnecessary. It took the will to bring about this agreement. And today we are debating such an agreement without a constitutional amendment.

On behalf of myself and those who really are grateful for the contribution you have made on behalf of the Constitution, I just want to acknowledge that today.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Illinois for his more than gracious, more than charitable comments. I very much appreciate them.

Mr. DURBIN. You are certainly welcome.

How did we come to this day? Make no mistake, if the American economy were struggling, if we faced high unemployment, slow economic growth, few housing starts, businesses failing, trade accounts in the red, we would not be standing here with any kind of an agreement to balance the budget. But that is not the case.

What propels us into this debate is the good condition of the American economy. Yesterday, the Dow Jones index broke a record, I believe. I cannot keep up with it. Up and down, up and down, but it has generally been up. We have seen the lowest unemployment figures in two decades. We have seen jobs created. People are building homes and starting businesses. America is moving forward. We feel good about it.

How did we get here? Is this just a matter of good luck? I think it is more than that. I think it goes back to an action taken by Congress in 1993, and not a popular one, I might add, when the President stood up and said, "I think we can move toward a balanced budget and keep the economy moving forward, and I want the support of Congress to do it." I was a Member of the House at that time. I joined the President, and I might tell you it was a partisan decision—not one single Republican vote in support of the President's plan, and yet we passed it. In the Senate it only passed when Vice President GORE cast the tiebreaking vote to enact the President's budget. We are lucky that he did because with that plan in 1993, we set the stage for this

debate to bring the budget into balance. We set the stage for economic expansion, which is creating more revenues, so that we can sit down and talk about tax cuts and more money being spent on education and environmental protection. Absent the President's leadership, absent the Democrats in Congress standing behind him, this day might never have come. And yet it has. And we can be proud of it.

So let us talk about this agreement for a moment. Is this an agreement I would have written? No. I would have changed a lot of provisions here. It is a compromise. It is a bipartisan compromise. There are things which many Republicans are proud of which I would not have included. There are things which were not included but I think should have been. But make no mistake, this is a good agreement. It is good for this country. It is a good bipartisan compromise. It is one which not only reaches a balanced budget but says we are going to do it in a responsible way.

First, under the Republican Contract With America, which Speaker GINGRICH and many Republican Senators supported, we were to cut out of Medicare \$270 billion over 7 years—a massive cutback in Medicare. They said it was necessary; you had to do it. And if you did not do it, Medicare was in peril. The American people knew better.

That \$270 billion went way beyond what was necessary to strengthen Medicare. It created funds for a tax cut for wealthy people. And that was not fair. The President stood up and said, "I won't agree to it." When he threatened that veto, that particular proposal did not go forward. Where are we today?

The bipartisan compromise talks about a \$115 billion cut over 5 years in Medicare and a guarantee to the American people that, for 10 years, Medicare will be solvent and strong. We have kept our word to the seniors in this country and those about to be seniors. They can rest assured that Medicare will be there. That is good. That is part of this agreement.

Medicaid. Medicaid is not just health insurance for poor people; it is health insurance for destitute elderly in nursing homes. That is where half the money in Medicaid goes. The elderly person in a nursing home who has spent down and has not a single thing left on Earth turns to Medicaid to keep them alive.

The Republican proposal originally to cut Medicaid was \$160 billion over 7 years. We said it was too much. The President said it was too much. In this agreement it is down to \$15 billion. We have brought it down to a manageable amount, one that will not endanger the health and security of the disadvantaged and elderly.

Education. My colleague from Texas, Senator GRAMM, got up a few minutes ago and talked about all this massive Federal spending. Well, let me tell you, America, families that get up every morning and wonder whether they can

pay for their kids' college education expenses, this budget agreement will be a helping hand. We are going to allow you for the first time to deduct college education expenses on your income tax. Oh, it is still going to be expensive, but you are going to get a helping hand for the first time.

And, students, listen up. Get good grades, go to school, and there is a scholarship in here for you that will pay for most community colleges and some colleges and universities. Too good to be true? No. It is a commitment by the President that is embodied in this budget agreement that is good for this country.

Visit a couple with a new baby a couple days after the baby is born, and they are home and you go to visit them. You say, "What a beautiful little baby. Looks just like his dad," or "looks just like his mom. Is she sleeping at night? How is she taking her bottle?" And then, after a few minutes, "Have you thought about how you're going to pay for her college education?"

It is something we all think about. Next to our home mortgage, for most families in this country, this is what you worry about. "How am I ever going to put this money together?" This bill will help. It will not pay the whole thing, but it is going to help. It is responsive to the real needs that American families feel.

Middle-class tax relief. Not only when it comes to education to help working families pay for college and training expenses, but a child tax credit of \$500 per child. What does it mean? Well, my daughter and her husband have a little baby boy, our grandson. We are so proud of him. He is going to be a year old in a few weeks.

My wife and I did not think much about this when we raised our kids, but my daughter and my son-in-law talk about day care. "Dad, what are we going to do about day care? It's expensive. We don't want to put Alex anywhere that isn't safe, quality day care. How are we going to pay for it?" They are lucky. They have two jobs, two incomes in their family. Some other families struggle with the same decision with fewer resources.

This child tax credit in here means a helping hand, \$500 per child per year. It will not cover the cost of day care, but it will help. And shouldn't we help? Shouldn't we help working families? That is what this is all about.

We are finally responding to the real issues that real people talk about. I do not believe real American families sit around the family room and say, "What about campaign finance reform? What's going on with the latest investigation in Washington?" They do sit around and talk about paying for college, paying for day care. This budget agreement will address it.

The battle is not finished. There is another one before us. I hope we enact this budget agreement. Then we will address a tax bill. I think you are going

to see some real differences in philosophy between Democrats and Republicans about whether the tax savings in that bill go to working families or wealthy people. I think they should go to working families.

I think we ought to, for example, give 100 percent deductibility of health insurance premiums for all self-employed people. All family farmers, all small businesses, those who are self-employed, should have the same benefits of hospitalization insurance deduction as the corporations do.

So, for American families, this agreement is a step forward. The President's leadership, a bipartisan compromise, has us on the road to a balanced budget in a responsible way.

I yield back my time.

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER (Mr. ROBERTS.) The Senator from Iowa is recognized.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. GRASSLEY. Mr. President, I would like to talk about our efforts to eliminate problem disbursements at the Department of Defense [DOD].

Problem disbursements are payments that were not matched with obligations before the bills were paid.

As we have learned in recent years, the failure to follow this very elementary internal control procedure leaves the Pentagon's financial accounts vulnerable to theft and abuse.

It leads to underpayments, overpayments, erroneous payments, and even fraudulent payments.

It leads to overdisbursed accounts.

That is when payments exceed available appropriations.

When that happens, you have a violation of the Anti-Deficiency Act. That is a felony.

Right now, Mr. President, the Defense Finance and Accounting Service [DFAS] Center at Columbus, OH, has about 2,700 contracts that are overdisbursed.

Those contracts have negative cash balances of \$900 million-plus.

In a nutshell, the Pentagon's financial books are in a shambles.

Mr. President, that's not the Senator from Iowa talking.

That's coming straight from the horse's mouth—the DOD inspector general [IG] and the General Accounting Office [GAO].

That's what their audit reports say. They say: DOD's books are in such a mess that they can't be audited—as required by law—the Chief Financial Officers Act of 1990.

When the auditors can't conduct an audit, they issue a "disclaimer of opinion."

Well, guess what?

DOD gets one disclaimer after another—year after year. It's a disgrace.

One way to clean up the books is to start matching disbursements with obligations before payments are made.

This is the stuff that's taught in basic accounting course 101 in college. It's square one, I know, but it's the right place to start.

And that's what the Senate has been telling DOD to do since 1994.

For 3 years now, we have been telling DOD to get on the stick and fix the problem.

This was done with the leadership and support of my friend from Alaska Senator STEVENS, and my friend from Hawaii, Senator INOUE.

I thought we were really making progress—until I saw the new GAO report.

That's a May 1997 report. It says DOD is underestimating the dollar value of problem-disbursements by at least \$25 billion.

DOD says it's an \$18 billion problem.

That means we're really staring at a \$50 billion problem—or worse.

Why would DOD grossly underestimate the problem like this, Mr. President?

We're looking at a classic bureaucratic trick. Blowing smoke to conceal the problem: Redefining the problem to make it look smaller.

This makes the Senate think the problem is getting fixed.

They want the Senate to ease up on the pressure. That's the goal, Mr. President, reduce the pressure.

Unfortunately, with problem disbursements at the \$45 to \$50 billion level, we right about where we started in 1994.

So this is no time to ease up on the pressure.

The unwanted pressure is being generated by our legislative initiatives.

We have gradually turned up the pressure in three successive appropriations bills as follows:

Fiscal year 1995 act—section 8137.

Fiscal year 1996 act—section 8102.

Fiscal year 1997 act—section 8106.

Mr. President, I ask unanimous consent to have printed in the RECORD those sections of the law.

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

PUBLIC LAW 103-335—SEPT. 30, 1994

* * * * *

SEC. 8137. (a)(1) The Secretary of Defense shall develop a plan for establishing and implementing a requirement for disbursing officials of the Department of Defense to match disbursements to particular obligations before making the disbursements. The Secretary shall transmit the plan to Congress not later than March 1, 1995.

(2) The Inspector General of the Department of Defense shall review the plan and submit the Inspector General's independent assessment of the plan to the congressional defense committees.

(b)(1) Not later than July 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of \$5,000,000 be matched to a particular obligation before the disbursement is made.

(2) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of \$1,000,000 be matched

to a particular obligation before the disbursement is made.

(c) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (b) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(d) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war declared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Secretary and certified by the Secretary to the congressional defense committees.

(e) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (b) be matched to a particular obligation before the disbursement is made.

PUBLIC LAW 104-61—DEC. 1, 1995

* * * * *

SEC. 8102. (a) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in the amount in excess of \$5,000,000 be matched to a particular obligation before the disbursement is made.

(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (a) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(c) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war declared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Secretary and certified by the Secretary to the congressional defense committees.

(d) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (a) be matched to a particular obligation before the disbursement is made.

PUBLIC LAW 104-208—SEPT. 30, 1996

* * * * *

SEC. 8106. (a) The Secretary of Defense shall require not later than June 30, 1997, each disbursement by the Department of Defense in an amount in excess of \$3,000,000 be matched to a particular obligation before the disbursement is made.

(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under section (a) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such section to that disbursement.

Mr. GRASSLEY. Mr. President, under the law, DOD was required to start making the matches on checks over \$5 million, and then gradually ratchet the thresholds down to zero.

At the \$5-million level, DOD is really just scratching the surface.

DFAS/Columbus is where it happens. DFAS/Columbus writes fewer than 1,800 checks per year that are \$5 million or more. So what's the big deal? Matchups on 1,800 checks should be a piece of cake.

But when it came time to start phase 2 and lower the threshold to the \$1 million checks, DOD balked.

DOD said "No"—even though it makes fewer than 11,250 payments over \$1 million annually. DOD asked for more time.

Making the matchups on 11,250 checks ought to be Mickey Mouse stuff. Banks routinely do 500,000 to 1 million each day.

Mr. President, for 11,250 DOD checks versus up to 1 million checks for U.S. banks and DOD can't do it.

Why can't the Pentagon do it—with all its technological know-how?

Mr. President, I can't help but think that, maybe, the Pentagon bureaucrats don't want to clean up the books.

They like the mess. That way no one knows what is really going on, including them, and no one gets in trouble.

Well, thanks to the committee's determined leadership last year, our legislative reform effort is back on track. We regained some momentum.

DOD must now make matchups on all checks over \$3 million, starting next month—June 30.

At the same time, DOD is supposed to be developing a detailed plan for moving first to the \$1-million mark, and then on down to zero.

The IG is reviewing that plan right now and should be submitting an assessment to the committee soon.

After we study this report, we should be in a position to decide on how to proceed in the fiscal year 1998 bill.

I would like to mention one disturbing new development.

I was recently provided with evidence—DOD documents—that clearly indicates that DOD is not on board 100 percent with our effort.

This material pertains to program payments made at the DFAS/Columbus Center. It shows that DOD is using several random-allocation procedures for matching payments with appropriated moneys.

This procedure subverts the appropriations process and is guaranteed to create more unmatched disbursements—big time—along with a host of other legal problems.

I will have more to say on this later, once I have all the facts.

This new information tells me that we will need to apply more pressure to get the job done. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, I am fully aware that my colleague from Minnesota has made a motion to strike—

Mr. STEVENS. Will the Senator yield for a moment for a housekeeping matter?

Mr. HOLLINGS. Certainly.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT
NO. 54

Mr. STEVENS. Mr. President, I ask unanimous consent that at 2:15 today there be 5 minutes of debate equally divided between Senator GRAMS and the ranking member, and at the expiration or yielding back of the time, the Senate proceed to vote on the Grams amendment. That would make the roll-call vote at approximately 2:20 today.

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

Mr. STEVENS. I thank the Senator.

May I inquire, is there any indication between you and Senator WELLSTONE that we might have some timeframe on this?

Mr. HOLLINGS. I will check and inform the chairman.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Bill Pratt, a fellow assigned to Senator DASCHLE, be given floor privileges during the consideration of S. 672.

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

Mr. HOLLINGS. Mr. President, momentarily, while we see what may or may not be worked out with respect to the particular amendment—

Mr. BOND. Mr. President, may I ask consideration of my colleague to interrupt for a procedural question?

Mr. HOLLINGS. Yes.

Mr. BOND. Mr. President, I have a number of technical amendments and things that I will need to insert, and I will need a brief time period sometime between now and lunch. I wondered if the distinguished colleague from South Carolina would indicate if there is a time when I may do that.

Mr. HOLLINGS. I will be very brief.

Mr. BOND. I thank the Senator.

SHAM BALANCING ACT

Mr. HOLLINGS. Mr. President, as some say, "Eureka, I have found an honest man." Well, here, I have found an honest journalist. I don't know who wrote the editorial in USA Today on yesterday, but it is entitled "Sham Balancing Act Hides True Scope of the Deficit."

It is not my intent to come out and immediately take the so-called balanced budget plan and trash it. It moves in the right direction. But I want to be constant and persistent until we finally have not just the USA Today realize it has been a sham balancing act, but I want everyone to realize that it is in the law. Section 13301, signed by President Bush on No-

vember 5, 1990, says that thou shalt not in this Government use Social Security trust funds in any report of a so-called unified budget or unified deficit. It is the most fraudulent use of the word unified because, to the lay person, unified suggests it is net. In other words, the Government spends money and it also receives receipts or receives money. And the inference is, with unified budgets and deficits, that is the real net or true balance or true deficit. Totally false.

The truth of the matter is that we have been engaged in a sham now for several years respecting the use of trust funds. Right to the point, Mr. President, what we have is a list of these trust funds here that have been consumed and spent, not just borrowed. I have the March figures. As of the end of March—this is the most updated figure—Social Security will be owed \$582 billion; Medicare, HI, \$122 billion; SMI, \$31 billion, for a total of \$153 billion in Medicare.

Military retirees the land around, you should know they are spending your money, which has been set aside under the law for your retirement. That particular fund is \$129 billion shy because of this deceit. Civilian retirement—all civil servants within the sound of my voice, remember, the civil service retirement trust fund has now been spent to the tune of \$395 billion. Unemployment compensation that the small employer in America pays in regularly, as well as the large ones, that is shy some \$51 billion, that particular savings amount. The highway trust fund—we borrowed that money, too, but not for highways. If anybody says a bridge is down, like in my backyard where we have been trying to get a river bridge that has been declared unsafe for 20 years now, that money is already spent to the tune of \$22 billion. We can build a river bridge in each of the 50 States with the highway money used to obscure the size of the deficit, the debt, and the interest cost on that national debt. Airports and airways, \$6 billion; railroad retirement, \$18 billion; \$63 billion in the Federal finance bank and the other particular trust funds, for a total of how much? \$1.419 trillion. Now, we owe \$1.419 trillion.

I have the updated figure just for Social Security as it relates to this particular editorial. I ask unanimous consent that this editorial be printed in the RECORD at this point.

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

[From USA Today, May 5, 1997]

SHAM BALANCING ACT HIDES TRUE SCOPE OF
THE DEFICIT

Over exuberance isn't just a disease of the stock market. Just consider the expansive praise surrounding last week's budget deal between the White House and GOP congressional leaders.

"This balanced-budget plan is in balance with our values. It will help prepare our people for a new century," President Clinton declared of the five-year outline.

House Speaker Newt Gingrich was even more effusive: "We spent four months (with)

people saying, 'What are you going to do? * * * Well, my answer is balance the budget, cut taxes, reform entitlements.'"

Not quite.

The deal, with \$350 billion in spending reductions over five years, is a modest step forward. But it is more a product of good fortune than hard work.

The end of the Cold War has trimmed tens of billions from defense needs. And a high-employment, low-inflation economy has provided a \$45 billion-a-year windfall in revenues.

Those factors alone have cut the budget balancers' work by about a third.

But good fortune takes second place to the budget tricks Clinton and Congress have performed and the blind eye they've given entitlement problems.

The fact is that the balanced budget in 2002 won't be balanced. Clinton and Congress avoided dealing with \$450 billion worth of overspending over the next five years by simply counting surpluses borrowed from Social Security and other federal trust funds as income. In 2002, they rely on \$100 billion borrowed from Social Security and other trust funds that year.

Worse, Clinton and Congress put off meaningful entitlement reform. The \$23 billion a year in Medicare savings they agreed to will keep its trust fund solvent only until 2008—the year 76 million baby boomers begin flooding into retirement. Ignored totally was Social Security's need for an infusion of an extra \$60 billion a year, starting now, to keep it viable.

Instead, Clinton and Congress passed out tax goodies that will sap \$20 billion worth of revenue a year, with much of the benefit going to the rich.

The budget deal has its high points. It will trim the health-care bureaucracy and promote greater use of managed care. It cuts back some wasteful corporate welfare even as it invests more in a healthy start for kids that could provide savings later.

But tax giveaways promise to balloon the deficit when good economic times end, and lack of entitlement reform means the toughest budget work lies ahead.

Last week's deal thus earns some polite applause but no standing ovation.

Mr. HOLLINGS. Mr. President, it is another \$456 billion that will be spent. So as of the year 2002, we look around at Social Security and everybody is saying, wait a minute, the baby boomers are going to come in 15 years, and the baby boomers will be in a foot race trying to get ahead of us politicians because we are way ahead of them spending this money. We will owe, in the year 2002, in excess of a trillion dollars. That is why this chart has been brought forward. Last year, when we said the annual deficit was \$107 billion, the truth of the matter is, it was \$261 billion. We borrowed, in order to make it \$107 billion, or we spent from the various savings funds here at the Federal level, \$154 billion. Why not borrow another \$107 billion and call it balanced? That is the gamesmanship that is going on.

I went home over the weekend and they found \$225 billion over at CBO. I have heard that my colleagues on the other side of the aisle were informed of this revenue before the Democratic negotiators were. They went back and forth with respect to OMB and CBO while knowing this extra money was available. You can see the gamesmanship involved. But the hard-core fact is

that they have projected, up until now, \$360 billion in interest costs on the national debt. That is, while we are debating, we are increasing spending a billion dollars a day for absolutely nothing and adding it to the national debt. So that by the end of the 2002, the debt will exceed \$6 trillion, and the interest costs on that will be in excess of \$500 billion.

So what will occur is, at the end of this particular budget that we are all talking about as balanced, domestic spending, which is cut from current policy, defense, which is cut from current policy, will be exceeded by the interest costs on the national debt. The whole time we are going through this charade, they said "sham balancing act" in this particular editorial, they totally ignore section 13301 of the Budget Act and ignore the reality that we will have spent in excess of \$2 trillion in trust funds when we get through.

Mr. President, what we really have is a disaster on our hands. While we are talking about waiting for the baby boomers 15 years out, Social Security is paid for. The taxes are there. We have a surplus, supposedly, of \$581 billion. But that \$581 billion is not in the desk drawer; it is a little old IOU. We have a surplus in Medicare right this minute, which they are talking about going broke; in Medicare we have a \$153 billion surplus. That is paid for. But they are all talking about deficits. Why? Because we are spending it and using this subterfuge of a unified budget, a unified deficit. Until we sober up from that, Mr. President, we are going down, down, down, adding to the debt each year, adding then to the interest cost each year, and then adding to the automatic spending, the spending on automatic pilot at a billion dollars a day. That is spending for absolutely nothing.

If we had been responsible—interest payments were only \$75 billion when President Reagan came to town; we have added over \$285 billion in interest spending; that \$285 billion is what all of the particular negotiating since January has been about—we could have taken defense, research, technology, education, the environment, and all of these particular needs.

Point: We are spending the trust fund money up here in Washington. We are telling the people we are not spending it. "It is unified. Don't worry about it." And we are taking their savings fund and running away with it. And whoever is going to be around here on the bridge to the next century, remember. It is not going to be a bridge. We are going right straight over the cliff. I yield the floor.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I extend my sincere thanks to the distinguished colleague and fellow Budget Committee Member from South Carolina.

Mr. President, as we begin the discussions today about the emergency supplemental appropriations measure, I thought it would be very important to touch on some of the important issues in this bill that reflect the spending items in the budget of the VA-HUD Independent Agency Subcommittee on which I serve.

The full committee appropriations recommendation includes for the emergency supplemental \$3.5 billion for disaster relief for the Federal Emergency Management Agency, or FEMA. In the committee report we have recommended \$2.5 billion more than the President's request of \$979 million. The amount recommended represents FEMA's current estimate of what is needed to meet the requirements of all disasters currently on the books, and those disasters projected to occur in the balance of fiscal year 1997.

Approximately \$1.1 billion of the funds provided are for disasters projected to occur based on the 5-year historical average cost of disaster relief.

The funds recommended, coupled with the \$2 billion currently available in FEMA's disaster relief fund, would enable FEMA to meet fully all of the fiscal year 1997 and prior year commitments. Certainly our hearts go out to the people of North Dakota, South Dakota, Minnesota, and other areas stricken by disasters this year. I join with others in commending FEMA for the work that it has done to respond quickly to disasters. For those of us who live in States which have been struck by disasters, we sincerely appreciate the dedicated men and women of FEMA and their ability to respond quickly to those needs.

Having said that, I must notify my colleagues that FEMA's disaster relief expenditures are out of control. The subcommittee has been paying the price time and time again for FEMA's largess. It is as if we had a tanker truck that arrived to put out the fire. It puts out the fire but it leaves all of the valves open. So the water continues to spill out even after the fire is done, and that is what we are funding. We are filling up a tanker truck that still has the valves open. I commend the people for getting the truck there when the fire starts. But we need to get a handle on how much continues to run out after the fire is put out.

In the past 2 years, including this legislation before us today, we have cut almost \$12 billion from other VA-HUD programs—principally low-income housing—to pay for FEMA disaster relief. Yet we have learned that these funds have gone to rebuild stadiums, golf courses, yacht harbors, and to replace fully, without any State cost share—partially damaged university hospitals, such as over \$400 million in Federal repair costs by FEMA for the UCLA hospital because of the

Northridge earthquake. Let me make that point again. Mr. President, we have spent \$400 million in Federal repair costs for the UCLA hospital, a very important facility, a revenue-generating facility, and one which, frankly, has a lot more reserves than the U.S. Government.

In the past 2 years, hundreds of millions of dollars have paid for snow removal. There has not been a Federal disaster declaration for snow removal since 1979. I think there is little accountability in the program, and entirely too much discretion to waste taxpayers' dollars.

I also point out to my colleagues that we wouldn't need a supplemental for FEMA today if in 1996 the President's Chief of Staff had not recommended a \$1 billion rescission from FEMA during the negotiations on the final bill last year. We knew these funds would be needed, but instead, following the administration's recommendation, Congress rescinded these funds to pay for administration priorities in other areas.

Moreover, equally disturbing is that to offset these FEMA costs, as well as an additional \$100 million requested by the President for CDBG, community development block grant emergency funding, the bill would rescind over \$4 billion from the programs and activities within the jurisdiction of the VA-HUD appropriations subcommittee, including \$3.65 billion from unobligated HUD section 8 contract reserves.

The rescission of \$3.65 billion in unobligated section 8 contract reserves places the renewal of section 8 contracts for fiscal year 1998 in jeopardy. As the people at HUD know full well, the cost of section 8 contracts will skyrocket over the next few years. In particular, the VA-HUD fiscal year 1997 Appropriations Act appropriated \$3.6 billion to cover the cost of renewing expiring section 8 contracts for fiscal year 1997. The costs of renewing all section 8 contracts for fiscal year 1998, one year later, a total of \$1.7 billion expiring contracts, many of which are for the elderly and disabled, will require an appropriations of some \$10.2 billion in budget authority for fiscal year 1998. The cost of expiring section 8 contracts rises to \$11.9 billion in fiscal year 1999, \$13.7 billion in fiscal year 2000; \$15.1 billion in fiscal year 2001, and \$16.4 billion in fiscal year 2002.

Just to go back, in the current year we had to find budget authority for \$3.6 billion. For the coming year, \$10.2 billion, almost a threefold increase, going up to \$11.9 billion, up to \$13.7 billion, up to \$15.1 billion, up to \$16.4 billion.

My colleagues will have a right to ask. Are we paying out that much more because we have that many new section 8 contracts? The answer is no. The answer is no. The answer is that in the past we have provided multiyear contracts for the section 8 program, 20-year contracts, and they built in all of the budget authority—the commitment to spend—in prior years. Because of the

budgetary constraints, we have been shortening those. I think the direction from the Budget Committee is they want to get those down to 1 year. That means that we have to pick up the budget authority—the overall obligation to spend the money—in each appropriations cycle.

We have begun these ongoing programs that have built up. We have been spending the money on the programs. But the budget authority was appropriated in prior years. All that budget authority has expired. So we get almost a threefold increase in the budget authority required from the current year to that required for the next year just to keep the same people in the same section 8 houses.

We have done a great deal through this subcommittee working with the authorizing committee to reform HUD. Just recently HUD announced that they were carrying forward a demonstration program to deal with some very significant problems in excess subsidies for multifamily houses—the market-to-market portfolio re-engineering process. We are doing all of that. But just to maintain our commitments requires new authority.

I am very pleased that the budget agreement recognizes—the President and the leaders of Congress recognize—that additional budget authority and some outlays have to go into section 8. But given all of that, we are looking at these tremendous increases in the section 8 requirements each year in the budget.

Yet, suddenly HUD, abruptly on April 17, found that it had \$5.8 billion in unobligated and excess section 8 contract reserves. I think that is a rather cynical act. They know that we are going to have to spend all of this money. Yet, they offered up the budget authority that was in there already appropriated for them to fund FEMA obligations. When I met with Secretary Cuomo and his staff on March 12, they told me there was probably less than \$1 billion in section 8 reserves on hand. The previous year, then Chief of Staff, Mr. Katz, testified that HUD estimated in fiscal year 1996 there was only about less than \$.5 billion in excess section 8 contracts reserves.

Nevertheless, on April 17 of this year, in the middle of supplemental appropriations, HUD wakes up and finds not only \$3.5 billion in excess unobligated section 8 reserves but it indicates that it will revise its section 8 contract reserve requirements so that there is in excess of \$5.8 billion in unobligated reserves. It is a big jump from \$460 million to \$5.8 billion. That is a big problem, and, once again, it focuses our intention on the questions about management of HUD, an agency which the General Accounting Office has in the past designated as a troubled agency, the only department in the U.S. Government to have that dubious distinction.

The bottom line is that I still have little confidence in HUD's ability to es-

timate the amount of excess section 8 contract reserves, or its ability to manage the programs.

I do know, however, that there is a vital need to fund the section 8 program next year; that 1.7 million families are depending upon the renewal of section 8 contracts to preserve affordable and decent housing, and many of these are elderly and disabled. For that reason, the supplemental appropriations we are proposing would require HUD to recapture all excess unobligated section 8 reserves and preserve these funds in an account to help this committee fund the section 8 contract renewals next year. That, I think, is critical, Mr. President.

I honestly do not know how much section 8 assistance is unobligated in section 8 contract reserves, and, unfortunately, I don't believe HUD knows. I know that some PHA's, public housing authorities, have section 8 contract reserves and some don't. Mostly, I find it difficult to believe that HUD has audited 3,400 PHA's between March 12 and April 17 to determine, all of a sudden, that there was some \$5.8 billion in excess reserves.

I have been a defender of HUD and a defender of the role of the Federal Government as a provider of housing and community development assistance. Yet, my support has been justified on the belief that the department is capable of reform and is capable of providing a meaningful contribution to housing and the community development needs of the Nation.

I will not belabor these issues today other than to say that we are confident that HUD has been shaken once again. We hope that the secretary and his new management team, with the assistance he is bringing in from the outside, will be able to implement a fiscal management system which will avoid these surprises and give the agency and the Congress some idea of how much is out there, what the obligations are, and how much we have built up.

I believe strongly that Federal commitment to section 8 housing must be preserved. Renewing these section 8 contracts is an existing commitment to low-income families in need of affordable, safe, secure housing. But HUD has to be reformed. We cannot find surprises of found money as Congress takes on the serious task of reforming the budget.

Mr. President, I said that we would have some technical amendments that we will offer before the 2:30 deadline. Those are currently being reviewed at the staff level. In consultation, we may be able to get an agreement on them. So I will not offer those at this moment. But we will submit those amendments as soon as they are ready, and prior to the 2:30 deadline.

I yield the floor.

I express my thanks to my distinguished colleague from South Carolina.

Mr. HOLLINGS addressed the Chair.

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

AMENDMENT NO. 57

Mr. HOLLINGS. Mr. President, I think the pending business is an amendment by our distinguished colleague from Minnesota, Senator WELLSTONE, to strike an amendment that was included in the markup of the urgent supplemental at the Appropriations Committee level. I had this included. I think others had it, too. But in my particular instance, it was at the request of a constituent, Hoffman-La Roche, an eminent drug manufacturer, in the city of Florence. They are constructing a facility there now. We are very proud to have them. They are very responsible folks.

This particular issue was dealt with in full debate on the floor of the U.S. Senate last year by the distinguished Senator from Utah, who dealt with the matter of copyright and patent legislation as the chairman of our Judiciary Committee. What really occurred—it is sort of complicated, but what really occurred is there are two different rulings with respect to the longevity of a particular patent. Under the regular law, a patent is granted for 17 years from the date of the issuance of the patent. In the early 1980's, all patents in existence at that time were granted 2 extra years as recognition that the approval process was resulting in much shorter usable life for the patented drugs. In this case the approval process took 11 years. Along came the GATT agreement. Trying to conform to the global competition and the global rule of 20-year patents, we passed a law which allowed a company to choose to operate under the current U.S. system or to operate a patent for 20 years from the date of the filing of the patent. The courts interpreted these two laws in a way that denied Hoffman-La Roche this choice. I, as well as many Members of the Senate including the chairman of the Judiciary Committee, Senator HATCH, know this ruling to be in contravention to the intent of the laws in question and this amendment simply sought to right this wrong.

The drug in question is Toradol. It is a remarkable drug. Of course, it is the pain killing drug with which you can retain total consciousness, and it was administered to the President with his particular knee operation. The patent is to expire on May 16, 1997. As you can guess, the generic drug folks are interested whenever a patent expires, and my intention was to address the generic drug problem. Many a time the generic drug folks, along with consumer organizations, will come and say, "Oh, we can get it much cheaper." On that particular point, there is no question. The question is to not only make profits, but make enough for other reinvestments to make another miracle drug. So, while I have worked and defended the generic movement in our country, from time to time on close study you can see that the manufacturer himself has a cause and a case and it ought to be defended. That was the intent in this particular amendment.

Right to the point, everybody wants to either vote or dispose and move along with the underlying disaster supplemental measure rather than this one particular manufacturer and this one particular drug. Under the circumstances here on the floor, I have not been able to talk in caucus or to my colleagues about it. The fact is, I was told, when I came in this morning, it was being worked out.

Specifically, while we had taken care, I understand, of the drug administered orally with the generic drug folks and consumer groups that called with respect to it, the drug taken intravenously had not been cleared with the generic groups. While we have gone to great lengths to solve all the problems with and get this amendment cleared, we have not been able to do so. It was my hope that we could get the best of both worlds and provide a remedy for a company hurt by a misinterpretation of the law and also get generic competition onto the market faster than it would have without this amendment. That, I thought, was being worked out this morning, but I understand, now, the Senator from Minnesota has not agreed to that.

I will be prepared, under the circumstance here, to withdraw that amendment and not cause the colleagues to vote. But I do not think, technically or parliamentarily, you can withdraw a section of a bill. So I will be glad to go along with the Senator from Minnesota on a voice vote and vote along with him at this particular time, to see if we cannot get this straightened out.

The staff, floor and all, have been anxious. They are trying to move this particular bill. I know Senator STEVENS has been very anxious to do it. I appreciated being included in the Appropriations Committee version. I still think it is with absolute merit. But, under the circumstance, now I am prepared to go along with the motion of the Senator from Minnesota to strike and we will come back in at the appropriate time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 67

(Purpose: To make technical and clarifying changes to title II, chapter 1 of the bill)

Mr. COCHRAN. Mr. President, I send to the desk an amendment to make technical and clarifying changes to title II, chapter 1 of the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 67.

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

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

The amendment is as follows:

On page 9, line 25, strike “, to remain available until expended” after “ters,” and insert “, to remain available until expended” after “\$18,000,000”.

On page 11, line 25, after “disasters” insert “subject to a Presidential or Secretarial declaration”.

On page 11, strike all between the word “similar” on line 25 and the word “to” on line 26.

On page 12, line 4, strike “the eligibility” and insert in lieu thereof “gross income and payment limitations”.

On page 13, line 13, strike “cropland” and insert in lieu thereof “agricultural land”.

On page 13, line 13, strike “cropland” and insert in lieu thereof “agricultural land”.

On page 16, line 2, strike “\$3,000,000,” and insert in lieu thereof “\$6,500,000”.

Mr. COCHRAN. Mr. President, this amendment, as stated, makes technical and clarifying changes to the agriculture title to the supplemental appropriations bill. The changes have been approved by the ranking Democrat on the committee, Mr. BUMPERS, and the amendment has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 67) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m., having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 54

The PRESIDING OFFICER. Under the previous agreement, the Senator from Minnesota is reserved 2 minutes 30 seconds.

Mr. GRAMS. Mr. President, we are going to be voting in a few minutes on the Grams-Johnson amendment that will help complement disaster relief efforts currently underway now in my home State of Minnesota, as well as North and South Dakota, by making it easier for farmers, homeowners, small businesses and local governments to help rebuild from the devastation that has been brought on by the floods.

Our amendment, simply put, will permit Federal regulators to provide temporary and targeted modifications to current banking regulations. It will permit homeowners, farmers, and small businesses to have faster access to a larger pool of credit. It will also help banks and credit unions to reopen their doors faster to serve their communities.

Also, Mr. President, the Grams-Johnson amendment is supported by the Treasury Department, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and also the National Credit Union Administration.

Mr. President, I ask unanimous consent that a letter from NCUA in support of the amendment be printed in the RECORD.

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

NATIONAL CREDIT UNION
ADMINISTRATION,
Alexandria, VA, May 5, 1997.

Hon. ROD GRAMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMS: Thank you for the opportunity to review the Depository Institution Disaster Relief Act of 1997 (S. 652). I want to applaud you and Senator Tim Johnson for introducing this disaster relief legislation and NCUA supports its quick passage.

The legislation is similar to bills passed by Congress in 1992 (P.L. 102-485) and 1993 (P.L. 103-76) to address the devastation wrought by natural disasters and make credit more easily available to farmers, homeowners and others through temporary exceptions in the Truth in Lending Act and Expedited Funds Availability Act, among others. Just last Friday, the NCUA Board took action to waive the requirement that natural person credit unions and corporate credit unions establish reserves on total loans of up to \$50 million that will be made to members in disaster areas. We believe this policy change will enable credit unions to make loans at well below market rate.

The NCUA Board's recent action and already announced policy of postponing scheduled examinations, encouraging loans with special terms as well as reduced documentation and guaranteeing lines of credit through the National Credit Union Share Insurance Fund and the Central Liquidity Facility, dovetails your legislative efforts and hopefully will provide a measure of relief to credit unions and their members in Minnesota, North Dakota and South Dakota affected by the catastrophic flooding. Thank you again for the opportunity to comment on S. 652.

Sincerely,
NORMAN E. D'AMOURS,
Chairman.

Mr. GRAMS. Mr. President, the Grams-Johnson amendment has the

support of the Senate Banking Committee chairman and ranking member.

I ask unanimous consent that Senator D'AMATO, Senator DASCHLE, and Senator BOND be added as cosponsors to this amendment.

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

Mr. GRAMS. Mr. President, when I served in the House of Representatives, I authored similar legislation back in 1993 during the Mississippi River flooding. My legislation then received bipartisan support. It was signed into law by President Clinton as part of the supplemental appropriations bill for disaster relief. Since this legislation worked well to help those flooded communities rebuild in 1993, I urge my colleagues to support it today.

Mr. D'AMATO. Mr. President, I rise in support of the amendment offered by Senator GRAMS and Senator JOHNSON. I am pleased to be a cosponsor.

Mr. President, the Congress is moving swiftly to provide emergency assistance to the victims of the winter flooding in Minnesota, and North and South Dakota. The Supplemental is an appropriate and compassionate response by the administration and the Congress to the suffering of our fellow citizens.

Mr. President, this amendment addresses some of the important regulatory steps that can be taken to expedite overall efforts by communities, families, homeowners, farmers, and small businesses to recover from the devastation of the floods. This amendment would authorize the Federal financial regulators to make temporary exceptions to various Federal laws in order to maximize the availability of credit in these flood afflicted areas and expedite its delivery. The amendment will complement measures already instituted by some of the regulators to deal with financial stress in the flooded area. For example, the Federal Reserve Board has indicated that it may be appropriate for lenders to ease credit terms and restructure debts in certain cases. It is similar to legislation approved by Congress in 1992 and 1993.

Mr. President, I commend Senator GRAMS and Senator JOHNSON for developing this amendment and urge support for this helpful addition to overall flood relief efforts.

Mr. GRAMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Under the previous order, the Senator from Minnesota has 25 seconds remaining.

Mr. GRAMS. I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 54, offered by the Senator from Minnesota.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll. Mr. NICKLES. I announce that the Senator from Texas [Mrs. HUTCHISON], is necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Helms	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden
Faircloth	Lott	

NOT VOTING—2

Bingaman Hutchinson

The amendment (No. 54) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 57

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, we have an agreement on the floor. Let me thank especially Senator HOLLINGS from South Carolina for his assistance.

Mr. President, I want to give a little bit of context for this amendment because I think it is important for people to know what has happened and what had to happen. This is about Toradol, which is manufactured by the Hoffman-La Roche Co.

By the way, I would like to thank the company. We had a very good discussion in my office yesterday with my staff. I appreciate their coming by. I understand exactly what they have been trying to do.

Also, Mr. President, I want to make it clear that this went through the process. This was an effort that many people thought was a worthy one. So this is not a bashing on my part at all.

Mr. President, the problem is as follows: This drug is an anti-inflammatory drug; very important. It can be taken orally, or it can be injected—very important—dealing with, for example, postoperative pain. It is a very

important medication for pain reduction. About two-thirds to 80 percent of the market was in the injectable form.

The effort in this supplemental appropriations bill was to go ahead with a 14-month patent extension, which would have been for 14 months of market exclusivity for Toradol, this one drug. That means there would have been only one drug available; no alternatives. There is every reason to believe that, as a matter of fact, there is a generic alternative which would have been the same kind of assistance for people but at much less cost.

Mr. President, when we were making some projections about this, we felt that, on the basis of looking at the data, this would have been about a \$350 million cost for consumers. I felt as a Senator that the one party that was left out of the negotiations was the consumer. I could say with a twinkle in my eye, in many ways I have always tried to be a Senator that pushes hard on the consumer end. While I think the company—I want to make this clear—Hoffman-La Roche Company has made some important arguments about the delays in getting drug approval, about some of the problems it had with GATT, and all of the rest, the fact of the matter is—this was my perspective, and this is the consumers' perspective—a 14-month patent extension would have been maybe \$50 million to \$60 million—maybe it was the injectable part, two-thirds of that—in additional cost passed on to consumers. I think we ought to be doing our very best to make sure that we get this kind of medication to consumers in the most cost-effective way possible.

So, Mr. President, I think the only unfortunate part was—not the process; I think people worked hard, and they worked in good faith—but I don't think there was the representation for the consumers.

This amendment knocks out this patent extension. Senator HOLLINGS joins me in this amendment. We agreed. I believe that Senators on both sides of the aisle are now comfortable with this agreement. This amendment knocks out that patent extension. I think this is the right thing to do for consumers.

This was an amendment that I offered for consumers in Minnesota and consumers in the country. I am very pleased that now, after some negotiation and discussion, we have agreement on this on the floor of the Senate.

I understand the position of the pharmaceutical companies in this particular case. Again, I appreciate their work. But ultimately I think my job is to represent not so much the pharmaceutical companies but the consumers. On this point, I think there was divergent interest. I wanted to come down on the side of consumers. I am really pleased that Senator HOLLINGS and other Senators have joined in this effort.

Mr. President, with that, I yield the floor. We can go further. I think we can proceed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I apologize to the Chair. I had a discussion about further proceedings.

Which amendment did the Senator call up?

The PRESIDING OFFICER. Amendment No. 57 by the Senator from Minnesota.

Mr. STEVENS. Thank you, very much.

I now have a copy of it. It is my understanding that the Senator from South Carolina is not going to object to this at this time. I will not oppose the amendment either. But I do want to say that, as a result of the amendment of the Senator from South Carolina, there have been a series of pharmaceutical groups that contacted us concerning the inequities of the long delay in the processing of Federal permits for the pharmaceuticals in this country. I believe this is a matter that should be taken care of in the legislative proposal, but, if it is not, we will address it further this year in the Appropriations Committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 57) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am informed that 110 amendments have been filed on this bill. We have assigned task forces from the staffs of the various subcommittees to review those amendments.

Mr. President, we will notify Members if we find amendments we would object to. But I ask all Members to notify us when they would like to call up their amendments. It is the leadership's hope that this bill will be finished by tomorrow evening. Obviously, with 110 amendments, it is going to be a long night. But I would appreciate it if we could have some idea of when those amendments would be called up. I am hopeful they will be called up soon.

AMENDMENT NO. 143

(Purpose: To provide for dredging and snagging and clearing of the Truckee and San Joaquin Rivers and the dredging of shoaling on the Chena River)

Mr. STEVENS. Mr. President, I ask the clerk to lay before the Senate amendment No. 143.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. REID, proposes an amendment numbered 143.

On page 18, line 15, following "fund:" insert the following: "Provided, That the Secretary of the Army is directed to use from available balances of the funds appropriated herein to perform such emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River channel, California, as the Secretary determines to be necessary as the result of the January 1997 flooding in Nevada and California; and dredging of shoaling which has occurred downstream from the federal Chena River Flood Control Facility:".

Mr. STEVENS. Mr. President, this is a direct use of funds that are already available. There is no budgetary impact on it. It deals with issues that the corps has informed us it needs authority for in three States. It has been cleared on both sides.

I urge adoption of the amendment.

Mr. LAUTENBERG. Mr. President, we have no objection on the Democratic side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 143) was agreed to.

Mr. STEVENS. Mr. President, I want to state that this amendment is by the Senator from Nevada that I called up. So it is not my amendment.

The PRESIDING OFFICER. The RECORD will be corrected to show that the amendment just agreed to was offered by the Senator from Nevada.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move that that motion be laid on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Would the Chair inform the Senator from Nevada what the pending business is.

The PRESIDING OFFICER. There is no pending amendment.

AMENDMENT NO. 171

(Purpose: To substitute for the Endangered Species Act waiver a provision agreed to in the House Appropriations Committee)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BAUCUS, proposes an amendment numbered 171.

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

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

The amendment is as follows:

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

Mr. STEVENS. Will the Senator yield?

Mr. REID. I am happy to yield to the Senator.

Mr. STEVENS. I seek to inquire whether the Senator would be willing to enter into a time agreement on his motion to strike?

Mr. REID. Yes, I would. The ranking member of the committee wishes to speak. Other than that, I had no requests for time.

What does the manager of the bill suggest?

Mr. STEVENS. I am sure there are others interested in speaking. We have 110 amendments pending, so I will try to seek a time agreement on each amendment. I will defer this for a few moments until others involved are here. I would like to enter into a time agreement to vote on this amendment no later than 5:30, if possible.

Mr. REID. I will begin debate, I say to the distinguished chairman of the full committee, and while I am doing this, you will have the Cloakroom call to see how much time the ranking member and others wish to speak.

Mr. STEVENS. Mr. President, we will contact Members to talk about that.

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

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

VISIT TO THE SENATE BY THE PRESIDENT OF THE COLOMBIAN NATIONAL SENATE

Mr. GRAHAM. Mr. President, I introduce to the Senate the President of the Colombian National Senate, Senator Luis Londono.

RECESS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate stand in recess so Members might meet our friend from Colombia.

There being no objection, the Senate, at 3:59 p.m., recessed until 4:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

SUPPLEMENTAL APPROPRIATIONS
AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 171

Mr. REID. Mr. President, during the quorum call, and others matters that have taken place in the last few minutes, I have had the opportunity to speak in some detail with the chairman of the Environmental and Public Works Committee. He indicates to me that in the last little while serious negotiations have been undertaken with the administration and others interested in this problem that is now before the Senate. As a result of that, the chairman of the committee feels that this matter can be resolved. That being the case, I will at this time indicate to the manager of the bill that I am not going to proceed further. I will leave my amendment pending with the anticipation that we can work something out. I hope so.

I also say to my friend that we will probably need an hour and a half on this side if, in fact, we can't resolve this matter. But we can worry about that at some later time. That being the case, unless the manager has something else—

Mr. STEVENS. Mr. President, I regret that we can't seem to get much going here. The administration now has the Endangered Species Act amendment under review, the amendment pertaining to the sense of the Senate is under review, and the amendment pertaining to S. 2477 is under review. I would like to find out what is going on down there in that three-ring circus so we might get this bill going. I understand the Senator wants an hour and a half, but we will have a cloture motion tomorrow, apparently. It will be this Senator's recommendation, if we can't get this bill going, let's go out and then come back tomorrow and vote cloture. I was told I am trying to hold up this bill. I was told that last week. We have been on the floor here for 2 days. I am perfectly willing to go ahead with amendments—amendments even to strike provisions we put in the bill. We are not holding up this bill.

If we need a cloture motion to limit all debate, then I say the Senate should vote cloture tomorrow and do that. I am not addressing this to my good friend from Nevada. I understand what he is doing. There is a substantial possibility that it may be worked out with the administration. But I am not sure the administration has the urgency we seem to want to have for this bill. Mr. President, my recommendation to the leader is that if we don't get going here this afternoon, let's go out at 5 o'clock and come back tomorrow and get cloture. Then I know amendments will be voted on in orderly sequence. If we don't get cloture, we will understand, and the people from the disaster area will understand who wants the bill and

who doesn't. I am very disturbed about this delay, as a matter of fact.

Mr. REID. Mr. President, I say to my friend from Alaska, that is why I am here. I wanted to move this thing along. Nevada is one of the 22 States that benefits from this legislation. We had a very serious problem around the first of the year with flooding. So I acknowledge the seriousness of this.

I say to my friend from Alaska, if there were a cloture motion filed, I would vote to invoke cloture. I think that we do have to move this thing along, and that is the reason I am here. But with my having spoken to the chairman of the full committee, I think it is appropriate that I give him every opportunity he can to see if something can be worked out.

Mr. STEVENS. If the Senator will yield, I meant no inference to the Senator from Nevada. He has been most cooperative. We just adopted his amendment by a voice vote because he was so cooperative in working out the terms of that amendment. I am sure we can go forward with his presentation now. But, clearly, without regard to the two of us on the floor now, the delays are taking place off the floor. I think it is time that we get the word out that we are just not going to sit around all day waiting for people to come to the floor. We still have the prerogative of going to third reading and cutting off all amendments.

Mr. REID. Mr. President, if I could respond, I haven't managed nearly the number of bills that my friend from Alaska has, but I have managed some bills, being a member of the Appropriations Committee and in other responsibilities I have had. I acknowledge that there are very few things in life more frustrating than being here, having a lot of work to do, and nobody shows up here. So I understand the feelings of the manager of this bill, the chairman of the full Appropriations Committee. This is important legislation. If we can't resolve this endangered species matter, let's bring it up, vote on it and get on to something else.

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

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

Mr. CRAIG. Mr. President, my colleague on the Appropriations Committee, the Senator from Nevada, was on the floor just a few moments ago to discuss a provision on an amendment that the chairman and other members of the committee helped me place in this supplemental appropriations that really is a critical issue when it comes to dealing with flooded areas and flood victims, and the rebuilding of structures as it relates to floods along many of the rivers of our country.

What we are finding out in Idaho is that, in certain instances, it is very difficult to rebuild the levy to once again provide that critical barrier between the human species and his or her property and an endangered species, in this instance because agencies simply can't agree. And, as a result, we go into these extended periods of consultation when the flood waters may be rising again, and the dike or the levy simply doesn't get built because there is not the opportunity, vis-a-vis the Endangered Species Act, to act immediately and quickly and responsibly to deal with these issues. We have found that in Idaho.

I think the folks in North Dakota and the folks along the Ohio are going to be finding that out very quickly now as the flood waters recede and they begin to look at rebuilding along the rivers and making some of the corrections necessary, and doing so in a quick and timely fashion, in this instance potentially preparing for an additional runoff. That has happened in Idaho because we have had early floods in the first week of January. Several of my counties were subject to the 100-year flood. My hometown of Midvale was under 4 feet of water. Those communities and the Federal agencies responded very quickly to build back those levies immediately, and were able to do so in almost all instances. But in St. Mary's, ID, where a flood occurred in 1996 in the winter in February, here we had actual construction of a levy stopped by the U.S. Fish and Wildlife Service because they said that EPA and the community failed to respond to the Endangered Species Act.

It is also interesting that in the delta area of California, Senators from California asked the Assistant Secretary of Interior to waive certain provisions so that citizens in that area could respond immediately, and, of course, that was done. The frustration often comes then when the agencies then step in after the fact and require very, very expensive and extremely costly mitigation. For example, in the area of St. Mary's, the U.S. Fish and Wildlife Service is suggesting maybe \$100,000 worth of mitigation, maybe 30-plus additional acres of habitat needing to be replaced, even though in all instances there appeared to be adequate habitat in the area.

My provision in this bill, that the Senator from Nevada speaks of and is attempting to strike, covers only natural disasters and threats to public safety that occurred in 1996 and 1997. It eliminates the lengthy and unnecessary delay to flood control efforts. It is designed to allow Federal agencies and local communities to respond to human safety, to protect human life and to protect private property, and to protect those as the first line of defense in a flood and in the aftermath of a flood.

Eligible flood control projects are not required to consult prior to emergency efforts. In other words, the Senator from Nevada was referring to a

provision that the House committee put in which said that, if it were a declared disaster—what I am suggesting is that, if the water is rising at an unprecedented rate and the local community and the flood control district think they needed to add another foot to the top of the levy, they can do so because it is an impending emergency. Right now it is impossible to do that, if by doing so they might damage habitat, or something that a Federal agency would declare to be a threatened habitat, or I should say a habitat that was threatened—obviously, an endangered species. What we are talking about is the ability to respond quickly. That is why this provision that I am talking about is in the bill.

My colleague, Senator KEMPTHORNE, has for the last good number of years worked overtime to try to produce a responsive reauthorization of the Endangered Species Act. He continues to do that. We are consulting now on adjustments and changes in this provision in the supplemental. My staff has met with JOHN CHAFEE's staff and Senator KEMPTHORNE's staff to try to work out these differences so that we can have this kind of timely response. It is critically necessary.

I cannot believe that the Senate of the United States would not say that human life and private property at a time of impending emergency or at the time of the declaration of emergency should not be protected and responded to in a timely fashion, and not to have to worry about an agency coming in afterwards, and saying, "Well, now you are going to have to spend hundreds of thousands of dollars to mitigate." Communities will respond. They will want to assure that that habitat is sound. But, first and foremost, they ought to have the right that they have always had in this country to protect themselves and their property. I don't care. The area in North Dakota ought to have that right. They ought not have to call Washington, DC, and the Fish and Wildlife Service, and say, "What may we do? We have private property and homes to protect, and we are going to ask you to spend 48 hours a week deciding what we may or may not do." That kind of time does not happen in an emergency environment.

I would also look at eligible flood control projects and allow them to perform restructuring and operation and maintenance directly related to the natural disasters or an imminent safety threat. That is what we are talking about here.

I will work, as we have. We spent yesterday and most of today with the chairman of the Environment and Public Works Committee, and the subcommittee chairman, Senator KEMPTHORNE, my colleague, to see if we can resolve this issue in the best interests. Certainly, I want to work with the Senator from Nevada on this issue to resolve it. But we are not going to create loopholes, nor are we going to let Federal agencies stand in the way

of timely response to the private citizens and their need for protection of their person and their property. That is clearly the intent of the provision that is within the supplemental at this time. I cannot accept changes in that unless they have as their initial premise that very kind of thing. We just do not need to get at the business of a lengthy process here. That comes and always will come at a time when we can approach it much differently than the declared emergency, or the impending emergency that comes with the crisis.

We have so hamstrung the citizens of our country by laws that simply disallow them the right to protect themselves and to respond in a timely way. It is amazing to me—that very incident, in my opinion, that happened in the north end of my State in the last couple of months, as we knew we were headed into a runoff season of the year when that river and those dikes needed to be completed and, yet, we really saw a ho-hum attitude on the part of the agencies and a shutdown of operations that resulted in the dike not being prepared in a timely way.

That is the intent. Mr. President, we are working to resolve this issue. I hope we can do so. But for the time being, the language that is in the bill is important language and it meets the need that many in the House wanted, and that, obviously, many in the Senate believe are necessary also.

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

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

AMENDMENT NO. 56, AS MODIFIED

(Purpose: To authorize the Secretary of Defense to enter into a lease of property for the Defense Finance and Accounting Service at Lexington Blue Grass Station, Lexington, Kentucky)

Mr. STEVENS. Mr. President, yesterday we adopted an amendment that was presented by the Senators from Kentucky, Senators FORD and MCCONNELL.

Last evening that amendment was reviewed by the Department of Defense, and they have asked for one very technical correction. We have an understanding with them. It has been agreed to on both sides.

I send the modified amendment to the desk, and I ask unanimous consent that it be in order to present this amendment to be a substitute for the amendment that was adopted yesterday.

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

The clerk will report.

The legislative clerk read as follows: The Senator from Alaska [Mr. STEVENS], for Mr. FORD and Mr. MCCONNELL, proposes an amendment numbered 56, as modified.

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

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

The amendment is as follows:

On page 9, between lines 9 and 10, insert the following:

SEC. 108. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.

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

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

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

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

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

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

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

Mr. STEVENS. Mr. President, this really deletes a provision, as I said, "notwithstanding any other provision of law." It was technically not necessary, and the department did not wish that to be permanent law.

I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 56), as modified, was agreed to.

Mr. STEVENS. Have I substituted that completely for the amendment that was agreed to yesterday?

The PRESIDING OFFICER. Without objection, the amendment numbered 56 will be so modified.

Mr. STEVENS. We will delete the amendment that we agreed to yesterday?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 173

(Purpose: To make a technical correction to the fiscal year 1997 VA-HUD and Independent Agencies Appropriations Act concerning EPA State grants)

Mr. STEVENS. Mr. President, I have another amendment. It is a technical correction to the 1997 Veterans Administration and Housing and Urban Development appropriations bill as it relates to EPA State and tribal assistance grant account.

The language in this amendment ensures that should the EPA be required to take over a State environmental program grant, funds otherwise provided to the State would be available to EPA for administering the program.

This language represents no change in policy or procedure, and is deemed by the committee to be a technical amendment to existing law. It is an amendment presented in behalf of the chairman of the subcommittee, Mr. BOND.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Alaska [Mr. STEVENS] for Mr. BOND, proposes an amendment numbered 173.

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

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

The amendment is as follows:

In Title III, Chapter 10, add the following new section:

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

Mr. STEVENS. I ask for the adoption of the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 173) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 174

(Purpose: To authorize the Environmental Protection Agency to make grants to the city of Bay City, Michigan, for environmental remediation, using funds previously appropriated for the Center for Ecology Research and Training)

Mr. STEVENS. Mr. President, I have another amendment which I shall send

to the desk. It authorizes the EPA to make grants from funds previously appropriated for an EPA lab in Bay City, MI, all but 11 of which were rescinded in 1995, to the city of Bay City for environmental remediation after all claims are settled from the funds that are available.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. BOND, for himself, Mr. LEVIN, and Mr. ABRAHAM, proposes an amendment numbered 174.

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

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

The amendment is as follows:

In Title III, Chapter 10, add the following new section.

SEC. . After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

Mr. STEVENS. Mr. President, this is a technical amendment but does make available to the city of Bay City for environmental remediation the funds remaining available in the grant that was previously made.

Mr. ABRAHAM. Mr. President, today I join with Senator LEVIN to introduce an amendment which will help close the door on the canceled Center for Ecology Research and Training [CERT], and end a difficult chapter for the city of Bay City, MI.

In the late 1980's, the Environmental Protection Agency [EPA] was working to develop a new laboratory to study land and marine ecosystems. After much consideration, Bay City, MI, was ultimately chosen as the location for this facility, and Congress appropriated over \$100 million for the center's construction.

EPA, however, moved slowly on the CERT construction. After 5 years, only a small portion of the appropriated funds had been spent. Thus, CERT was still a long way from realization and became an easy target when the fiscal year 1996 rescission was considered. After considerable congressional debate, the project was canceled and almost all the remaining funds were rescinded.

Today, approximately \$5.2 million of the already appropriated funds remain. These moneys are set aside for the EPA to settle CERT-related claims. In addition, as part of the arrangement to set-

tle claims, EPA verbally agreed to direct the moneys remaining after all claims have been settled to the city of Bay City in the form of environmental grants. At present, however, there is no language which directs EPA to carry out this pledge, and if EPA is not given explicit direction, it will likely reprogram the funds. This language is needed, therefore, to instruct the EPA as to how the remaining funds will be spent.

The amendment offered by Senator LEVIN and me will permit Bay City to clean and restore the area to a level acceptable to the Michigan Department of Environmental Quality. Mr. President, this legislation is very important to Bay City. The loss of CERT was a great blow to the city. Bay City needs to heal the wound that is this promised but unfinished facility. It is my hope that this legislation will bring closure to this unfortunate affair.

Mr. President, I yield the floor.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 174) was agreed to.

Mr. STEVENS. I move to reconsider and I move the motion to reconsider be laid upon the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, those were amendments that were previously filed in the 110 that were filed for cloture. We have cleared those. We will clear amendments as they are brought to us if they are technical in nature, but those should be deleted from the amendments eligible for consideration after cloture.

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

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

Mr. STEVENS. Mr. President, I stated before that if we did not have a substantive amendment before the Senate before 5 o'clock, we would go into a period for morning business. After consultation with the leader, I announce that we will go into a period of morning business in just a few minutes. It will be the intention of the leadership to have a cloture vote at 9:30 a.m. tomorrow. We will proceed to see how we can move forward with this bill at that time.

It will be the policy of the leadership, and I support this policy, to not wait any longer for these amendments. There are too many side conferences going on, Mr. President, and there is no reason to wait all night for the possibility that we may have an amendment cleared for action this evening.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a

period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, the leader will determine at a later time today the actual time of convening tomorrow. But I am reminded that Members should have their second-degree amendments, to the amendments that have already been filed, filed before the 9:30 a.m. vote tomorrow. I announce on behalf of the leadership, there will be no further votes today.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

DISTINGUISHED CITIZEN OF THE YEAR, DR. ERNEST TOMASI

Mr. LEAHY. Madam President, earlier this year, the Sunday Rutland Herald and Sunday Times Argus had an article about a fellow Montpelier neighbor, Dr. Ernest Tomasi. Dr. Tomasi was named the distinguished citizen of the year by the Montpelier Rotary Club.

Madam President, I have known Dr. Tomasi my whole life. And my parents knew him even before I did. He is a remarkable man, and probably one of the last examples of a country doctor, even though he has always practiced in our capital city.

Dr. Tomasi, a man very proud of his Italian heritage, as was my late mother, was one who would make sure that everybody who needed a physician received that physician's care.

So many times people would come to him telling him that they could not afford a doctor's care but needed a doctor's care. They always got it. It would be remarkable if somebody were able to tally up all the people of central Vermont who were cared for by him but never received a bill because they could not pay for it.

I also think of the number of times as a youngster seeing him going out making house calls, and then even in later years, even after I became a U.S. Senator, seeing Dr. Tomasi with his battered bag heading off for house calls.

It was my privilege to see him in 1994, when he went back for the 50th anniversary of D-Day. He had landed on Normandy as a young medic and, as he said, was one of the only ones who went ashore without guns. He also tells some pretty horrific stories of what happened to the people who were landing. It was a mark of his bravery that even though he earned the Silver Star, the Bronze Star, the Purple Heart, and a Presidential Citation, this was never a part of his conversation, and only reluctantly did he go back for the 50th anniversary.

My wife and I had a chance to talk with him on different occasions while he was there. He was one of the brave,

brave people President Clinton and General Shalikashvili and others referred to at that celebration.

Madam President, I ask unanimous consent that the article "Longtime Doctor Named Rotary's Citizen Of Year" be printed in the RECORD.

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

LONGTIME DOCTOR NAMED ROTARY'S CITIZEN OF YEAR

(By Art Edelstein)

Dr. Ernest Tomasi's medical office on Barre Street could well be the setting for a Norman Rockwell painting: The suite of rooms does not sparkle in medicinal white, there are no secretaries behind glass partitions, and the examining tables are from a bygone era.

But Tomasi can be forgiven the lack of high technology. Now semi-retired, he has practiced medicine locally for 50 years, delivering at least 1,000 babies. Along the way, he raised six of his own children, treated many patients without taking a fee and contributed to innumerable volunteer efforts.

His career has not gone unnoticed. Earlier this month, Tomasi received the Montpelier Rotary Club's Distinguished Citizen of the Year award for his many years of service to the community.

Tomasi, who turns 83 at the end of February, is a cheery man who doesn't boast about his formidable medical career and his years in the armed services.

"I think the fact that he has continued to practice medicine and is an old-style doctor interested in his patients first made him a great candidate," said Rotary President Roderic Sherman. "He is an outstanding example of good deeds."

"He has been providing services to anyone needing medical help for 50 years," said David Pinkham, who chaired the selection committee. "Dr. Tomasi provides services for barter, or free. He is an example of somebody doing something for others."

A Montpelier native, Tomasi graduated from St. Michael's high school on Barre Street, and from the University of Vermont medical school in 1942. After interning for a year in Waterbury, Conn., where he met his wife, he joined the U.S. Army.

Tomasi doesn't like to talk much about his role as a member of the D-Day invasion force that landed on the Normandy coast of France on June 6, 1944. He said his team of medics were brave men. "They were the only ones who went ashore without guns," he said.

Tomasi earned the Silver Star, Bronze Star, Purple Heart and the Presidential Citation.

Tomasi travelled back to France to celebrate the 50th anniversary of D-Day in 1994. The trip, paid for by his colleagues at the Central Vermont Hospital, brought back painful memories of his war years. "It was so horrible. I saw a lot of soldiers die," he said.

"I didn't want to go back to Omaha Beach; there were too many bad memories."

But there were some better memories of his tour of duty in Europe that he can smile about. In 1944, after the Allies began defeating the Germans, Tomasi and his unit liberated the first town on the German border near the Elbe River. There he delivered a baby girl. Years later he received a letter from that child when she became an adult.

"He doesn't talk much, especially about his trip to Europe in 1994," said his wife of 50 years, Barbara Tomasi. "He landed and all these boys around him were killed. Going back to the beach and cemetery were emotional."

While the war was an unpleasant experience, Tomasi did not shirk his responsibilities to his fellow veterans. He has been an active member of the American Legion and Veterans of Foreign Wars and has served as the Post doctor for 30 years.

After the war, Tomasi returned to Montpelier to practice medicine. He has witnessed many changes in the medical profession in his half-century of practice.

"It's all changing too fast," he said. "I wish I could live long enough to see how it comes out."

A surgeon, he no longer performs operations but continues to assist in them.

Tomasi began scaling back on his practice in 1994. Before then, his wife said, he kept a grueling schedule.

"He would work from 8 in the morning until 11 or midnight with a supper break," she said. "He did this until three years ago when he cut back on patients. He still makes occasional house calls."

Adera White, a friend and former nurse, said Tomasi is a special doctor.

"Through medicine, he's done much. He would treat people and not get paid; for years he never sent bills to any of his patients," she said. "Whoever felt they could pay, paid him. He wasn't in it for the money, that's for sure."

While Tomasi said he is thinking about retiring from medicine, his wife doubts he will quit his life's work.

"This is the only thing he has; he is devoted to his patients," she said. "He loves sports, but never had any hobbies. * * * I don't think he will ever retire."

TRIBUTE TO WALTER "PEANUT" KENNEDY

Mr. LEAHY. Mr. President, Walter "Peanut" Kennedy, the late Speaker of the House of Representatives came from the district of Chelsea, VT. They used a version of Vermont's old mountain rule. In a local form, mountain rule came from the town's unwritten agreement that State representatives alternate between the sides of the mountain that divided the town at every biennial election. It was about as good a reason for term limits as many I have heard argued on this floor in recent years.

It followed the real mountain rule in Vermont which alternated Governors from one side of the Green Mountains to the other side. Madam President, the Governor would come from the eastern side of the mountains in one election cycle and then from the western side in the next. Of course, they were all Republicans so it worked out very well throughout those years.

Since the town was overwhelmingly Republican and the candidate from either side of the mountain could not hope to succeed under any other party preference—the tradition more or less held until reapportionment of the legislature along the one man-one vote decision of the U.S. Supreme Court changed the nature of Vermont's system forever.

I preface my remarks today with this brief history so that you can appreciate the background from which this rough hewn, shrewd, humorous, and eminently fair gentleman rose to become a legislator, Speaker of the

House, and his party's candidate for Governor in 1974.

With Peanut Kennedy's passing, we close the book on a period in Vermont when character, common sense, and honesty were alone sufficient to insure personal triumph and political success.

Peanut sold used cars—and they weren't all good cars. He would tell his customers—especially enthusiastic young farm boys who were making their first major purchase with hard earned money—to look beyond the flashy chrome and white wall tires. If necessary, he would further curb their enthusiasm by suggesting the vehicle had an estimated lifespan of the distance to the grocery store a half mile down the road.

Those were cars he kept on the lot only to have the pleasure of selling them to folks like you and me who could afford a lesson in the perils of used car negotiations.

"You don't want this car," he would finally tell a local customer and move him toward another part of the lot.

Peanut, rising to the chairmanship of the House Highway Committee, then Speaker and finally rewarded as his party's gubernatorial candidate, was rarely addressed as Walter. He retained his earthy sense of humor and Yankee mannerisms, offensive to the few—loved by the many. He was an antecedent of political correctness—fixed in his ways, colorful in his language, and prone to startle constituents, legislators, Governors and lobbyists with the frankness of his responses.

He hated ad hoc committees which he said were merely ways for political leaders to transfer decision making responsibility to another body.

"Ad hoc," he once challenged a leader of his own party on the House floor, "Sounds like someone clearing his throat."

He once publicly described a Governor, who was concerned over a prolonged and politically debilitating debate over enacting his proposal for a sales tax as "nervous as a whore in church," over the prospects of passing his legislation. Kennedy never doubted the tax would be enacted, once the talking was over and the nervous legislators regained their courage to an unpopular, but necessary broad based tax to finance State government programs.

He was never a man to go off the record, he was never a man to go against his word.

When he ran for Governor in 1974 he traveled through southern Vermont extensively for the first time in years and became aware of the change taking place as a result of a revolution in transportation systems—many of which he had helped put in motion himself from Montpelier.

I think it was the first time he realized that Vermont was changing so dramatically from the community or farms and small, self-governing communities that settled problems at town meetings and pot luck suppers.

"It's not Vermont anymore," he told friends. The visit seemed to inhibit his

candidacy and he failed to give Vermont a spirited campaign against a popular incumbent.

I traveled with Peanut Kennedy when he ran for Governor in 1974, and is probably an indication of the bipartisan nature of the man. Even though he was running for Governor on the Republican ticket, I for the Senate on the Democratic ticket, we would have occasions just because we wanted to be in each other's company that we would ride together from one function to another.

He had his big old black Imperial. I would hop in the car with him. Somebody would drive my car along behind. And I would be laughing so hard by the time I would get to the next place, I could barely remember my own lines as he would tell one story after another.

At home, with his wife Sylvia, he was a very private man and devoted husband. Vermonters shared his grief over the tragic death of his son in a fire. After the election in 1973, Kennedy returned to his business and quietly retired from the political arena which had taken him so far. But the State had changed and Peanut's beliefs and principles were too deeply ingrained.

Out State has lost a great public servant, and to those of us fortunate enough to have known him a great friend as well.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

UNANIMOUS-CONSENT AGREEMENTS—S. 672

Mr. STEVENS. Madam President, I wish to modify the previous statement I have made. And I now ask unanimous consent that the vote on the cloture motion take place at 10 a.m., tomorrow.

The PRESIDING OFFICER. Hearing no objection, without objection, it is so ordered.

Mr. STEVENS. Madam President, the Senate will be convening at 9:30—the majority leader will handle that part of it—but I ask unanimous consent that the time between the convening at 9:30 and 10 o'clock be divided equally between the Senator from West Virginia and myself.

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

Mr. STEVENS. Madam President, I ask unanimous consent that second-degree amendments must be filed before the hour of 10 a.m., before the hour of the cloture vote, that is, the second-degree amendments to the amendments that have been filed.

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

ORDER OF PROCEDURE

Mr. STEVENS. So we are clear, now we will stay in a period of routine morning business, Madam President, under the previous unanimous-consent agreement until the leader decides to go through the closing procedure.

But just to make certain, that is the order of the Senate now, that we are in morning business with Senators permitted to speak for up to 5 minutes each?

The PRESIDING OFFICER. That is correct.

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

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

Mr. REID. Madam President, would you indicate what the pending business is.

The PRESIDING OFFICER. The Senate is in morning business.

SUICIDE IN AMERICA

Mr. REID. Madam President, in the wrap-up, in the final business that will take place here today, Senate Resolution 84 will pass. This is a resolution that deals with suicide prevention. Currently, there are 31,000 suicides every year in the United States; 83 people a day kill themselves.

I made some remarks earlier today that will be in the RECORD of the Senate on this subject. I just want to express my appreciation to those that are sponsoring this resolution. It is a bipartisan resolution. Senator COVERDELL has been the lead Republican on this issue. Madam President, he is the lead sponsor on this because in his State there is a very courageous man, a man named Jerry Weyrauch. Jerry is leading a national effort in this country to draw attention to this issue. He is doing it after having gone through the trauma of losing his daughter by suicide.

Suicide is something that affects many people. As indicated, 31,000 people a year kill themselves in this country. In my Senate office here in Washington, about 2 months ago, during a period of 4 weeks, three of my employees had relatives that killed themselves. One was an 11-year-old boy that hanged himself.

Suicide is something we have learned can be avoided. I became vocal about suicide after having participated in a hearing before the Senate Aging Committee last year. Mike Wallace, a person those of us in Government hate to get a call from, appeared before our Aging Committee. The hearing was on senior depression. Mike Wallace, in my opinion, Madam President, showed a lot of courage when he came before our

committee and acknowledged—this very articulate TV personality appeared before our committee with a lot of humility—there were times in his life when he felt like he wanted to die, he was so depressed. The message he gave our committee was that there was no reason for him to feel this way. With a little bit of counseling and some medication, his life was changed.

It was at that hearing that I said to myself, and I indicated publicly, that it was time I acknowledged the fact that my father killed himself. It was something our family was embarrassed about, maybe even a little ashamed about. But with Mike Wallace talking the way he did, I thought it was something I should be more vocal about, and try to prevent others from going through the trauma that my family went through.

So, at that hearing, I said to the now Secretary of Defense, then Chairman Cohen, that I thought it would be a good idea if we held a hearing on senior suicide. We did. It was a remarkable hearing. We learned it is a problem. We learned, of course, with that hearing centering on senior suicide, what a tremendous problem it is across this country, especially in Nevada. Nevada leads the Nation in suicide and is twice—two times—the average for senior suicide. Nevada has a real problem.

We came to learn in that hearing that suicide cuts across all ages, it cuts across all economic lines, all social and economic boundaries. More people die from suicide in the United States than from homicide. That says a lot because there are tens of thousands of people, about 24,000 people a year in this country, who are murdered.

On an average day in this country, almost 2,000 adults attempt suicide. For young people, ages 15 to 24, suicide is the third leading cause of death, only behind unintentional injury and homicide. In 1992, more teenagers and young adults died from suicide than died from cancer, heart disease, AIDS, birth defects, stroke, pneumonia, influenza, and chronic lung disease combined. We can take all of the people age 15 to 24 who died from cancer, heart disease, AIDS, birth defects, stroke, pneumonia, influenza, and lung disease, and they do not equal the number of young people that killed themselves. Suicide is the eighth leading cause of death in the United States.

One of the things we have learned in these hearings, Madam President, is we do not know the cause of suicide. Why are the 10 leading States in the Nation all Western States? We do not know why. We need to know why. Why do males commit suicide, at rates and numbers for suicides, four times more than females?

Elderly adults have rates of suicide more than 50 percent higher than the Nation as a whole. We also know that seniors are much more adept at killing themselves. We know a youngster is not very good. About every 1 in 200 who attempts suicide is able to be success-

ful; yet, 1 in 4 seniors are successful. Suicide is preventable.

As I indicated, we learned from the Mike Wallace hearing that a little bit of counseling and a little bit of medication is all that is needed. Most suicidal persons desperately want to live; they are just unable to see alternatives to their problems. Understanding and identifying the risk factors for this phenomenon and evaluating potential suicide prevention interventions must become a public health priority. So we must do something about this preventable public health tragedy. It is irresponsible and insensitive to allow victims and families to suffer in silence or to nationally hide our heads in the sand.

Those of us who have had experience with suicide wonder, is there more we could have done? Why did he do it? Why did she do it? But I think the important thing is to recognize the progress that has been made. It wasn't long ago, Madam President, that someone that committed suicide could not be buried in a public cemetery. They simply would not allow it. There were many religious boundaries that the family of someone that committed suicide could not go beyond. Things are changing for the better. They will become better, and this resolution is really an outstanding step in that direction.

I have acknowledged Senator COVERDELL and I appreciate his support, along with the two Senators from Louisiana, BREAUX and LANDRIEU, Senator MURRAY, and Senator WELLSTONE, those who have cosponsored this legislation. The lead person in the House of Representatives is JOHN LEWIS from Georgia. I am grateful to him for taking the lead in this.

But the most important thing we can do is not be insensitive. Again, it is irresponsible and insensitive to allow families and victims to suffer in silence or to nationally hide our heads in the sand and pretend it doesn't exist. We have to acknowledge the problem and we need to take the critical first step in doing something about it.

Today the Suicide Prevention Advocacy Network—the organization Jerry Weyrauch formulated, sponsored and pushed—delivered over 20,000 signed petitions from 47 States calling for the action that was accomplished here today. It is time to lift the veil of secrecy and begin the effort to heal the wounds and take the steps to prevent unnecessary loss of life. It is time to continue the effort for mental health parity and to ensure that all those who need assistance get the assistance they need, without stigma.

The resolution I offered today, I hope, will be the first step in focusing awareness on the need for suicide prevention and addressing the need for a national strategy. No life should be lost when there is an opportunity to prevent its loss.

Not one of the nearly 31,000 lives lost to suicide annually is insignificant.

These are the children, parents, grandparents, brothers, sisters, friends, coworkers, and neighbors of each and every one of us. There are some things, I repeat, that we don't know. We have multiple suicides in families—families that appear to be the normal families. We have fathers committing suicide and sons committing suicide. We need to know more about this. Few of us can say we don't know someone who has been touched personally by this tragedy.

In addition to this legislation, I am going to continue to offer legislation which will be vital in taking necessary steps by calling for the establishment of injury control research centers, which will deal exclusively with the subject of suicide. We need a focal point where we can develop expertise on suicide, both of seniors and of children, and share this expertise with others interested in getting involved.

I also intend to ask the National Institutes of Health to conduct research into the treatment of clinical depression and suicide generally.

Again, I express my appreciation to Members on both sides of the aisle for supporting this resolution. It will be, I believe, the first step in acknowledging suicide as a national problem.

Madam President, I ask unanimous consent that a statement from the American Association of Suicidology and the American Psychological Association be printed in the RECORD.

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

AMERICAN PSYCHOLOGICAL ASSOCIATION
Washington, DC, May 5, 1997.

Hon. HARRY REID,
U.S. Senate, Washington, DC.

DEAR SENATOR REID: On behalf of over 150,000 members and affiliates of the American Psychological Association (APA), I am writing to express support and appreciation to you and Senators Murray, Wellstone and Coverdell for the introduction of a Senate resolution recognizing suicide as a national problem.

The APA shares your concern that suicide rates among the elderly, adolescents, and young adults have increased dramatically in recent years. Since the 1950s, suicide rates among youth have nearly tripled. Between 1980 and 1990, the suicide rate increased by 30% in the 10 to 19 year-old age group. For older Americans over 65, the suicide rate increased nine percent between 1980 and 1992. Elderly Americans make up about 13 percent of the country's population, but account for about 20 percent of all suicides.

Although the reasons for this sharp increase are unclear, depression, living longer with chronic illness, and increasing social isolation of the elderly may play a role in the growing numbers of elderly Americans who take their own lives. In addition, alcohol abuse and substance abuse can dramatically raise the suicide risk, especially among youth. Alcohol and drugs, separately or in combination, are potent disinhibiting agents that foster impulsive and dangerous acts.

As the suicide rate can clearly be reduced and as mental and behavioral disorders which lead to suicide are increasingly treatable, the APA strongly supports the resolution and recommends funding for additional

research, demonstration, evaluation, and intervention projects to reduce the rate of youth and elderly suicide.

Thank you again for your leadership on this critical issue.

Sincerely,

RAYMOND D. FOWLER, *Ph.D.*,
Executive Vice President and
Chief Executive Officer.

AMERICAN ASSOCIATION OF SUICIDOLGY,
Washington, DC, 5 May, 1997.

Senator HARRY REID,
U.S. Senate, Washington, DC.

DEAR SENATOR REID: I am writing on behalf of the American Association of Suicidology in support of your thoughtful, timely, and compassionate resolution recognizing suicide as a national problem and suicide prevention a national priority.

For too long we in America have suffered from the imported burden of stigmatizing both those who are suicidal and those affected by suicidal deaths. Suicides are often wrongly considered to be volitional deaths; this in spite of the fact that they are motivated by mental disorders and irrational thinking. Until we better educate our population to what we know about suicide and make a more concerted effort to prevent these tragic, premature, and often preventable deaths, we will continue to needlessly devastate thousands of newly bereaved family members, friends, and colleagues annually. Moreover, we can seriously impact the associated cost and burden of suicide to the American economy which is estimated to run into the tens of billions of dollars each year.

The operative word here is needless. We need not suffer these losses. We can make a difference.

Your resolution has long been needed and represents the type of initiative Congress can make for the public health of our nation. We applaud your efforts.

Sincerely,

ALAN L. BERMAN, *Ph.D.*,
Executive Director.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 5, 1997, the Federal debt stood at \$5,332,472,495,590.76. (Five trillion, three hundred thirty-two billion, four hundred seventy-two million, four hundred ninety-five thousand, five hundred ninety dollars and seventy-six cents)

Five years ago, May 5, 1992, the Federal debt stood at \$3,880,040,000,000. (Three trillion, eight hundred eighty billion, forty million)

Ten years ago, May 5, 1987, the Federal debt stood at \$2,277,361,000,000. (Two trillion, two hundred seventy-seven billion, three hundred sixty-one million)

Fifteen years ago, May 5, 1982, the Federal debt stood at \$1,055,630,000,000.

(One trillion, fifty-five billion, six hundred thirty million)

Twenty-five years ago, May 5, 1972, the Federal debt stood at \$426,078,000,000 (Four hundred twenty-six billion, seventy-eight million) which reflects a debt increase of nearly \$5 trillion—\$4,906,394,495,590.76 (Four trillion, nine hundred six billion, three hundred ninety-four million, four hundred ninety-five thousand, five hundred ninety dollars and seventy-six cents) during the past 25 years.

TRIBUTE TO JACK BARRY

Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a valued member of the Vermont community, and a true friend, John W. "Jack" Barry, who passed away last Sunday at the age of 70. I had the pleasure of working with Jack for over 20 years as he hosted numerous radio and television shows in Vermont. He was a consummate professional with an amazing knack for the interview. When I was on the other side of Jack's mike, I felt as though we were just chatting—kind of catching up on what I'd been up to in Washington. I wouldn't want to give any of my colleagues the impression that Jack didn't ask the tough questions because he did. He asked many of them but he passed no judgment on the answers.

Although some would say that Jack began his illustrious career in 1948 as a radio show host at WJOY in Burlington, it actually started at the age of 4 when "Little Jackie Barry" performed recitations for his hometown radio station, WDEV of Waterbury. Over the years Jack worked for numerous radio stations in Vermont and around the Nation, and served for 2 years as Press Secretary for U.S. Senator PATRICK LEAHY. In the early 1970's he joined the State's public television station to moderate a wide array of programs to include, "Vermont this Week", "Vermont Report" and "Call the Governor". During the last 3 years, Jack served in public office as a State senator from Chittenden County.

Among his many honors, Jack was named Vermont's Sportscaster of the Year in 1972, elected to the Vermont Association of Broadcasters' Hall of Fame, selected as the Rutland Herald's Vermonter of the Year in 1991 and 1995, as well as being chosen to receive the Vermont Association of Broadcasting Award in 1981.

True to his nature, Jack took the time to give back to the community by serving as a board member and trustee of several organizations to include the Medical Center Hospital of Vermont, the Vermont Special Olympics, the United Way and the national board of the American Heart Association among many others.

I extend my most sincere condolences to his wife Bunny, his three daughters; Kathy Yagley, Maureen Ravely, and Bridget Barry Caswell as well as the entire Barry family. Jack had the deep-

est feelings for Vermont and its people. He was always respectful of others and their differing beliefs. It didn't matter whether they were the frequent callers on his radio show or constituents from Chittenden County, he called them by name, heard them out and genuinely thanked them for expressing their views.

Jack Barry exemplified what we should all strive to achieve.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY CAUSED BY THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT—PM 33

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:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 6, 1997.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:06 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. 968. An act to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated:

EC-1793. A communication from the Attorney General, transmitting, pursuant to law, a report relative to electronic surveillance; to the Committee on the Judiciary.

EC-1794. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of an addendum to the Treasury audit plan; to the Committee on the Judiciary.

EC-1795. A communication from the Assistant General Counsel of the U.S. Information Agency, transmitting, pursuant to law, a rule entitled "Reinstatement of Exchange Visitors" received on April 5, 1997; to the Committee on the Judiciary.

EC-1796. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, pursuant to law, a report on cocaine and federal sentencing policy; to the Committee on the Judiciary.

EC-1797. A communication from the Secretary of the Judicial Conference of the United States, transmitting, pursuant to law, a report relative to bankruptcy judgeships; to the Committee on the Judiciary.

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. REID:

S. 697. A bill to amend the Public Health Service Act to establish a program of providing information and education to the public on the prevention and treatment of eating disorders; to the Committee on Labor and Human Resources.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 698. A bill to amend the Energy Policy and Conservation Act to authorize the Secretary of Energy, by lease or otherwise, to store in underutilized Strategic Petroleum Reserve facilities petroleum products owned by foreign governments or their representatives, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAU:

S. 699. A bill to suspend temporarily the duty on Diiodomethyl-p-tolylsulfone; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 700. A bill to provide States with greater flexibility in setting provider reimbursement rates under the medicaid program; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. HELMS, Mr. D'AMATO, and Mr. DURBIN):

S. 701. A bill to amend title XVIII of the Social Security Act to provide protections for medicare beneficiaries who enroll in medicare managed care plans, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 702. A bill to amend the Individuals with Disabilities Education Act to clarify that a State is not required to provide special education and related services to a person with a disability who is convicted of a felony and incarcerated in a secure correctional facility with adult offenders; to the Committee on Labor and Human Resources.

By Mr. ALLARD:

S. 703. A bill to amend the Internal Revenue Code of 1986 to clarify the deductibility of expenses by a taxpayer in connection with the business use of the home; to the Committee on Finance.

By Mr. KOHL:

S. 704. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 with

respect to the separate detention and confinement of juveniles, and for other purposes; to the Committee on the Judiciary.

Mr. MCCAIN:

S. 705. A bill to amend the Communications Act of 1934 to establish statutory rules for the conversion of television broadcast station from analog to digital transmission consistent with the Federal Communications Commission's Fifth Order and Report, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND:

S. 706. A bill to amend the Individuals with Disabilities Education Act to permit the use of long-term disciplinary measures against students who are children with disabilities, to provide for a limitation on the provision of educational services to children with disabilities who engage in behaviors that are unrelated to their disabilities, and to require educational entities to include in the educational records of students who are children without disabilities documentation with regard to disciplinary measures taken against such students, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG:

S. 707. A bill to prohibit the public carrying of a handgun, with appropriate exceptions for law enforcement officials and others; to the Committee on the Judiciary.

S. 708. A bill to amend title 23, United States Code, to provide for a national minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol; to the Committee on Labor and Human Resources.

By Mr. WARNER (for himself, Mr. INOUE, Mr. THURMOND, and Mrs. FEINSTEIN):

S.J. Res. 30. Joint resolution designating March 1, 1998 as "United States Navy Asiatic Fleet Memorial Day," and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mrs. MURRAY, Mr. WELLSTONE, and Mr. COVERDELL):

S. Res. 83. A resolution recognizing suicide as a national problem, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. REID (for himself, Mrs. MURRAY, Mr. WELLSTONE, Mr. COVERDELL, Mr. BREAU, and Ms. LANDRIEU):

S. Res. 84. A resolution recognizing suicide as a national problem, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 697. A bill to amend the Public Health Service Act to establish a program of providing information and education to the public on the prevention and treatment of eating disorders; to the Committee on Labor and Human Resources.

THE EATING DISORDERS INFORMATION AND EDUCATION ACT OF 1997

Mr. REID. Mr. President, today I am introducing the Eating Disorders Information and Education Act of 1997. This legislation would establish a program, as part of the Public Health Service

Act, to provide information and education to the public on the prevention and treatment of eating disorders. Eating disorders include anorexia nervosa, bulimia nervosa, and binge eating disorders. Further, my bill would provide for the operation of toll-free telephone communications to provide information to the public on eating disorders. Such communications shall be available on a 24-hour, 7-day basis.

Anorexia nervosa, bulimia nervosa, and compulsive overeating are all serious emotional problems that can have life-threatening consequences. An eating disorder refers to a set of distorted eating habits, weight management practices, and attitudes about weight and body shape. Further, it is these distorted eating related attitudes and behaviors that result in loss of self-control, obsession, anxiety, guilt, and other forms of misery, alienation from self and others, and physiological imbalances which are potentially life threatening.

Anorexia nervosa is an intense and irrational fear of body fat and weight gain, a determination to become thinner and thinner, and a misperception of body weight and shape to the extent that the person may feel or see themselves as fat, even when emaciation is clear to others. These psychological characteristics contribute to drastic weight loss and defiant refusal to maintain a healthy weight for height and age. Food, calories, weight, and weight management dominate the person's life.

Bulimia nervosa is characterized by self-perpetuating and self-defeating cycles of binge eating and purging. During a binge, the person consumes a large amount of food in a rapid, automatic, and helpless fashion. This may anesthetize hunger, anger, and other feelings, but it eventually creates physical discomfort and anxiety about weight gain. Thus, the person purges the food eaten, usually by inducing vomiting and by resorting to some combination of restrictive dieting, excessive exercising, laxatives, and diuretics.

Eating disorders arise from a combination of longstanding psychological, interpersonal, and social conditions. Feelings of inadequacy, depression, anxiety, and loneliness, as well as troubled family and personal relationships may contribute to the development of an eating disorder. Our culture, with its unrelenting idealization of thinness and the perfect body, is often a contributing factor. Once started, eating disorders become self-perpetuating.

The Federal Government has taken a role in research into eating disorders. The National Institutes of Health [NIH] is sponsoring research to determine the causes of anorexia, the best methods of treatment, and ways to identify who might have a high risk of developing the disorder. Further, NIH, through its Division of Researcher Resources, supports 10 general clinical research centers throughout the country

in which anorexia research is underway.

Researchers at the National Institute of Mental Health are studying the biological aspects and changes in brain chemistry which may control appetite. Although psychological or environmental factors may precipitate the onset of the illness, the study indicates that it may be prolonged by starvation-induced changes in body processes.

Although research into eating disorders is established and continuing, we need to provide help for those already trapped in the cycle of an eating disorder. That is why I offer my legislation today, to provide a resource to people who need help.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 698. A bill to amend the Energy Policy and Conservation Act to authorize the Secretary of Energy, by lease or otherwise, to store in underutilized strategic petroleum reserve facilities petroleum products owned by foreign governments or their representatives, and for other purposes; to the Committee on Energy and Natural Resources.

THE STRATEGIC PETROLEUM RESERVE
REPLENISHMENT ACT

Mr. AKAKA. Madam President, today I am introducing the Strategic Petroleum Reserve Replenishment Act, a bill to purchase oil for the strategic petroleum reserve using revenue obtained from leasing SPR storage capacity. Senators BINGAMAN and LANDRIEU join me in sponsoring this measure.

The strategic petroleum reserve is the cornerstone of U.S. energy security. During an oil emergency, the SPR is America's insurance policy against oil price shocks and economic disruption.

However, our insurance policy is not providing the level of coverage we need. Because of declining U.S. oil production our dependence on imports is dangerously high, and the situation will grow worse in the coming decade. According to the Energy Information Administration, U.S. dependence on oil imports will rise from the current level of 50 percent to 60 percent in the year 2010. As oil imports increase, the strategic petroleum reserve will provide less and less energy security.

The logical response should be to stockpile more oil. Yet, exactly the opposite is occurring. Some \$315 million in revenue from the Operation Desert Storm drawdown was diverted to pay operating expenses rather than purchase replacement oil. Annual purchases of crude for the SPR have been halted, and we have begun to sell oil from the reserve as a deficit reduction measure. During fiscal years 1996 and 1997, the Department of Energy sold \$450 million barrels of oil for this purpose. Congress and the administration share the blame for the sale of these strategic assets.

The most alarming development of all, however, was last week's announcement by the Department of Energy

that it is seeking public comment on the future of the strategic petroleum reserve. The first question on the DOE comment notice was "Should the United States continue to maintain the SPR?" That's like asking whether the Titanic should carry life boats. The strategic petroleum reserve provides an essential umbrella of energy security and the importance of this asset will increase as we become more dependent on oil imports.

Like many Federal programs, the strategic petroleum reserve has become a victim of the balanced budget process. Congress and the administration are unable to muster the political will, or the scarce Federal dollars, to maintain or expand our emergency reserve.

My colleagues and I on the Energy Committee have proposed a modest initiative to purchase new oil for the reserve. The bill we have introduced today would finance the purchase of oil for the SPR using revenue obtained from the lease of excess SPR storage capacity.

With its current inventory, the SPR has more than 100 million barrels of available, but unused storage. A number of foreign governments have expressed interest in storing oil in the U.S. reserve to meet International Energy Agency responsibilities. Storing oil in our gulf coast facility would be far less expensive for these countries than constructing new storage capacity. The cost of constructing new capacity exceeds \$15 per barrel, whereas the annual operating cost at SPR facilities is less than 50 cents per barrel. All of the revenue generated from such leases would be dedicated to the purchase of crude oil for the U.S. reserve.

During consideration of last year's reconciliation bill, the Senate adopted a proposal I offered that was nearly identical to the legislation I have introduced today. The Clinton administration has a mixed response to this proposal. They support legislation giving DOE the authority to lease idle SPR capacity to foreign governments, but they have reservations about dedicating leasing revenue for the purchase of new oil.

The legislation I am introducing today is an essential first step toward a more rational energy security policy. As the Senate Energy Committee considers the reauthorization of the strategic petroleum reserve, I will work with my colleagues on the committee to ensure that this measure is included as an amendment.

Madam 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. 698

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 "Strategic Petroleum Reserve Replenishment Act".

SEC. 2. LEASE OF EXCESS STRATEGIC PETROLEUM RESERVE CAPACITY.

Part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) is amended by adding at the end the following: "**SEC. 168. UNDERUTILIZED FACILITIES.**

"(a) IN GENERAL.—Notwithstanding section 649(b) of the Department of Energy Organization Act (42 U.S.C. 7259(b)) and any other provision of this title, the Secretary, by lease or otherwise, for any term and under such other conditions as the Secretary considers necessary, may store in an underutilized Strategic Petroleum Reserve facility a petroleum product owned by a foreign government or its representative.

"(b) EXCLUSION FROM RESERVE; EXPORT.—A petroleum product stored under subsection (a)—

"(1) is not part of the Reserve;

"(2) is not subject to part C; and

"(3) may be exported from the United States.

"(c) USE OF FUNDS.—Funds resulting from the leasing or other use of a Reserve facility under subsection (a) shall be available to the Secretary, without further appropriation, for the purchase of petroleum products for the Reserve."

By Mr. BREAUX:

S. 699. A bill to suspend temporarily the duty on Diiodomethyl-p-tolylsulfone; to the Committee on Finance.

TEMPORARY DUTY-FREE TREATMENT
LEGISLATION

Mr. BREAUX. Mr. President, I rise today to offer legislation that would temporarily suspend, through the year 2000, the rate of duty applicable to imports of Diiodomethyl-p-tolylsulfone, commonly referred to as "DMTS." Commercially, DMTS is known by the brand name AMICAL 48. It is a fungicide/mildewcide that is used in caulks, adhesives, plastics, textiles, and for other purposes. The preservative is of indisputable benefit to a host of industries engaged in the production, storage, and use of products subject to microbial degradation.

The current rate of duty on DMTS is 10.7 percent ad valorem. Under the Uruguay Round, this rate is scheduled to decrease by 0.6 percent per year until 2004, when it will reach and remain at 6.5 percent. The proposed legislation would provide for duty-free treatment of imports of DMTS from the date of enactment through the last day of the year 2000, and it is estimated that if this legislation is enacted, the reduction in duty collection will be a de minimis amount of about \$250,000 to \$350,000 per year.

Furthermore, because there is no substitute domestic product currently benefiting from the present rate of duty on DMTS, no adverse impact on the domestic preservatives industry is anticipated. It may also be that such a temporary suspension in the rate of duty will result in savings being passed along to the consumers of AMICAL 48. I therefore urge my colleagues to support the passage of this bill.

By Mrs. HUTCHISON:

S. 700. A bill to provide States with greater flexibility in setting provider

reimbursement rates under the Medicaid Program; to the Committee on Finance.

LEGISLATION TO REPEAL CERTAIN MEDICAID PROVISIONS

Mrs. HUTCHISON. Mr. President, today I am introducing a bill to repeal the provider reimbursement requirements of the Boren amendment. This bill will provide States with greater flexibility in setting provider reimbursement rates under the Medicaid Program.

Under current law, States may set Medicaid payment rates at whatever level they choose for home and community-based services, but they must meet a minimum standard for nursing home and hospital reimbursement. This standard is prescribed by the Boren amendment, which requires that providers be reimbursed under rates the State "finds and makes assurances satisfactory to the Secretary are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable State and Federal laws, regulations and quality and safety standards."

Although the law was designed to relax previous standards and increase flexibility, unfortunately the opposite has resulted. The use of vague and undefined terms in the amendment created problems, compounded by the Federal Government's decision not to issue regulations defining these terms. To add further confusion, the law, while requiring reimbursement rates to be "determined in accordance with methods and standards developed by the State," also requires the Federal Government to be satisfied with the State-determined rates. Implementing this requirement means State Medicaid plans must include both State processes for determining rates and the rates themselves, which are then subject to approval by the Secretary of Health and Human Services.

Moreover, beyond this federally imposed regulatory nightmare we've created for the States, many States, including Texas, have had to deal with substantial litigation resulting from the vagueness of the statutory language and lack of regulatory definitions. Some courts have viewed the Boren amendment as a cost-based payment standard in which all cost incurred by the providers must be reimbursed. In these instances, States may be liable for significant sums to cover the retroactive rate increases ordered by the court for the group of providers involved in the suit, even if their rate schedule was approved by the Federal Government. In some cases, the additional payments made as a result of a court-ordered retroactive rate increase are not eligible for cost-sharing from the Federal Government.

For example, in 1993, the U.S. Court of Appeals for the Fifth Circuit found that the State of Louisiana Medicaid agency's findings on "reasonable and

adequate" compensation for hospitals were inadequate, despite HCFA's approval of the State plan. In New York, the State's "minimum utilization adjustment" decreased reimbursement for psychiatric hospitals that operated at less than 75 percent capacity as a means to encourage "efficiency and economy." In another New York case, however, despite recognizing the many strong policy reasons behind the adjustments, the U.S. District Court for the Southern District of New York determined the State did not meet the procedural requirements of the Boren amendment. The decision not only has resulted in unjustified reimbursement increases for under-used facilities, but has also tied up the State in continuing litigation over retroactive damages.

Returning to the States the flexibility to negotiate Medicaid reimbursement rates would allow them to avoid or mitigate large increases in spending because of such suits, and follow the example of private-sector purchasers of health care services by selectively contracting with hospitals and nursing homes on a competitive basis. California's Selective Provider Contracting Program [SPCP] is a good example of the economic benefits of this type of program. Because of rapid increases in inpatient hospital costs and a budget shortfall, California passed legislation in 1982 allowing its Medicaid Program [Medi-Cal] to negotiate contracts with providers. SPCP contains the overall expenditures for hospital services reimbursed by the Med-Cal Program and assures adequate access to quality services for beneficiaries through a competitive, rather than a regulatory process. The process saves California an estimated \$300 million per year. Illinois had a similar program for several years and saved an estimated \$100 million annually, but it was discontinued following a change in administrations and a switch to a different system of reimbursement. The average Medicaid cost per day in Illinois has since risen substantially.

Both California and Illinois officials have been pleased with the high quality of care under this type of system. In addition to relying on strict regulations already in place for hospitals, both States independently audit hospitals for quality of care. Illinois contracted for a 2-year period, which meant that hospitals had to compete often to win contracts while maintaining quality standards.

Mr. President, programs such as those in California and Illinois exemplify the efficiency and innovation offered within our Federal system. It is time to give other States free rein to experiment with similar programs, thus creating a more cost-effective and higher quality Medicaid system for their beneficiaries. I hope all my colleagues will join me in cosponsoring this legislation to take a significant step in the direction of true Medicaid reform.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. HELMS, Mr. D'AMATO, and Mr. DURBIN):

S. 701. A bill to amend title XVIII of the Social Security Act to provide protections for Medicare beneficiaries who enroll in Medicare managed care plans, and for other purposes; to the Committee on Finance.

THE MEDICARE PATIENT CHOICE AND ACCESS ACT
OF 1997

Mr. GRASSLEY. Mr. President, I rise today to offer bipartisan legislation to provide Medicare beneficiaries with the necessary tools and protections they need to choose the right health plan under the Medicare program for their individual health care needs. The bill I am introducing today, with my Democratic colleague, Senator CONRAD, whom I have had the pleasure to work with on many issues, is entitled the Medicare Patient Choice and Access Act of 1997. I am also joined by my Republican colleagues, Senator D'AMATO and Senator HELMS, and my Democratic colleague from Illinois, Senator DURBIN. Similar legislation has been introduced in the House by Representatives COBURN and BROWN. Representative COBURN'S bill currently has 91 cosponsors and has strong bipartisan support.

The bill I am sponsoring accomplishes a number of important objectives for Medicare beneficiaries and for the success of the Medicare program. We often talk about providing more choices of health plans for Medicare recipients, but we rarely discuss what they need to make the right choice. As Congress examines ways to encourage more options for Medicare beneficiaries through the growth of managed care, it is critical that there is a trusting relationship between Medicare enrollees and their health plans. Medicare is a Federal program. Therefore, it is our job to ensure that health plans participating in the Medicare program provide quality care to our Nation's elderly. Medicare recipients look to Congress to hold health plans accountable. The legislation I am introducing will encourage plans to compete based on the quality of care they provide and will give beneficiaries the necessary information they need make an informed choice.

The bill includes the following provisions: Provides beneficiaries with standardized consumer-friendly charts to compare health plans in their area (information such as disenrollment rates and appeals denied and reversed by plans are included in these charts); ensures that beneficiaries will receive fair treatment when health plans deny care by establishing a uniform and timely appeals process for managed care plans participating in Medicare; creates an atmosphere of trust between beneficiaries and their providers by prohibiting the use of gag clauses which restrict communications between providers and their patients; provides beneficiaries with the assurance that their health care provider

will refer to specialists, when medically necessary, by expanding Medicare's restriction on the use of financial incentives in managed care to include not just physicians but all providers; given patients, especially those individuals who require specialized care, the assurance they will be able to see a specialist, as medically necessary, when they are enrolled in a managed care plan; and offers beneficiaries more choices by guaranteeing they will have the option, at the time of enrollment, to select a plan with coverage for out-of-network services (point-of-service plans are the fastest growing health plans in the private sector).

Many of the provisions in this bill are supported by research conducted by the General Accounting Office [GAO] and the Institute of Medicine [IOM]. In the Senate Special Committee on Aging, which I chair, we recently held a hearing on the importance of detailed health plan information in holding health plans accountable and improving the quality of care delivered. We heard from large health care purchasers such as the California Public Employees Retirement System [CalPERS] and Xerox Corp. on ways Congress could improve the Medicare program by providing comparative, standardized, information on participating health plans. We heard from the GAO and the IOM about ways the Health Care Financing Administration could be more cost-efficient by requiring that health plans standardize their information. These witnesses highlighted the costliness of high disenrollment rates among health plans and how rates are significantly reduced when beneficiaries are given accurate and detailed comparative information on available health plans.

Most importantly, we heard from a recent Medicare beneficiary and a representative of a Medicare Insurance Counseling Assistance program on the lack of reliable, comparative information under the current Medicare program. The consistent theme from all these witnesses was the importance of trust between Medicare beneficiaries and their health plans. This trust in the program does not exist today, particularly in areas experiencing a rapid growth in managed care. However, by enacting the bill I am offering today which includes several incremental changes to the Medicare program, Congress can help to establish trust and rebuild confidence among our Nation's seniors in the Medicare program.

Many of the provisions in this bill are strengthening current law or providing beneficiaries protection in statute in addition to regulation. I believe it is the responsibility of Congress and administration to ensure that our Nation's elderly are getting quality, cost-effective care under the Medicare program. I urge my colleagues on both sides of the aisle to join me and Senator CONRAD in cosponsoring this very important bipartisan legislation.

Mr. President, I ask that a summary and full text of the bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 701

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 Patient Choice and Access Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There should be no unreasonable barriers or impediments to the ability of individuals enrolled in health care plans to obtain appropriate specialized medical services.

(2) The patient's first point of contact in a health care plan must be encouraged to make all appropriate medical referrals and should not be constrained financially from making such referrals.

(3) Some health care plans may impede timely access to specialty care.

(4) Some contracts between health care plans and providers may contain provisions which impede the provider in informing the patient of the full range of treatment options.

(5) Patients cannot make appropriate health care decisions without access to all relevant information relating to those decisions.

(6) Restrictions on the ability of health care providers to provide full disclosure of all relevant information to patients making health care decisions violate the principles of informed consent and the ethical standards of the health care professions. Contractual clauses and other policies that interfere with communications between health care providers and patients can impact the quality of care received by those patients.

(7) Patients should have the opportunity to access out-of-network items, treatment, and services at an additional cost to the patient which is not so prohibitive that they are deterred from seeing the health care provider of their own choice.

(8) Specialty care must be available for the full duration of the patient's medical needs when medically necessary and not limited by time or number of visits.

(9) Direct access to specialty care is essential for patients in emergency and non-emergency situations and for patients with chronic and temporary conditions.

SEC. 3. PROTECTION FOR MEDICARE HMO ENROLLEES.

(a) IN GENERAL.—Section 1876 of the Social Security Act (42 U.S.C. 1395mm) is amended—

(1) in subsection (c)(1), by striking "subsection (e)" and inserting "subsections (e) and (k)"; and

(2) by adding at the end the following:

"(k) BENEFICIARY PROTECTION.—

"(I) ASSURING ADEQUATE IN-NETWORK ACCESS.—

"(A) TIMELY ACCESS.—An eligible organization that restricts the providers from whom benefits may be obtained must guarantee to enrollees under this section timely access to primary and specialty health care providers who are appropriate for the enrollee's condition.

"(B) ACCESS TO SPECIALIZED CARE.—Enrollees must have access to specialized treatment when medically necessary. This access may be satisfied through contractual arrangements with specialized health care providers outside of the network.

"(C) CONTINUITY OF CARE.—An eligible organization's use of case management may

not create an undue burden for enrollees under this section. An eligible organization must ensure direct access to specialists for ongoing care as so determined by the case manager in consultation with the specialty health care provider. This continuity of care may be satisfied for enrollees with chronic conditions through the use of a specialist serving as case manager.

"(2) OUT-OF-NETWORK ACCESS.—If an eligible organization offers to members enrolled under this section a plan which provides for coverage of items and services covered under parts A and B only if such items and services are furnished through health care providers and other persons who are members of a network of health care providers and other persons who have entered into a contract with the organization to provide such services, the contract with the organization under this section shall provide that the organization shall also offer to members enrolled under this section (at the time of enrollment) a plan which provides for coverage of such items and services which are not furnished through health care providers and other persons who are members of such a network.

"(3) GRIEVANCE PROCESS.—

"(A) IN GENERAL.—An eligible organization must provide a meaningful and expedited procedure, which includes notice and hearing requirements, for resolving grievances between the organization (including any entity or individual through which the organization provides health care services) and members enrolled with the organization under this section. Under that procedure, any member enrolled with the eligible organization may, at any time, file a complaint to resolve grievances between the member and the organization before a board of appeals established under subparagraph (C).

"(B) NOTICE REQUIREMENTS.—

"(i) IN GENERAL.—The eligible organization must provide, in a timely manner, to an enrollee a notice of any denial of services in-network or denial of payment for out-of-network care.

"(ii) INFORMATION REQUIRED.—Such notice shall include the following:

"(I) A clear statement of the reason for the denial.

"(II) An explanation of the complaint process under subparagraph (A) which is available to the enrollee upon request.

"(III) An explanation of all other appeal rights available to all enrollees.

"(IV) A description of how to obtain supporting evidence for the hearing described in subparagraph (C), including the patient's medical records from the organization, as well as supporting affidavits from the attending health care providers.

"(C) HEARING BOARD.—

"(i) IN GENERAL.—Each eligible organization shall establish a board of appeals to hear and make determinations on complaints by enrollees concerning denials of coverage or payment for services (whether in-network or out-of-network) and the medical necessity and appropriateness of covered items and services.

"(ii) COMPOSITION.—A board of appeals of an eligible organization shall consist of—

"(I) representatives of the organization, including physicians, nonphysicians, administrators, and enrollees;

"(II) consumers who are not enrolled with an eligible organization under this section; and

"(III) health care providers who are not under contract with the eligible organization and who are experts in the field of medicine which necessitates treatment.

Members of the board of appeals described in subclauses (II) and (III) shall have no interest in the eligible organization.

“(iii) DEADLINE FOR DECISION.—

“(I) IN GENERAL.—Except as provided in subclause (II), a board of appeals shall hear and resolve complaints within 30 days after the date the complaint is filed with the board.

“(II) EXPEDITED PROCEDURE.—A board of appeals shall have an expedited procedure in order to hear and resolve complaints regarding urgent care (as determined by the Secretary in regulations).

“(D) OTHER REMEDIES.—Nothing in this paragraph may be construed to replace or supersede any appeals mechanism otherwise provided for an individual entitled to benefits under this title.

“(4) NOTICE OF ENROLLEE RIGHTS AND COMPARATIVE REPORT.—

“(A) IN GENERAL.—Each eligible organization shall provide in any marketing materials distributed to individuals eligible to enroll under this section and to each enrollee at the time of enrollment and not less frequently than annually thereafter, an explanation of the individual’s rights under this section and a copy of the most recent comparative report (as established by the Secretary under subparagraph (C)) for that organization.

“(B) RIGHTS DESCRIBED.—The explanation of rights under subparagraph (A) shall be in a standardized format (as established by the Secretary in regulations) and shall include an explanation of—

“(i) the enrollee’s rights to benefits from the organization;

“(ii) the restrictions (if any) on payments under this title for services furnished other than by or through the organization;

“(iii) out-of-area coverage provided by the organization;

“(iv) the organization’s coverage of emergency services and urgently needed care;

“(v) the organization’s coverage of out-of-network services, including services that are additional to the items and services covered under parts A and B;

“(vi) appeal rights of and grievance procedures available to enrollees; and

“(vii) any other rights that the Secretary determines would be helpful to beneficiaries in understanding their rights under the plan.

“(C) COMPARATIVE REPORT.—

“(i) IN GENERAL.—The Secretary shall develop an understandable standardized comparative report on the plans offered by eligible organizations, that will assist beneficiaries under this title in their decision-making regarding medical care and treatment by allowing the beneficiaries to compare the organizations that the beneficiaries are eligible to enroll with. In developing such report the Secretary shall consult with outside organizations, including groups representing the elderly and health insurers, in order to assist the Secretary in developing the report.

“(ii) CONTENTS OF REPORT.—The report described in clause (i) shall include a comparison for each plan of—

“(I) the premium for the plan;

“(II) the benefits offered by the plan, including any benefits that are additional to the benefits offered under parts A and B;

“(III) the amount of any deductibles, coinsurance, or any monetary limits on benefits;

“(IV) the identity, location, qualifications, and availability of health care providers in any health care provider networks of the plan;

“(V) the number of individuals who disenrolled from the plan within 3 months of enrollment and during the previous fiscal year, stated as percentages of the total number of individuals in the plan;

“(VI) the procedures used by the plan to control utilization of services and expenditures, including any financial incentives;

“(VII) the procedures used by the plan to ensure quality of care;

“(VIII) the rights and responsibilities of enrollees;

“(IX) the number of applications during the previous fiscal year requesting that the plan cover certain medical services that were denied by the plan (and the number of such denials that were subsequently reversed by the plan), stated as a percentage of the total number of applications during such period requesting that the plan cover such services;

“(X) the number of times during the previous fiscal year (after an appeal was filed with the Secretary) that the Secretary upheld or reversed a denial of a request that the plan cover certain medical services;

“(XI) the restrictions (if any) on payment for services provided outside the plan’s health care provider network;

“(XII) the process by which services may be obtained through the plan’s health care provider network;

“(XIII) coverage for out-of-area services;

“(XIV) any exclusions in the types of health care providers participating in the plan’s health care provider network; and

“(XV) any additional information that the Secretary determines would be helpful for beneficiaries to compare the organizations that the beneficiaries are eligible to enroll with.

“(iii) ONGOING DEVELOPMENT OF REPORT.—The Secretary shall, not less than annually, update each comparative report.

“(D) COMPLIANCE.—Each eligible organization shall disclose to the Secretary, as requested by the Secretary, the information necessary to complete the comparative report.

“(5) RESTRICTIONS ON HEALTH CARE PROVIDER INCENTIVE PLANS.—

“(A) IN GENERAL.—Each contract with an eligible organization under this section shall provide that the organization may not operate any health care provider incentive plan (as defined in subparagraph (B)) unless the following requirements are met:

“(i) No specific payment is made directly or indirectly under the plan to a health care provider or health care provider group as an inducement to reduce or limit medically necessary services.

“(ii) If the plan places a health care provider or health care provider group at substantial financial risk (as determined by the Secretary) for services not provided by the health care provider or health care provider group, the organization—

“(I) provides stop-loss protection for the health care provider or health care provider group that is adequate and appropriate, based on standards developed by the Secretary that take into account the number (and type) of health care providers placed at such substantial financial risk in the group or under the plan and the number of individuals enrolled with the organization that receive services from the health care provider or the health care provider group; and

“(II) conducts periodic surveys of both individuals enrolled and individuals previously enrolled with the organization to determine the degree of access of such individuals to services provided by the organization and satisfaction with the quality of such services.

“(iii) The organization provides the Secretary with descriptive information regarding the plan, sufficient to permit the Secretary to determine whether the plan is in compliance with the requirements of this subparagraph.

“(B) HEALTH CARE PROVIDER INCENTIVE PLAN DEFINED.—In this paragraph, the term ‘health care provider incentive plan’ means any compensation arrangement between an

eligible organization and a health care provider or health care provider group that may directly or indirectly have the effect of reducing or limiting medically necessary services provided with respect to individuals enrolled with the organization.

“(6) PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.—

“(A) IN GENERAL.—

“(i) PROHIBITION OF CERTAIN PROVISIONS.—Subject to subparagraph (C), an eligible organization may not include with respect to its plan under this section any provision that prohibits or restricts any medical communication (as defined in subparagraph (B)) as part of—

“(I) a written contract or agreement with a health care provider;

“(II) a written statement to such a provider; or

“(III) an oral communication to such a provider.

“(ii) NULLIFICATION.—Any provision described in clause (i) is null and void.

“(B) MEDICAL COMMUNICATION DEFINED.—In this paragraph, the term ‘medical communication’ means a communication made by a health care provider with a patient of the provider (or the guardian or legal representative of such patient) with respect to any of the following:

“(i) How participating physicians and health care providers are paid.

“(ii) Utilization review procedures.

“(iii) The basis for specific utilization review decisions.

“(iv) Whether a specific prescription drug or biological is included in the formulary.

“(v) How the eligible organization decides whether a treatment or procedure is experimental.

“(vi) The patient’s physical or mental condition or treatment options.

“(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing an entity from—

“(i) acting on information relating to the provision of (or failure to provide) treatment to a patient; or

“(ii) restricting a medical communication that recommends 1 health plan over another if the sole purpose of the communication is to secure financial gain for the health care provider.

“(7) ADDITIONAL DEFINITIONS.—In this subsection:

“(A) HEALTH CARE PROVIDER.—The term ‘health care provider’ means anyone licensed under State law to provide health care services under part A or B.

“(B) IN-NETWORK.—The term ‘in-network’ means services provided by health care providers who have entered into a contract or agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section.

“(C) NETWORK.—The term ‘network’ means, with respect to an eligible organization, the health care providers who have entered into a contract or agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section.

“(D) OUT-OF-NETWORK.—The term ‘out-of-network’ means services provided by health care providers who have not entered into a contract agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section.

“(8) NONPREEMPTION OF STATE LAW.—A State may establish or enforce requirements with respect to the subject matter of this

subsection, but only if such requirements are more stringent than the requirements established under this subsection.”

(b) CONFORMING AMENDMENTS.—Section 1876 of such Act is amended—

(1) in subsection (a)(1)(E)(ii)(II), by striking “subsection (c)(3)(E)” and inserting “subsection (k)(4)”;

(2) in subsection (c)—

(A) in paragraph (3)—

(i) by striking subparagraph (E); and

(ii) in subparagraph (G)(ii)(II), by striking “subparagraph (E)” and inserting “subsection (k)(4)”;

(B) by striking paragraph (4); and

(C) by striking “(5)(A) The organization” and all that follows through “(B) A member” and inserting “(5) A member”; and

(3) in subsection (i)—

(A) in paragraph (6)(A)(vi), by striking “paragraph (8)” and inserting “subsection (k)(5)”; and

(B) by striking paragraph (8).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into or renewed under section 1876 of the Social Security Act (42 U.S.C. 1395mm) after the expiration of the 1-year period that begins on the date of enactment of this Act.

SEC. 4. APPLICATION OF PROTECTIONS TO MEDICARE SELECT POLICIES.

(a) IN GENERAL.—Section 1882(t) of the Social Security Act (42 U.S.C. 1395ss(t)) is amended—

(1) in paragraph (1)—

(A) by striking “and” at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(C) by adding at the end the following:

“(G) notwithstanding any other provision of this section to the contrary, the issuer of the policy meets the requirements of section 1876(k) (except for subparagraphs (C) and (D) of paragraph (4) of that section) with respect to individuals enrolled under the policy, in the same manner such requirements apply with respect to an eligible organization under such section with respect to individuals enrolled with the organization under such section; and

“(H) the issuer of the policy discloses to the Secretary, as requested by the Secretary, the information necessary to complete the report described in paragraph (4).”; and

(2) by adding at the end the following:

“(4) The Secretary shall develop an understandable standardized comparative report on the policies offered by entities pursuant to this subsection. Such report shall contain information similar to the information contained in the report developed by the Secretary pursuant to section 1876(k)(4)(C).”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to policies issued or renewed on or after the expiration of the 1-year period that begins on the date of enactment of this Act.

SEC. 5. STUDY AND RECOMMENDATIONS TO CONGRESS.

(a) STUDY.—The Secretary of Health and Human Services (in this Act referred to as the “Secretary”) shall conduct a thorough study regarding the implementation of the amendments made by sections 3 and 4 of this Act.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Secretary shall submit a report to Congress that shall contain a detailed statement of the findings and conclusions of the Secretary regarding the study conducted pursuant to subsection (a), together with the Secretary’s recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(c) FUNDING.—The Secretary shall carry out the provisions of this section out of funds otherwise appropriated to the Secretary.

SEC. 6. NATIONAL INFORMATION CLEARINGHOUSE.

Not later than 18 months after the date of enactment of this Act, the Secretary shall establish and operate, out of funds otherwise appropriated to the Secretary, a clearinghouse and (if the Secretary determines it to be appropriate) a 24-hour toll-free telephone hotline, to provide for the dissemination of the comparative reports created pursuant to section 1876(k)(4)(C) of the Social Security Act (42 U.S.C. 1395mm(k)(4)(C)) (as added by section 3 of this Act) and section 1882(t)(4) of the Social Security Act (42 U.S.C. 1395ss(t)(4)) (as added by section 4 of this Act). In order to assist in the dissemination of the comparative reports, the Secretary may also utilize Medicare offices open to the general public, the beneficiary assistance program established under section 4359 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b-3), and the health insurance information counseling and assistance grants under section 4359 of that Act (42 U.S.C. 1395b-4).

SUMMARY—MEDICARE PATIENT CHOICE AND ACCESS ACT OF 1997

The Medicare Patient Choice and Access Act of 1997 establishes certain standards and beneficiary protections for Medicare recipients enrolled in Medicare managed care plans. The legislation builds upon and strengthens existing law, which already provides some protections to Medicare beneficiaries. There is growing concern, however, that as more and more beneficiaries (currently 4.9 million Medicare beneficiaries with enrollment growth averaging 30% annually) enroll in managed care greater protections must be in place to ensure quality and access to care for seniors.

The bill would require the following:

Comparative Health Plan Information: Expands the consumer information that health plans must provide to beneficiaries under current law. Provides beneficiaries with standardized consumer-friendly charts to compare health plans. Requires the Health Care Financing Administration (HCFA) to include disenrollment data, which will contribute to greater competition among health plans. HCFA currently collects this data, but does not distribute it to beneficiaries.

Expedited Appeals Process: Provides an expedited appeals procedure, consistent with new regulations, and a 30 day resolution for grievances and appeals of health plan enrollees. Preserves current law allowing beneficiaries to appeal to the Secretary of the Department of Health and Human Services.

Prohibition of Gag Clauses: Prohibits gag rules, using the managed care industry’s definition of “medical communication.” This is an expansion of HCFA’s current regulation banning the use of gag clauses regarding treatment options.

Expansion of Restrictions on Financial Incentives: Expands the current Federal law which places certain restrictions on the use of financial incentives to manage care from applying to physicians only to covering all providers.

Point-of-Service Option: Expands choice of health plans by guaranteeing enrollees the option of choosing a point-of-service plan at the time they enroll in a Medicare managed care plan.

Timely and Appropriate Access to Specialists: Gives enrollees the assurance they will be able to see a specialist in-network, as medically necessary. Current law requires that managed care health plans provide ac-

cess to the full range of Medicare health care services. The bill expands and strengthens this provision.

Mr. HELMS. Mr. President, I certainly am not alone in having strong feelings that the senior citizens of America must not be deprived of their right to choose their own doctors.

Senator GRASSLEY’s Medicare Patient Choice and Access Act of 1997, which I’m cosponsoring today, ensures choice, access, and quality care for senior citizens by guaranteeing enrollees the option of choosing a point-of-service plan at the time they enroll in a Medicare HMO.

Five years ago, I had a close but fortunate encounter with some remarkable medical doctors in my home town of Raleigh. My heart surgery and the very effective subsequent rehabilitation made it clear that I had been cared for by some of the most capable people in the medical profession.

I was free to choose the surgeon who performed the operation. Senior citizens enrolled in Medicare should have the same choice, and the bill I’m cosponsoring today will enable senior citizens who join HMO’s to preserve their right to choose their doctor.

America’s senior citizens depend on the health care coverage provided by the Medicare system, and those of us in Congress have a duty to make sure they will not be forced to give up their right to choose their doctors.

Mr. President, the Health Care Financing Administration—which, of course, administers Medicare—is now the largest purchaser of managed care in the Nation, accounting for about 18 million Americans. As of February 1997, 5 million Medicare beneficiaries were enrolled in managed care plans. This represents a 108-percent increase in managed care enrollment since 1993. Increased migration of the elderly into health maintenance organizations, and other types of managed care plans, will surely lower the costs of operating the vast Medicare system. And citizens who belong to a Medicare-supported HMO may increase their benefits for prescription drugs, eyeglasses, and hearing aids coverage not available through fee-for-service plans.

Without some moderating legislation, however, senior citizens could very well find themselves locked into coverage that limits them to services provided by HMO-affiliated doctors, other professionals and hospitals. No longer would senior citizens have the freedom to choose their own doctor.

Mr. President, consider, if you will, the predicament of a patient who requires heart surgery, and whose HMO will not approve the cardiologist with whom the senior has built up a long-standing relationship. Should that patient be required to wait for a year’s time to change to a plan that will cover the cardiologist whom the patient knows and trusts?

We must provide a safety valve to protect seniors who find themselves in that position. A point-of-service option

would enable patients to see physicians and specialists inside and outside the managed care network. If senior citizens are satisfied with the care they receive within the network, they will feel no need to choose outside doctors and specialists. Without such options, however, these senior citizens will be locked into a rigid system which may, or may not, give them the health care they need from people they most trust to provide it.

Mr. President, most Americans, whether their health is insured by private firms or by Medicare, enjoy their freedom to decide which medical professional will provide their care and treatment. According to polls I have seen, patients are willing to pay a little more for the ability to go out of network to be assured of seeing the doctors of their choice. As many as 70 percent of Americans over 50 years old declared in one poll that they would be unwilling to join a Medicare managed plan that denied them the freedom to choose their own physicians.

Building a point-of-service option into all health plans under Medicare will not interfere with the plan's ability to contain cost, nor will it limit their efforts to encourage providers and patients to use their health care resources wisely. It simply will ensure that health plans put the patient first.

The CBO indicated that a built-in point-of-service feature would not increase the cost of Medicare. In testimony before the Senate Budget Committee, CBO stated that:

the point of service option would permit Medicare enrollees to go to providers outside the HMO's panel when they wanted to, and yet it need not increase the benefit cost to HMO's or to Medicare * * *

The Medicare Patient Choice and Access Act also includes patient protections and provisions ensuring Medicare participants' timely access to specialists and provides an expedited appeals process which requires patient grievances to be resolved within 30 days. Lastly, this bill expands the consumer information which must be provided to beneficiaries to help patients compare health plans. Unfortunately, although the Health Care Financing Administration collect vast amounts of data, virtually none of it is currently accessible to consumers.

So, Mr. President, I urge Senators to support the Medicare Patient Choice and Access Act, which will provide senior citizens with real patient protections and real choice in health care.

By Mrs. BOXER:

S. 702. A bill to amend the Individuals With Disabilities Education Act to clarify that a State is not required to provide special education and related services to a person with a disability who is convicted of a felony and incarcerated in a secure correctional facility with adult offenders; to the Committee on Labor and Human Resources.

SPECIAL EDUCATION FOR VIOLENT CRIMINALS
LEGISLATION

Mrs. BOXER. Mr. President, today I introduce legislation to ensure that

children across the country will not lose special education funds provided by the Individual With Disabilities Education Act or IDEA. My legislation will fix a loophole in IDEA that threatens to cut off special education funding to children in California and as many as 24 other States.

IDEA guarantees all children a "free and appropriate public education." Unfortunately, the Department of Education has interpreted this requirement with a bizarre twist. It has insisted that "all children" includes those felons who, because of the particularly violent nature of their crimes, are serving time in adult State prisons. The Department of Education has even insisted California provide special education classes to two murderers on death row. If California refuses to comply, it stands to lose all Federal funding for special education—over \$330 million, which helps educate close to 600,000 children.

I believe California is correct to protest these guidelines.

To hold special education children hostage to juvenile murderers and rapists in the State's adult prison system is unconscionable. The \$5 to \$20 million it would cost to provide specialized classes for these violent felons would clearly be better spent on law-abiding citizens.

My colleagues should be aware that California is not alone in this predicament. Twenty-four other states have been cited for noncompliance with IDEA's prison mandate, and they may lose Federal special education aid if they fail to change their policies.

My bill would amend IDEA to clarify that those juveniles sent to adult prisons because of the violent nature of their crimes would not be subject to the IDEA special education requirement. Young adults housed in juvenile detention facilities will not be affected in any way.

This bill will not prohibit or hinder in any way a State's ability to provide special education to adult prisoners. It will only remove the Federal mandate requiring States to provide special education to juveniles remanded to adult prisons. Deciding which rehabilitation programs to provide to State prisoners properly rests with lawmakers in each State. States such as California should not have to fear the loss of critical Federal aid because they prefer to allocate scarce resources to educate non-criminals.

Mr. President, this is a commonsense proposal, and I hope the Senate will act on it expeditiously.

I ask unanimous consent that the full text of the bill be printed in the RECORD. I ask unanimous consent that a newspaper article on this subject also be printed.

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

S. 702

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

SECTION 1. CLARIFICATION ON THE PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES TO CHILDREN WITH DISABILITIES WHO ARE CONVICTED OF FELONIES.

Section 612(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(1)) is amended by adding at the end the following: "The State is not required under the policy to assure a free appropriate public education to a person with a disability who is convicted of a felony and as a result of such a conviction, is incarcerated in a secure correctional facility."

(b) DEFINITIONS.—Section 602(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)) is amended by adding at the end the following:

"(28) The term "secure correctional facility" means any public or private residential facility that—

"(A) includes construction fixtures designed to physically restrict the movements and activities of individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of an individual convicted of a criminal offense."

[From the Los Angeles Times, Apr. 18, 1997]

STATE SHOULD GIVE PRISONERS SPECIAL
EDUCATION, U.S. SAYS

(By Richard Lee Colvin)

The federal government wants California to provide special education services to some imprisoned felons, including those serving life terms or on death row. And, to pressure the state to do so, the U.S. Department of Education is threatening to withhold \$332 million that now goes to pay for the same services for public schoolchildren.

The issue arises from an Education Department interpretation of the 1975 law that requires schools to ensure that students with physical, emotional and learning disabilities receive a "free, appropriate public education" in return for federal aid.

The law does not specifically require that prisoners receive such services. Indeed, many other states do not provide them. Neither does the federal prison system.

Yet, because California extends services such as tutoring and vocational and speech therapy to juveniles until they turn 22, the federal government says prisoners up to that age cannot be discriminated against—even if they are behind bars for crimes including murder and rape or awaiting execution.

Privately, federal education officials acknowledge that withholding money from programs for schoolchildren to pressure the state would be highly unpopular and that they would be reluctant to go through with it.

Nonetheless, federal officials have continued to press the state to comply.

The Wilson administration has resisted the order, saying that screening inmates and creating an individualized plan for serving each of them would pose daunting logistic, financial, security and legal problems. State officials have been lobbying Congress to change the law.

In testimony before a congressional committee looking into the issue, Gregory W. Harding, the Department of Corrections chief deputy director, questioned the "appropriateness and wisdom of expending precious resources" on individuals who have "committed felonious and, in many instances, heinous crimes."

Harding also warned that inmates or their parents "would merely use this process to make unreasonable demands or to bring frivolous lawsuits against staff."

The state prisons house roughly 10,000 inmates between the ages of 16 and 21. No one

knows for sure how many of those prisoners might have disabilities qualifying them for special education. Estimates have ranged between 10% and 25%. Cost estimates also range widely, from \$5 million to \$20 million annually.

Those numbers pale next to the \$3.4 billion spent annually in California to provide special education for 590,000 students.

But the possibility of shifting any money to prisoners rankles educators because the federal government requires the states to provide special education to disabled children, but has never come close to providing its full share of the programs' cost. The law originally said the federal government could cover up to 40% of the cost of special education, but Washington has never put up more than 12% of the money and has now dropped its share to roughly 8%—draining money from local school district budgets.

"Our position is that we don't want to see any public education dollar—state or federal—be siphoned off to provide special education service . . . to youth in prison," said Lou Barela, a special education administrator in Solano County who has testified on the issue on behalf of a statewide administrators group.

Barela said it would be more expensive to provide services in prisons than in schools because of security risks. She said the state already has a huge shortage of trained special education teachers, and it will be even more difficult to find ones willing to work in prisons.

It is not uncommon for federal officials to threaten to withhold special education funding in order to get a state or a local school district to comply with a ruling. In 1994, the Los Angeles Unified School District was threatened with the loss of its special education funding if it did not revamp its procedures for assessing students' needs in a timely fashion. In the end, no money was withheld.

Federal education officials have scheduled a public hearing for next month in Sacramento to discuss when the state will begin to provide the services. That hearing will also consider a compliance agreement under which the state would have as long as three years to change its program.

The issue of providing special education services to inmates is one of many that have complicated action to extend the life of the landmark 1975 law, now known as the Individuals With Disabilities Act.

Last fall, after working on the reauthorization bill for two years, Congress adjourned without taking action. Among the other issues stalling the bill were questions about how federal money for the program is distributed and how students served by the program can be disciplined.

Representatives of both parties in the Senate and House and from the Clinton administration are in the middle of negotiations on the reauthorization bill and are expected to come up with a compromise in the next few weeks. In an effort to keep those negotiations on track, the parties, including those from the Department of Education, have agreed not to talk about whether they are making progress.

Republican Rep. Frank Riggs of Windsor heads one of the subcommittees dealing with the reauthorization and has vowed in the past to change the law to exempt California from the order to serve prisoners.

"It is utterly unfair to take precious special education dollars away from students in the public schools to give those dollars to muggers, murderers and rapists," said Beau Phillips, Riggs' spokesman.

"For the U.S. Department of Education to threaten the special ed grant for the entire state of California because the state won't provide special education to 19- and 22-year-old killers is insane."

By Mr. ALLARD:

S. 703. A bill to amend the Internal Revenue Code of 1986 to clarify the deductibility of expenses by a taxpayer in connection with the business use of the home; to the Committee on Finance.

HOME OFFICE TAX LEGISLATION

Mr. ALLARD. Mr. President, today I am introducing legislation to fully restore the home office tax deduction. This legislation is necessary because a recent Supreme Court decision and subsequent IRS regulations have made it impossible for many small business entrepreneurs to use the home office tax deduction.

During my service in the House of Representatives I introduced this legislation in both the 103d and 104th Congresses. We made great progress in the 104th, and even included a full home office tax deduction in the Contract With America tax legislation. Unfortunately, that tax legislation was vetoed.

However, by the end of the last Congress we were able to reach agreement with the President on a number of small business tax changes, and among them was a restoration of the tax deduction for home space used for the storage of product samples. This year we should finish the job and restore the full home office tax deduction.

Increasingly, it is the little guy who gets squeezed by the tax system. While large corporations can rent space and deduct office and virtually all other expenses, many taxpayers who work out of their home are no longer able to deduct their office expenses.

Traditionally, the Tax Code has permitted individuals who operate businesses within their homes to deduct a portion of the expenses related to that home. However, over the past 20 years Congress, the courts, and the IRS have reduced the scope and usefulness of the deduction.

The most serious blow came in 1993 when the Supreme Court's ruling in the Soliman decision effectively eliminated the home office deduction for most taxpayers. Under the Supreme Court's new interpretation of "principal place of business" a taxpayer who maintains a home office, but also performs important business related work outside the home is not likely to pass IRS scrutiny.

This change effectively denies the deduction to taxpayers who work out of their home but also spend time on the road. Those impacted include sales representatives, caterers, teachers, computer repairers, doctors, veterinarians, house painters, consultants, personal trainers, and many more. Even though these taxpayers may have no office other than their home, the work they perform will often deny them a deduction.

According to the IRS, 1.6 million taxpayers claimed a home office tax deduction in 1991. While not all of these taxpayers were affected by the Court's decision, many were. Clearly, any taxpayers who operate a business out of their home must review their tax situation.

There are many reasons why a broad home office tax deduction is important. The deduction is pro-family. It helps taxpayers pursue careers that enable them to spend more time with their children. The deduction helps cut down on commuting and saves energy. The deduction recognizes the advances of technology—computer and telecommunications advances mean that more and more individuals will be able to work for themselves and maintain a home office.

The deduction is a boost to women and minorities who are increasingly starting their own businesses. In fact, over 32 percent of all proprietorships are now owned by women entrepreneurs, and Commerce Department data reveal that 55 percent of these women business owners operate their firms from their home. In addition, there are now well over 1 million minority-owned small businesses and a good number of these are operated out of the home.

Finally, the home office tax deduction helps our economy. It benefits small businesses and entrepreneurs who develop new ideas, and create jobs. Many of America's most important businesses originated out of a home.

Small business is increasingly the engine which drives our economy. With large firms downsizing, entrepreneurs must pick up the slack. The importance of this trend is demonstrated by the job shift that occurred during the slow recovery from the most recent recession. During the period of October 1991 to September 1992 large businesses cut 400,000 jobs while small business created 178,000 new jobs. During the boom years of the 1980's, the vast majority of the 20 million new jobs created were in the small business sector.

It is critical that recent assaults on the home office tax deduction be reversed. That is why I plan to work hard to see that this change in law is enacted as soon as possible.

By Mr. KOHL:

S. 704. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 with respect to the separate detention and confinement of juveniles, and for other purposes; to the Committee on the Judiciary.

THE JUVENILE JAIL IMPROVEMENT ACT

Mr. KOHL. Mr. President, I rise today to introduce the Juvenile Jail Improvement Act of 1997.

We face a growing and frightening tide of juvenile violence. And that tide is threatening to swamp our rural sheriffs. It is increasingly common for

rural sheriffs to face a terrible dilemma every time they arrest a juvenile—they either have to release a potentially violent juvenile on the street to await trial or they have to spend invaluable time and manpower chauffeuring the juvenile around their State to an appropriate detention facility. Either way, the current system makes little sense and needs to be changed.

Let me explain how this dilemma works. In most rural communities, the only jail available is built exclusively for adults. There are no special juvenile facilities. But sometimes, the community can create a separate portion of the jail for juveniles. However, under current law, a juvenile picked up for criminal activity can only be held in a separate portion of an adult facility for up to 24 hours. After that, the juvenile must be transported—often across hundreds of miles—to a separate juvenile detention facility, often to be returned to the very same jail 2 or 3 days later for a court date. This system often leaves rural law enforcement crisscrossing the State with a single juvenile—and results in massive expenses for law enforcement with little benefit for juveniles, who spend endless hours in a squad car. Such a process does not serve anyone's interests.

And that is not all that rural sheriffs face. Even qualifying for the 24-hour exception can be a nightmare. That's because juveniles can be kept in adult jails only under a very stringent set of rules. Keeping juveniles in an adult jail is known as collocation. It can only be done if there is strict sight and sound separation between the adults and the juveniles as well as completely separate staff. For many small communities, making these physical and staff changes to their jails is prohibitively expensive.

So sheriffs faced with diverting officers to drive around the State in search of a detention facility may choose to let the juvenile go free while awaiting trial. This prospect should frighten anyone who is aware of the growing trend in juvenile violence.

Today, I am introducing legislation that is designed to cure this problem. My legislative solution is simple, straightforward and effective. It extends from 24 to 72 hours the time during which rural law enforcement may collocate juvenile offenders in an adult facility, as long as juveniles remain separated from adults. It also relaxes the requirements for acceptable collocation. After taking a hard look at how collocation rules have worked—and in what ways they have failed—this legislation comes to a reasonable compromise.

Mr. President, one of our most important goals in assuring that any changes to these rules do not sacrifice the safety and welfare of arrested juveniles. In addition to the growing fear about juvenile violence, we have witnessed a growing anger and frustration at juveniles. This frustration should not lead us to forget the painful lessons

we learned many years ago about abusive and dangerous treatment of delinquent children. Twenty years ago, we learned about kids who were thrown in jail where they were victimized and abused by adult prisoners; or where, without proper supervision, they committed suicide; or, where, guarded by people who only had experience with adult prisoners, they were disciplined savagely. When we give into the temptation to throw juveniles in jail and teach them a tough lesson, we are often ill rewarded. So even as we loosen these collocation requirements, we must bear in mind that the juvenile justice system still has its principle goal rehabilitation not harsh retribution.

My conversations with administrators, sheriffs, and juvenile court judges have led me to conclude that we must bring greater flexibility—and less red tape—to the Juvenile Justice Act. It is my hope that this legislation—which offers greater flexibility while retaining important protections regarding the separation of juveniles from adults—will meet with strong support from the Senate. Thank you.

By Mr. McCAIN:

S. 705. A bill to amend the Communications Act of 1934 to establish statutory rules for the conversion of television broadcast station from analog to digital transmission consistent with the Federal Communications Commission's fifth order and report, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE DIGITAL TELEVISION CONVERSION ACT

Mr. McCAIN. Mr. President, I am pleased to introduce the Digital Television Conversion Act. This legislation codifies the rules and policies recently adopted by the Federal Communications Commission to govern the transition of the over-the-air television system from analog to digital broadcasting.

Mr. President, every American has a stake in the speedy and successful implementation of new digital broadcasting technology. Those of us who like to watch TV will benefit from crisper, larger video, CD-quality audio, and more channels of video programming choices. Even better, those of us who would prefer to interact with TV will find that the convergence of digital television and computer technology will make exciting new interactive video service offerings possible. The economy will benefit from the new jobs created by manufacturing new digital television receivers. The television broadcasting industry stands on the threshold of a transformation that will assure that over-the-air broadcasting isn't relegated to the slow lane on the digital information superhighway.

To enable this all to happen, the \$100 billion television industry will be given extra channels of broadcast spectrum valued at up to \$70 billion for free. In return, each television licensee will

only be required to incur the cost of installing digital broadcasting equipment—a cost, I assure you, far below the estimated value of the new digital spectrum each broadcaster will be given—and, when the transition is complete, return the analog channels they now occupy, to be auctioned for other uses.

The new and improved services that will come from digital television, plus whatever revenue is derived from auctioning the analog channels, is what the American people will get from the television industry in return. It is therefore absolutely imperative, Mr. President, to guarantee that this transition to digital takes place as quickly as conditions will reasonably allow. Put another way, Mr. President, it is incumbent upon us to make sure, on behalf of the American people, that the television industry actually crosses the digital threshold upon which it now stands.

And that is the reason I am introducing this legislation today. For the rules recently adopted by the Federal Communications Commission do not establish firm timetables and deadlines to govern the television industry's critically important digital conversion. For example, although the FCC set out target dates for television stations in each market to convert to digital, this conversion schedule is not binding on more than 90 percent of all television stations, and the Commission has not adopted any way to verify licensee's compliance with the nonbinding conversion schedule. Likewise, there is no rule requiring that television licensees return their current analog channels by any given date so they can be auctioned.

Given the tremendous promise that digital broadcasting holds for television licensees, why not simply rely on broadcasters to voluntarily implement a rapid transition out of their own best interests? The answer, Mr. President, is that different licensees may see their own best interests in different ways.

Some may see their own best interests served by delaying the conversion to avoid the added expenditure, at least until a majority of other stations take the plunge. This could produce a classic "chicken-and-egg" problem, especially in smaller markets: Local stations wait to convert until the cost comes down and until local viewers buy digital sets or converter boxes—but the cost won't come down and consumers won't buy digital sets or converter boxes because local stations aren't broadcasting in digital. It would be unfortunate that viewers in smaller markets, who probably stand to benefit the most from the diverse array of new services that digital broadcasting can provide, are most likely to fall victim to these perverse incentives.

And of course, Mr. President, there is that element of self-interest that any broadcaster, regardless of market size, might have: the perfectly understandable interest in retaining both the old

analog and the new digital channel for as long as possible. But this, of course, would doubly enrich television licensees, who would already have been given their digital channel for free. It would also delay the ability to use the returned analog channels for different telecommunications services from which the public would benefit. Moreover, any delay in returning the analog channels would also affect the revenues realized from auctioning them. This has now become an especially important consideration with the bipartisan agreement between Congress and the White House to balance the budget by the year 2002: Revenues from the auction of these channels have been scored and included in the estimates on which this bipartisan budget agreement is based.

To be sure, many station licensees are apparently eager to get on with the job of conversion, although they sometimes foresee practical difficulties beyond their control getting in the way. In recognition of these potential problems, this legislation also codifies the FCC's standard for waiving the conversion schedule on a case-by-case basis. And in codifying the FCC's nonbinding analog channel giveback dates, the bill also recognizes the special circumstances faced by noncommercial broadcasters, and codifies the more liberal analog channel giveback target dates the FCC provided for these licensees.

Nor am I concerned, Mr. President, that some markets could lose over-the-air television if analog channel reversion deadlines are codified but, for some unforeseen reason, digital broadcasting does not take hold. Codifying the digital conversion timetables will assure that as many stations as possible can convert to digital, will. And it is simply preposterous to think that, even if digital broadcasting somehow fails to take hold during the next 9 years notwithstanding this bill's legislative impetus for it to do so, further legislation extending the date for the give back of the analog channels would not swiftly be enacted.

In sum, Mr. President, those television broadcasters who are willing and eager to convert to digital will not be hurt in any way by codifying the deadlines and the waiver standard. It is only those licensees who, for whatever reason, might be less than anxious to make the transition who will have their feet held to the fire. Is this fair? You bet it is. We cannot be lax in our duty to guarantee, to the greatest extent we can, that consumers enjoy both the telecommunications benefits of digital television and the economic benefits of the analog channels' auction revenues.

By Mr. BOND:

S. 706. A bill to amend the Individuals With Disabilities Education Act to permit the use of long-term disciplinary measures against students who are children with disabilities, to pro-

vide for a limitation on the provision of educational services to children with disabilities who engage in behaviors that are unrelated to their disabilities, and to require educational entities to include in the educational records of students who are children without disabilities documentation with regard to disciplinary measures taken against such students, and for other purposes; to the Committee on Labor and Human Resources.

THE SCHOOL SECURITY IMPROVEMENT ACT OF
1997

Mr. BOND. Mr. President, today I am introducing the School Security Improvement Act of 1997. This legislation will make some needed reforms to the Individuals With Disabilities Education Act [IDEA]. The goal of this act is to preserve the rights of students with disabilities while granting local school districts more flexibility to discipline violent and disruptive students. This legislation also focuses on reducing litigation and unnecessary attorneys' fees.

Last week, I traveled through my home State of Missouri to discuss this measure with school district superintendents, principals, school board members, special education directors, and parents. The top two concerns mentioned, without exception, were safety and discipline of all students in the public school system. The rising incidences of school violence and current inflexible Federal mandates have made IDEA reform a high priority issue for educators and parents around the country. Current law prohibits removal of a disabled child from the classroom for more than 10 days—even if he or she becomes violent, commits a crime, or threatens other children—unless permission is granted by a parent. IDEA has created a separate category of students that are not bound by the rules of conduct required of their students, even when their behavior is not related to their disability.

My primary concern is creating a safe learning environment for all children. In attempting to provide good education services to disabled students, which I fully support, we have unfortunately created a situation where some kids can hide behind their disability in displaying some outrageous behavior. For instance, I know a case where a young man who sold drugs at school was still in the classroom a year later, even though his crime was not related to his disability. What does that say to other kids, particularly when for them the same crime would bring an automatic 1-year expulsion? In another horrendous case, a student stabbed a classmate with scissors and was back in the classroom in just 10 days.

The School Security Improvement Act of 1997 will eliminate the double standard that currently exists between special education and general education children. All students, disabled or not, should receive the same discipline for the same behavior. I believe this is appropriate when the behavior

of the child is not related to their disability. Children must learn that there are consequences for violating the rules. Good education demands discipline and standards of conduct.

In an effort to ensure that the students, teachers, and school employees remain safe within the educational environment, this bill requires schools to include in the records of a child with a disability a statement of disciplinary action taken against the student and allows intrastate and interstate transfer of records from one district to another. The records issue has been brought to the forefront because of several instances when disabled students have caused serious problems and school officials were unaware that the student had a record of similar activities in other schools.

I believe that all students with disabilities need and deserve access to educational services to meet their individual needs. However, in those occasional circumstances when a student becomes so violent or dangerous, and their behavior significantly disrupts the educational process and they become a danger to themselves or others, or create an environment in which learning cannot occur, then the rights of others in the school to have a safe and effective learning environment must take precedence.

The School Security Improvement Act of 1997 will enable school administrators, those who are closest to the problem, to remove dangerous students with disabilities who pose a threat to the safety of others from the classroom and make temporary alternative placements to ensure the safety of all students until a more appropriate placement is determined. When these students are able to behave appropriately, they will be returned to the classroom.

The current IDEA provision requiring local school districts to reimburse attorneys' fees incurred by parents who elect to initiate litigation has had the predictable result of encouraging such litigation and of driving up special education costs. The dispute-resolution procedures has become extremely adversarial and costly. Studies have found that the amount of special education litigation has dramatically increased in recent years. Sadly, some parent attorneys seem encouraged to use due process, as a fishing expedition or to threaten districts with protracted litigation over non-issues as a tactic to force school districts to comply with parental demands.

This practice only serves to reduce district funds available to meet the needs of students with disabilities. Clearly, we need reasonable reforms to the dispute-resolution process to ensure that scarce educational funds are used for educational services for our children.

I firmly believe that children with disabilities must be guaranteed a free appropriate education. Yet no school district should have to cut services to any student so it can pay attorneys'

fees. But, because of the explosion of litigation in this area, educational services for all students are being endangered.

Under the School Security Improvement Act of 1997, local school districts will be permitted to provide alternative educational placement for children who threaten the safety of others. For some children, it is absolutely appropriate to swiftly and permanently remove them from the regular classroom setting. The law should not prohibit local school officials from acting on their own authority to discipline dangerous and unruly students.

The School Security Improvement Act will give local school districts the authority and flexibility to ensure that the students and the personnel are provided educational and working environments that are safe and orderly.

Mr. President, when the Federal Government enacted IDEA, it promised to fund 40 percent of the national average per pupil expenditure. Today, the Federal Government funds only 7 percent. My bill contains a provision expressing a sense of the Senate that the Federal portion of educating students with disabilities should be fully funded. In recent years, costly regulations have dramatically increased, placing a tremendous strain on local school districts. The time and money spent on Federal mandates must be reduced, so that more time and resources can be spent in the classroom on school children. This money will help students by easing the financial burden on local school districts.

I know the feelings run high on this issue. We have a difficult job when it comes to balancing the needs of those with special needs with our responsibility to educate all children in the classroom, free of violence and disruption. I look forward to the upcoming reauthorization of IDEA and working with my colleagues in this effort to come up with a commonsense approach to improve our Nation's schools.

By Mr. LAUTENBERG:

S. 707. A bill to prohibit the public carrying of a handgun, with appropriate exceptions for law enforcement officials and others; to the Committee on the Judiciary.

THE CONCEALED WEAPONS PROHIBITION ACT OF
1997

Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Concealed Weapons Prohibition Act of 1997, that would prohibit individuals from publicly carrying a handgun.

The bill includes exceptions for certain people authorized to carry handguns under State law, such as law enforcement personnel and duly authorized security officers. States also could provide exemptions in individual cases, based on credible evidence of compelling circumstances warranting an exemption, such as a woman being stalked by someone who is threatening her. A simple claim of concern about generalized risks would not be suffi-

cient to warrant an exemption; there would have to be a specified, credible threat.

Mr. President, common sense tells us that there are more than enough dangerous weapons on America's streets. Yet, incredibly, some seem to think that there should be more. These people want to turn our States and cities into a modern version of the old wild west, where everyone carries a gun on his or her hip, taking the law into their own hands. This is a foolhardy and dangerous trend.

Mr. President, this country is already drowning in a sea of gun violence. Every 2 minutes, someone in the United States is shot. Every 14 minutes, someone dies from a gunshot wound. In 1994 alone, over 15 thousand people in our country were killed by handguns. Compare that to countries like Canada, where 90 people were killed by handguns that year, or Great Britain, which had 68 handgun fatalities.

Mr. President, the Federal Centers for Disease Control and Prevention estimate that by the year 2003, gunfire will have surpassed auto accidents as the leading cause of injury-related deaths in the United States. In fact, this is already the case in seven States.

Mr. President, given the severity of our Nation's gun violence problem, we need to be looking for ways to reduce the number of guns on our streets. Yet, instead, many States recently have enacted laws to do the opposite, by making it easier for people to carry concealed weapons.

Unfortunately, Mr. President, concealed weapons make people less, not more, secure. In fact, there is near-unanimous agreement among law enforcement groups that concealed weapons laws are bad policy. These groups understand that when more people carry weapons on the streets, more routine conflicts escalate into deadly violence.

Mr. President, every day people get into everything from traffic accidents to domestic disputes. Maybe these arguments lead to yelling, or even fist-cuffs. But if people are carrying guns, those conflicts are much more likely to end in a shooting, and death.

Concealed weapons laws also are likely to make criminals more violent. Think about it, Mr. President. If a criminal thinks that you might be carrying a concealed weapon, common sense tells you that he is much more likely to simply shoot first, and ask questions later.

Mr. President, another dangerous side-effect of having private citizens carry concealed weapons is the impact these unseen guns will have on law enforcement officers. Police officers would become reluctant to conduct even routine traffic stops if they knew that large numbers of citizens could be carrying concealed weapons.

You do not need to take my word for this, Mr. President. Just ask the men and women in law enforcement. In fact,

the Police Executive Research Forum did just that. In their 1996 survey, they found that 92 percent of their membership opposed legislation allowing private citizens to carry concealed weapons. The most cited reason for this opposition was public safety.

Mr. President, the police of this country understand that the public carrying of handguns increases the likelihood of gun violence. Also, concealed weapons increase the chances that incompetent or careless handgun users will accidentally injure or kill innocent bystanders. Unfortunately, States increasingly are allowing individuals to carry concealed weapons with little or no training in the operation of firearms. This means that many incompetent people are putting the public at risk from stray bullets.

Mr. President, although the regulation of concealed weapons has been left to States, it is time for Congress to step in to protect the public. All Americans have a right to be free from the dangers posed by the carrying of concealed handguns, regardless of their State of residence. And Americans should be able to travel across State lines for business, to visit their families, or for any other purpose, without having to worry about concealed weapons.

Congress has the constitutional authority to provide this protection, Mr. President, and there is a strong Federal interest in ensuring the safety of our citizens. Beyond the human costs of gun violence, crimes committed with handguns impose a substantial burden on interstate commerce and lead to a reduction in productivity and profitability for businesses around the Nation whose workers, suppliers, and customers are adversely affected by gun violence. Moreover, to ensure its coverage under the Constitution's commerce clause, my bill applies only to handguns that have been transported in interstate or foreign commerce, or that have parts or components that have been transported in interstate or foreign commerce. This clearly distinguishes the legislation from the gun free school zone statute that was struck down in the Supreme Court's Lopez case.

Mr. President, the bottom line is that more guns equals more death. This legislation will help in our struggle to reduce the number of guns on our streets, and help prevent our society from becoming even more violent and dangerous.

I hope my colleagues will support the bill, and ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 707

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 "Concealed Weapons Prohibition Act of 1997".

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) crimes committed with handguns threaten the peace and domestic tranquility of the United States and reduce the security and general welfare of the Nation and its people;

(2) crimes committed with handguns impose a substantial burden on interstate commerce and lead to a reduction in productivity and profitability for businesses around the Nation whose workers, suppliers, and customs are adversely affected by gun violence;

(3) the public carrying of handguns increases the level of gun violence by enabling the rapid escalation of otherwise minor conflicts into deadly shootings;

(4) the public carrying of handguns increases the likelihood that incompetent or careless handgun users will accidentally injure or kill innocent bystanders;

(5) the public carrying of handguns poses a danger to citizens of the United States who travel across State lines for business or other purposes; and

(6) all Americans have a right to be protected from the dangers posed by the carrying of concealed handguns, regardless of their State of residence.

SEC. 3. UNLAWFUL ACT.

Section 922 of title 18, United States Code, is amended by adding at the end the following:

“(y)(1) Except as provided in paragraph (2), it shall be unlawful for a person to carry a handgun on his or her person in public.

“(2) Paragraph (1) shall not apply to the following:

“(A) A person authorized to carry a handgun pursuant to State law who is—

“(i) a law enforcement official;

“(ii) a retired law enforcement official;

“(iii) a duly authorized private security officer;

“(iv) a person whose employment involves the transport of substantial amounts of cash or other valuable items; or

“(v) any other person that the Attorney General determines should be allowed to carry a handgun because of compelling circumstances warranting an exception, pursuant to regulations that the Attorney General may promulgate.

“(B) A person authorized to carry a handgun pursuant to a State law that grants a person an exemption to carry a handgun based on an individualized determination and a review of credible evidence that the person should be allowed to carry a handgun because of compelling circumstances warranting an exemption. A claim of concern about generalized or unspecified risks shall not be sufficient to justify an exemption.

“(C) A person authorized to carry a handgun on his or her person under Federal law.”.

By Mr. LAUTENBERG:

S. 708. A bill to amend title 23, United States Code, to provide for a national minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol; to the Committee on Labor and Human Resources.

THE DEADLY DRIVER REDUCTION AND MATTHEW P. HAMMELL MEMORIAL ACT

Mr. LAUTENBERG. Mr. President, today I am introducing the Deadly Driver and Matthew P. Hammell Memorial Act, which would establish national minimum penalties for alcohol-related motor vehicle violations. It is a companion to S. 412, the Safe and Sober Streets Act, which I introduced

last month along with Senator MIKE DEWINE of Ohio, a bill intended to make .08 blood alcohol content the national standard for impaired driving. I am proud to sponsor this legislation and when it is adopted, many lives will be saved.

However, Mr. President, we can also reduce fatalities and serious injury caused by drunk driving by having tougher penalties. Driving while intoxicated, or DWI, is one of the most prevalent crimes in this country. In 1992, more people were arrested for DWI—1.6 million—than for any other reported criminal activity including larceny or theft, or for drug abuse violations. By even reasonable standards this could be considered a kind of epidemic. And we need to start treating this epidemic.

A shocking number of DWI convictions are repeat offenders. When the National Highway Traffic and Safety Administration studied this issue, it found that about one-third of all drivers arrested or convicted of DWI each year are repeat DWI offenders. One study in California demonstrated the extent of this problem over the long term. It found that 44 percent of all drivers convicted of DWI in California in 1980 were convicted again of DWI within the next 10 years.

In my State of New Jersey, the problem is exacerbated by the fact that DWI offenses are treated as traffic violations as opposed to crimes. Unfortunately, Mr. President, too many people share this view of drinking and driving, with the result being that those who are charged with DWI often drink and drive again. While in New Jersey new laws and programs have been implemented to address the drunk-driving problem, and DWI arrests and convictions have declined, the problem of repeat offenders persists. Between 1994 and 1995 the number of two-time offenders actually increased from 4,495 in 1994 to 4,731 in 1995.

The danger of these repeat offenders is illustrated by the fact that drivers with prior DWI convictions are overrepresented in fatal crashes. These drivers have a 4.1 times greater risk of being in a fatal crash, as do intoxicated drivers without a prior DWI, and the risk of a particular driver being involved in a fatal crash increases with each DWI arrest.

Mr. President, it is time that we take this problem of repeat offenders seriously. The first time a driver is convicted of DWI, he or she must understand the severity of the crime which has been committed. If a person continues to ignore the law, and continues to drink and drive, the courts need to treat that person with the full force of the law, both to punish that person, and to protect the public at large.

That is why I am introducing the Deadly Driver Reduction and Matthew P. Hammell Memorial Act. This bill requires States to adopt mandatory minimum sentences for DWI offenders within 3 years or otherwise lose a por-

tion of their Federal highway funding. The sentencing requirements are as follows: For a first-time conviction of a person operating a motor vehicle while under the influence of alcohol, their license is revoked for 6 months. A second conviction requires a 1-year suspension, and a third conviction for the crime of driving while impaired by alcohol results in the permanent revocation of that person's license.

If a State fails to adopt these minimum sentences by October 1, 2000, 5 percent of that State's Federal highway funds will be withheld. If a State fails to adopt these minimum sentences after another year, that State would then lose 10 percent of its allocated Federal highway funds.

Mr. President, sanctions work. In too many States, and in too many courts in this country, drunk driving is not taken seriously enough. We want to make sure that those who disobey the law by drinking and driving both understand the severity of their offense and are prevented from driving if they continue to break the law. These mandatory minimum penalties will meet these challenges.

When we talk about drunk driving, too often we talk about it in statistical terms. But there are real people attached to those statistics. In the spring of 1995, a young man, from Tuckerton, NJ, full of goodness and potential, was struck down by a drunk driver while he and his friend were in-line skating. Matthew Hammell was exceptional. All those who knew him talk about being touched by his kindness and caring. Like so many American boys, at one point he dreamed of being a baseball player, but as he matured he knew he wanted to be a missionary. His dream became living a life of helping others. But this dream, this young man, was taken away from all of us much too early when Robert Hyer, drunk and driving, struck Matthew with his car while passing another vehicle. Robert Hyer should not have been on the road. Not only was he drunk, but he had a history of driving drunk. Before this fateful incident, Hyer had been charged with DWI six times, though he was convicted only twice. Hyer lost his license in New Jersey in 1984, but somehow he obtained a North Carolina license just 2 years later. He was a habitual offender who kept bucking the system. A system which kept letting him go. A system which, in the end, was too late in responding.

Mr. President, it may be too late for Matthew Hammell, and all of the other Matthew Hammells whose spirits are taken from us too early, but it is now that we must become serious about drinking and driving. So, in his honor, and in the memory of all of our loved ones who do not get to achieve their potential due to the actions of drunk drivers, we have named this bill the Deadly Driver Reduction and Matthew P. Hammell Memorial Act. While I will be the first to admit that this bill is not enough, at least it is a start. Let us

work together now so that such memorial acts are unnecessary in the future.

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. 708

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 "Deadly Driver Reduction and Matthew P. Hammell Memorial Act".

SEC. 2. MINIMUM PENALTY FOR AN INDIVIDUAL WHO OPERATES A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 162. National minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2001.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)(B) of section 104(b) on October 1, 2000, if the State does not meet the requirements of paragraph (3) on that date.

"(2) THEREAFTER.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)(B) of section 104(b) on October 1, 2001, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—

"(A) IN GENERAL.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that provides for a minimum penalty consistent with the following:

"(i) In the case of the first offense of an individual of operating a motor vehicle while under the influence of alcohol, revocation of the individual's driver's license for at least 180 days.

"(ii) In the case of the second offense of an individual of any alcohol-related offense while operating a motor vehicle (including operating a motor vehicle while under the influence of alcohol), revocation of the individual's driver's license for at least 1 year.

"(iii) In the case of the third or subsequent offense of an individual of any alcohol-related offense while operating a motor vehicle (including operating a motor vehicle while under the influence of alcohol), permanent revocation of the individual's driver's license.

"(B) TERMS OF REVOCATION.—A revocation under subparagraph (A) shall not be subject to any exception or condition, including an exception or condition to avoid hardship to any individual.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section

from apportionment to any State after September 30, 2002, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned. Sums not obligated at the end of that period shall lapse or, in the case of funds apportioned under section 104(b)(5)(B), shall lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5)(B), shall lapse and be made available by the Secretary for projects in accordance with section 118."

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. National minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol."

By Mr. WARNER (for himself,
Mr. INOUE, Mr. THURMOND, and
Mrs. FEINSTEIN):

S.J. Res. 30. A joint resolution designating March 1, 1998 as "United States Navy Asiatic Fleet Memorial Day," and for other purposes; to the Committee on the Judiciary.

U.S. NAVY ASIATIC FLEET MEMORIAL DAY

Mr. WARNER. Mr. President, I rise today to introduce legislation to recognize the sailors and marines who served in the U.S. Asiatic Fleet throughout the Far East. During the Asiatic Fleet's existence from 1910 to 1942, the fleet was an instrumental component of American national security and diplomacy.

The U.S. Asiatic Fleet, the successor to the old Asiatic Station and precursor to today's 7th Fleet, maintained an important presence throughout Southeast Asian waters. Initially operating between coastal China and the Philippines, the fleet's activities expanded to include operations in Russian waters and the straits and narrows encompassing Malaysia and Indonesia.

In these critical regions, the fleet's men and women supported American security interests and the safety of citizens abroad during civil wars and international conflicts. During one of the greatest natural disasters, the Yangtze flood of 1931, which killed 150,000 people, the fleet rendered aid and assistance to Americans and Chi-

nese. Through these actions, the fleet demonstrated the commitment of the United States to an important area of the world during a dynamic period in history.

During the last years of Asiatic Fleet operations, sailors and marines courageously distinguished themselves by defending against the tidal wave of Japanese aggression. Facing the modern Japanese armada were the fleet's 3 cruisers, 13 WWI-vintage destroyers, 29 submarines and a handful of gunboats and patrol aircraft. Against overwhelming odds, the fleet defended the Philippines until the evacuation was ordered and fought the continued expansion of the Japanese throughout the South Pacific. Many of those defenders were captured or killed in these heroic battles.

It is important that we pause to remember the valor and spirit of these dedicated servicemen. For that reason, I am introducing a resolution which will designate March 1, 1998, the 56th anniversary of the sinking of the Asiatic Fleet's flagship, the U.S.S. *Houston*, by Japanese Imperial Forces, as "United States Navy Asiatic Fleet Memorial Day." I invite my colleagues to support this resolution.

ADDITIONAL COSPONSORS

S. 18

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 18, a bill to assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.

S. 61

At the request of Mr. LOTT, the name of the Senator from Pennsylvania [Mr. SANTORUM] 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. 89

At the request of Ms. SNOWE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 191

At the request of Mr. HELMS, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. STEVENS], and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 191, a bill to throttle criminal use of guns.

S. 193

At the request of Mr. GLENN, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 193, a bill to provide protections to individuals who are the human subject of research.

S. 202

At the request of Mr. LOTT, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 202, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 239

At the request of Mr. DASCHLE, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 239, a bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions.

S. 314

At the request of Mr. THOMAS, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 335

At the request of Mr. WARNER, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 335, a bill to authorize funds for construction of highways, and for other purposes.

S. 348

At the request of Mr. MCCONNELL, the names of the Senator from Oklahoma [Mr. INHOFE], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 449

At the request of Mr. WYDEN, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 449, a bill to prohibit the restriction of certain types of medical communications between a health care provider and a patient.

S. 456

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 456, a bill to establish a partnership to rebuild and modernize America's school facilities.

S. 460

At the request of Mr. BOND, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Texas [Mrs. HUTCHISON], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the

standards used for determining that certain individuals are not employees, and for other purposes.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Ohio [Mr. DEWINE], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 536

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 536, a bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 575

At the request of Mr. DURBIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 575, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals.

S. 617

At the request of Mr. JOHNSON, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 617, a bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

S. 652

At the request of Mr. GRAMS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 652, a bill to facilitate recovery from the recent flooding of the Red River of the North and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes.

S. 674

At the request of Mr. CHAFEE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 674, a bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs.

S. 687

At the request of Mr. JEFFORDS, the name of the Senator from New York

[Mr. MOYNIHAN] was added as a cosponsor of S. 687, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 691

At the request of Mr. MURKOWSKI, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 691, a bill entitled the "Public Land Management Participation Act of 1997".

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from Kansas [Mr. BROWNBACK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Missouri [Mr. BOND], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of Senate Resolution 63, a resolution proclaiming the week of October 19 through October 25, 1997, as "National Character Counts Week".

SENATE RESOLUTION 71

At the request of Mr. WYDEN, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New York [Mr. D'AMATO], the Senator from Iowa [Mr. HARKIN], the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. HATCH], the Senator from Michigan [Mr. LEVIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Georgia [Mr. CLELAND], the Senator from Hawaii [Mr. AKAKA], the Senator from North Dakota [Mr. DORGAN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Vermont [Mr. LEAHY], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Hawaii [Mr. INOUE], the Senator from South Dakota [Mr. JOHNSON], the Senator from Illinois [Mr. DURBIN], the Senator from Virginia [Mr. ROBB], the Senator from Oregon [Mr. SMITH], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Nebraska [Mr. KERREY], the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Massachusetts [Mr. KERRY], and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of Senate Resolution 71, a resolution to ensure that the Senate is in compliance with the Congressional Accountability Act with respect to permitting a disabled individual access to

the Senate floor when that access is required to allow the disabled individual to discharge his or her official duties.

SENATE RESOLUTION 79

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Resolution 79, a resolution to commemorate the 1997 National Peace Officers Memorial Day.

SENATE RESOLUTION 83—RECOGNIZING SUICIDE AS A NATIONAL PROBLEM

Mr. REID (for himself, Mrs. MURRAY, Mr. WELLSTONE, and Mr. COVERDELL) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 83

Whereas suicide, the ninth leading cause of all deaths in the United States and the third such cause for young persons ages 15 through 24, claims over 31,000 lives annually, more than homicide;

Whereas suicide attempts, estimated to exceed 750,000 annually, adversely impact the lives of millions of family members;

Whereas suicide completions annually cause over 200,000 family members to grieve over and mourn a tragic suicide death for the first time, thus creating a population of over 4,000,000 such mourners in the United States;

Whereas the suicide completion rate per 100,000 persons has remained relatively stable over the past 40 years for the general population, and that rate has nearly tripled for young persons;

Whereas that suicide completion rate is highest for adults over 65;

Whereas the stigma associated with mental illness works against suicide prevention by keeping persons at risk of completing suicide from seeking lifesaving help;

Whereas the stigma associated with suicide deaths seriously inhibits surviving family members from regaining meaningful lives;

Whereas suicide deaths impose a huge unrecognized and unmeasured economic burden on the United States in terms of potential years of life lost, medical costs incurred, and work time lost by mourners;

Whereas suicide is a complex, multifaceted biological, sociological, psychological, and societal problem;

Whereas even though many suicides are currently preventable, there is still a need for the development of more effective suicide prevention programs;

Whereas suicide prevention opportunities continue to increase due to advances in clinical research, in mental disorder treatments, and in basic neuroscience, and due to the development of community-based initiatives that await evaluation; and

Whereas suicide prevention efforts should be encouraged to the maximum extent possible: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes suicide as a national problem and declares suicide prevention to be a national priority;

(2) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(3) encourages initiatives dedicated to—

(A) preventing suicide;

(B) responding to people at risk for suicide and people who have attempted suicide;

(C) promoting safe and effective treatment for persons at risk for suicidal behavior;

(D) supporting people who have lost someone to suicide; and

(E) developing an effective national strategy for the prevention of suicide; and

(4) encourages the development, and the promotion of accessibility and affordability, of mental health services, to enable all persons at risk for suicide to obtain the services, without fear of any stigma.

Mr. REID. Mr. President, I come to the floor today to submit a Senate resolution which I hope will raise national awareness to the problem of suicide and one that recognizes suicide as a national public health problem needing attention.

I am pleased to have as cosponsors of this resolution Senators MURRAY, WELLSTONE, and COVERDELL. Their courage and leadership on this issue is appreciated.

Currently there are nearly 31,000 suicides annually in the United States—83 suicides per day; or 1 suicide every 17 minutes—with 12 of every 100,000 Americans taking their own lives.

Suicide cuts across all age, economic, social, and ethnic boundaries.

More people die from suicide than from homicide in the United States.

On an average day in this country, an estimated 1,900 adults attempt suicide.

It is estimated that there are 750,000 suicide attempts annually.

In 1994, the latest year for which we have statistical data, the 10 highest suicide rates, averaging twice those of the mid-Atlantic region, were found in States within the intermountain region of the west.

Unfortunately, my State of Nevada leads the Nation in this public health tragedy.

Mr. President, suicide is the eighth leading cause of death in the United States.

Males commit suicide at rates and numbers of suicides three to four times those of females.

Firearms are currently the most often utilized method of suicide by essentially all groups—that is males, females, young, old, white, nonwhite—and the rates are increasing.

Suicide rates have traditionally decreased in times of wars and increased in times of economic crises.

Rates of suicide are highest among the older adult population above 65. Last year I was pleased to call for a Senate Special Committee on Aging hearing which addressed this issue.

Elderly adults have rates of suicide more than 50 percent higher than the Nation as a whole and the young—15 to 24.

Youth—15 to 24 years of age—suicide rates increased more than 200 percent from the 1950's to the late 1970's. Following the late 1970's the rates for youth have remained stable or slightly lower, although current rates are also approximately 200 percent higher than in the 1950's.

For young people 15 to 24 years old, suicide is the third leading cause of death, behind unintentional injury and homicide. In 1992 more teenagers and young adults died from suicide than died from cancer, heart disease, AIDS, birth defects, stroke, pneumonia and influenza, and chronic lung disease combined.

The risk for suicide among young people is greater among young white males; however, from 1980 through 1992, suicide rates increased most rapidly among young black males. Although suicide among children is a rare event, the dramatic increase in the rate among persons 10 to 14 years of age underscores the urgent need for intensifying efforts to prevent suicide among persons in this age group.

Although there are no official statistics on attempted suicide, it is generally estimated that there are at least 8 to 20 attempts for each death by suicide.

Risk of attempted suicide is greatest among females and the young. Females have generally been found to make 3 to 4 times as many attempts as males. Estimate of the ratio of young attempted suicides to suicidal deaths have generally ranged between 100 to 1 and 200 to 1.

Mental health diagnoses are generally associated with higher risk of suicide. Groups/diagnoses at particular risk are the depressed, schizophrenics, alcoholics, and those with panic disorder.

Feelings of hopelessness—that is “there are no solutions to my problem”—are found to be more predictive of suicide risk than diagnoses of depression per se.

The socially isolated are generally found to be at high risk for suicide.

The vast majority of those who are suicidal display clues and warning signs.

It is estimated that at least 4.0 million Americans today are survivors of a loved one's suicide.

Mr. President, suicide is preventable. Most suicidal persons desperately want to live. They are just unable to see alternatives to their problems.

Understanding and identifying the risk factors for this phenomenon and evaluating potential suicide prevention interventions must become a public health priority.

Most suicidal persons give definite warnings of their suicidal intentions, but others are either unaware of the significance of these warnings or do not know how to respond to them.

We can and must do something about this preventable public health tragedy. It is irresponsible and insensitive to allow families and victims to suffer in silence or to nationally hide our heads in the sand.

By acknowledging the problem, we take the critical first step to doing something about it.

This week in Washington one such survivor, Mr. Jerry Weyrauch, who lost his 34-year-old physician daughter to suicide, is taking his personal loss and turning it into an opportunity for all Americans.

He has formed a group called the Suicide Prevention Advocacy Network [SPAN] which calls for a national suicide prevention strategy. While in Washington his group will deliver over 20,000 signed petitions from 47 States to Members of Congress calling for action.

His efforts are a classic American story of how one person with a cause can make a difference. I am pleased to see democracy work in such a commendable manner. This is indeed how our Government was set up to work and I am pleased to support his efforts, and those of SPAN, on behalf of so many Americans.

It is time to lift the veil of secrecy and begin the effort to heal the wounds and take the steps to prevent unnecessary loss of life.

It is time to continue the effort for mental health parity and ensure all who need assistance, get the assistance they need, without stigma.

The resolution I submit today with my colleagues I hope will be the first step in focussing awareness on the need for suicide prevention and addressing the need for a national strategy. No life should be lost when there is an opportunity to prevent its loss.

Not one of the nearly 31,000 lives lost to suicide annually is insignificant. These are the children, parents, grandparents, brothers, sisters, friends, coworkers, and neighbors of each and every one of us.

Few of us can say we do not know someone who has been personally touched by this tragedy.

I lost my father to suicide many years ago. I also know of several others who have just recently experienced the loss of a loved one to suicide.

Mr. President, I am honored to submit this resolution today and hope my colleagues will join me in taking the first step to making a difference in this very preventable public health tragedy.

I intend to offer legislation this session which will be vital in taking a necessary first step by calling for the establishment of injury control research centers which will deal exclusively with the subject of suicide. We need a focal point where we can develop expertise on suicide and share this expertise with others interested in getting involved.

I am pleased to lend my voice to this worthy cause and I am very happy to have Senator's MURRAY, WELLSTONE, and COVERDELL joining me in this effort.

I would also like to thank Jerry Weyrauch from SPAN and Dr. Lanny Berman from the American Association of Suicidology and Dr. Jane Pearson from the National Institute of Mental Health for their leadership in this field.

I also want to acknowledge the countless professionals and volunteers across America who staff the crisis call lines; facilitate the workshops and support groups determined to help survivors go forward after such a loss; organize and implement prevention programs; conduct the research and evaluation to understand the causes of suicidal behavior; provide the treatment and support; and the many brave families and survivors who go on helping others to put the pieces back together again.

Mr. President, we have before us today an opportunity to take the critical first step. I hope my colleagues will join me by overwhelmingly supporting this Senate resolution.

SENATE RESOLUTION 84—RECOGNIZING SUICIDE AS A NATIONAL PROBLEM

Mr. REID (for himself, Mrs. MURRAY, Mr. WELLSTONE, Mr. COVERDELL, Mr. BREAUX, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas suicide, the ninth leading cause of all deaths in the United States and the third such cause for young persons ages 15 through 24, claims over 31,000 lives annually, more than homicide;

Whereas suicide attempts, estimated to exceed 750,000 annually, adversely impact the lives of millions of family members;

Whereas suicide completions annually cause over 200,000 family members to grieve over and mourn a tragic suicide death for the first time, thus creating a population of over 4,000,000 such mourners in the United States;

Whereas the suicide completion rate per 100,000 persons has remained relatively stable over the past 40 years for the general population, and that rate has nearly tripled for young persons;

Whereas that suicide completion rate is highest for adults over 65;

Whereas the stigma associated with mental illness works against suicide prevention by keeping persons at risk of completing suicide from seeking lifesaving help;

Whereas the stigma associated with suicide deaths seriously inhibits surviving family members from regaining meaningful lives;

Whereas suicide deaths impose a huge unrecognized and unmeasured economic burden on the United States in terms of potential years of life lost, medical costs incurred, and work time lost by mourners;

Whereas suicide is a complex, multifaceted biological, sociological, psychological, and societal problem;

Whereas even though many suicides are currently preventable, there is still a need for the development of more effective suicide prevention programs;

Whereas suicide prevention opportunities continue to increase due to advances in clinical research, in mental disorder treatments, and in basic neuroscience, and due to the development of community-based initiatives that await evaluation; and

Whereas suicide prevention efforts should be encouraged to the maximum extent possible: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes suicide as a national problem and declares suicide prevention to be a national priority;

(2) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(3) encourages initiatives dedicated to—

(A) preventing suicide;

(B) responding to people at risk for suicide and people who have attempted suicide;

(C) promoting safe and effective treatment for persons at risk for suicidal behavior;

(D) supporting people who have lost someone to suicide; and

(E) developing an effective national strategy for the prevention of suicide; and

(4) encourages the development, and the promotion of accessibility and affordability, of mental health services, to enable all persons at risk for suicide to obtain the services, without fear of any stigma.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS ACT

WELLSTONE AMENDMENT NO. 57

Mr. WELLSTONE proposed an amendment to the bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes; as follows:

Beginning on page 47, strike line 19 and all that follows through page 48, line 12.

WESSSTONE AMENDMENT NO. 58

Mr. WELLSTONE proposed an amendment to the bill, S. 672, supra; as follows:

At the end of title III, add the following:

SEC. 326. The Secretary of Health and Human Services shall—

(1) make available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)), \$45,000,000 in assistance described in such Act to victims of flooding and other natural disasters in Minnesota, North Dakota, and South Dakota, for fiscal year 1997; and

(2) make the assistance available from funds appropriated to carry out such Act prior to the date of enactment of this section.

BYRD AMENDMENT NO. 59

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 81, beginning with line 1, strike all through page 85, line 9.

STEVENS AMENDMENT NO. 60

Mr. STEVENS proposed an amendment to the bill, S. 672, supra; as follows:

On line 1, page 37 of the bill, after the colon, strike all through "1997" on line 15 of page 37, and insert the following: "*Provided further*, That notwithstanding any other provision of law, such additional authority shall be distributed to ensure that States receive amounts that they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996; and that notwithstanding any other provision of law, an amount of obligational authority in addition to the amount distributed above, shall be made available by this Act and shall be distributed to assure that States receive obligational authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: *Provided further*, That such additional authority shall be distributed to ensure that no State shall receive an amount in fiscal year 1997 that is less than the amount a State received in fiscal year 1996"

FAIRCLOTH AMENDMENT NO. 61

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 57, between lines 3 and 4, insert the following:

SEC. 326.(a)(1) Notwithstanding any other provision of law, the Federal Communications Commission shall grant to Orion Communications of Asheville, North Carolina, a temporary authorization to operate an FM radio station in the vicinity of Asheville, North Carolina.

(2) Subject to subsection (b), the scope of the temporary authorization under this subsection shall be identical to the scope of the temporary authorization of Orion Communications to operate the radio station that was rescinded as a result of the actions taken by the Commission upon the remand of *Bechtel v. Federal Communications Commission*, 10 F.3d 875 (D.C. Cir. 1993).

(b) The temporary authorization granted under subsection (a) shall expire 6 months after the date of enactment of this Act.

HUTCHISON (AND GRAMM) AMENDMENT NO. 62

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. GRAMM) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . ENROLLMENT FLEXIBILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, any State plan (including any subsequent technical, clerical, and clarifying corrections submitted by the State) relating to the integration of eligibility determinations and enrollment procedures for Federally-funded public health and human services programs administered by the Department of Health and Human Services and the Department of Agriculture through the use of automated data processing equipment or services which was submitted by a State to the Secretary of Health and Human Services and to the Secretary of Agriculture prior to October 18, 1996, and which provides for a request for offers described in subsection (b), is deemed approved and is eligible for Federal financial participation in accordance with the provisions of law applicable to the procurement, development, and operation of such equipment or services.

(b) REQUEST FOR OFFERS DESCRIBED.—A request for offers described in this subsection is a public solicitation for proposals to integrate the eligibility determination functions for various Federally and State funded programs within a State that utilize financial and categorical eligibility criteria through the development and operation of automated data processing systems and services.

HUTCHISON AMENDMENT NO. 63

(Ordered to lie on the table)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . AGREEMENTS UNDER THE ENDANGERED SPECIES ACT OF 1973.

(a) LISTING.—Section 4(b)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(1)) is amended by adding at the end the following:

“(C) AGREEMENTS.—In determining whether a species is an endangered species or a threatened species, the Secretary shall take into full consideration any—

“(i) conservation agreement;

“(ii) pre-listing agreement;

“(iii) memorandum of agreement;

“(iv) memorandum of understanding; or

“(v) any other agreement designed to promote the conservation of any species;

agreed to by the Secretary and any other Federal agency, State, State agency, political subdivision of a State, or other person, including the reasonably expected future beneficial effects to the species of every provision of the agreement that has been implemented or is reasonably likely to be implemented.”.

(b) RECOVERY PLANS.—Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) is amended by adding at the end the following:

“(6) AGREEMENTS.—The Secretary shall—

“(A) give the highest priority to development and implementation of a recovery plan for a species for which the Secretary has entered into a—

“(i) conservation agreement;

“(ii) pre-listing agreement;

“(iii) memorandum of agreement;

“(iv) memorandum of understanding; or

“(v) any other agreement designed to promote the conservation of any species;

(whether before or after the listing of the species as endangered or threatened) with any other Federal agency, State, State agency, political subdivision of a State, or other person; and

“(B) ensure that the commitments made by the Secretary in the agreement are fulfilled before funds are expended on the development and implementation of any other recovery plan.”.

BUMPERS AMENDMENT NO. 64

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by himself to the bill, S. 672, supra; as follows:

On page 50, strike lines 1 through 11.

WARNER (AND OTHERS) AMENDMENT NOS. 65-66

(Ordered to lie on the table.)

Mr. WARNER (for himself, Mr. GRAHAM, and Mr. ABRAHAM) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 65

On page 39, strike “and fiscal” on line 12 and all that follows through line 18 and insert “income statement not been understated prior to the revision on December 24, 1996; *Provided further*, That the additional authority shall be distributed to ensure that States shall receive an additional amount of authority in fiscal year 1997 and that the authority be distributed in the manner provided in section 310 of Public Law 104-205 (110 Stat. 2969)”.

AMENDMENT NO. 66

At the appropriate place add the following: “Notwithstanding any other provision of this act, the language on page 39, lines 12 through 18 is deemed to read, “had the Highway Trust Fund fiscal year 1994 income statements not been understated prior to the revision on December 24, 1996: *Provided further*, That the additional authority shall be distributed to ensure that States shall receive an additional amount of authority in fiscal year 1997 and that the authority be distributed in the manner provided in section 310 of Public Law 104-205 (110 Stat. 2969)”.

COCHRAN AMENDMENT NO. 67

Mr. COCHRAN proposed an amendment to the bill, S. 672, supra; as follows:

On page 9, line 25, strike “, to remain available until expended” after “ters,” and insert “, to remain available until expended” after “\$18,000,000”.

On page 11, line 25, after “disasters” insert “subject to a Presidential or Secretarial declaration”.

On page 11, strike all between the word “similar” on line 25 and the word “to” on line 26.

On page 12, line 4, strike “the eligibility” and insert in lieu thereof “gross income and payment limitations”.

On page 13, line 13, strike “cropland” and insert in lieu thereof “agricultural land”.

On page 16, line 2, strike “\$3,000,000,” and insert in lieu thereof “\$6,500,000.”

WELLSTONE AMENDMENT NO. 68

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 16, between lines 10 and 11, insert the following:

FOOD AND CONSUMER SERVICE

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

For additional amount to carry out the special supplemental nutrition program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$76,000,000, to remain available through September 30, 1998: *Provided*, That notwithstanding subsections (g) through (i) of that section, the Secretary shall allocate the amount through the formula in existence on the date of enactment of this Act or any other method the Secretary considers necessary.

BINGAMAN AMENDMENT NO. 69

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 48, strike lines 13 and 14.

JOHNSON (AND DASCHLE) AMENDMENT NO. 70

(Ordered to lie on the table.)

Mr. JOHNSON (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

On page 19, line 6, before the period, insert the following: “: *Provided further*, That, of the funds appropriated under this paragraph, \$10,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4128)”.

GREGG AMENDMENTS NOS. 71-72

(Ordered to lie on the table.)

Mr. GREGG submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 71

At the appropriate place, insert the following:

SEC. . MODIFICATION OF REQUIREMENTS REGARDING RECOMMENDATIONS TO ENSURE THE SOLVENCY OF THE SOCIAL SECURITY TRUST FUNDS.

Section 709(a) of the Social Security Act (42 U.S.C. 910(a)) is amended—

(1) by striking “for any calendar year” and inserting “for any of the succeeding 75 calendar years”;

(2) by striking "recommendations for statutory adjustments" and inserting "recommendations for specific statutory provisions"; and

(3) by inserting "in each of the succeeding 75 calendar years" after "not less than 20 percent".

AMENDMENT No. 72

On page 57, between lines 3 and 4, insert the following:

SEC. 326. SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that—

(1)(A) the officers of the Federal Government and the members of the European Union have had lengthy negotiations with regard to the establishment of a mutual recognition agreement with respect to good manufacturing practice (GMP) inspections of medical devices and pharmaceuticals and the processes of approving medical devices;

(B) in December 1996, the President urged the officers of the Federal Government and the members of the European Union to resolve the issues with respect to the negotiations, and enter into and implement the mutual recognition agreements;

(C) the officers of the Federal Government and the members of the European Union have not resolved the issues;

(D) the mutual recognition agreement would enhance the trade relationships between the United States and the European Union and generate regulatory savings with respect to medical devices and pharmaceuticals; and

(2) the harmonization of international standards is also necessary to facilitate commerce between the United States and foreign countries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1)(A) the officers of the Federal Government and the members of the European Union should, on an expedited bases, conclude negotiations, enter into, and implement a mutual recognition agreement with respect to—

(i) good manufacturing practice inspections for medical devices and pharmaceuticals; and

(ii) the processes of approving medical devices; and

(B) the Secretary of Health and Human Services, in consultation with the Secretary of Commerce and other appropriate agencies, should facilitate the conclusion of negotiations between the members of the European Union and the officers of the Federal Government and accept the mutual recognition agreement;

(2) the Secretary of Health and Human Services should regularly participate in meetings with foreign governments to discuss and reach agreement on methods and approaches to harmonize key regulatory requirements and to utilize international standards; and

(3) the Office of International Relations of the Department of Health and Human Services (as established under section 803 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 383)) should have the responsibility of ensuring that the process, established by the Secretary of Health and Human Services and foreign countries, to harmonize international standards is continuous and productive.

HOLLINGS AMENDMENTS NOS. 73–

74

(Ordered to lie on the table.)

Mr. HOLLINGS submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT No. 73

At the appropriate place, insert the following: "Provided further that \$400,000 be appropriated to renovate thirty-three miles of open channel and repair access road in the Willow Swamp Watershed caused by extended periods of heavy rainfall."

AMENDMENT No. 74

At the appropriate place insert the following:

"FOOD AND CONSUMER SERVICES

"The Emergency Food Assistance Program Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be \$99,600,000."

CHAFEE AMENDMENT NO. 75

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

Beginning on page 51, line 15, strike all through page 51 and insert the following:

"The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing the emergency provisions of the Endangered Species Act (16 U.S.C. 1531) and applying to 46 counties in California that were declared Federal disaster areas shall apply to—

"(a) all counties nationwide heretofore and hereafter declared Federal disaster areas at any time during 1996 or 1997, and

"(b) repair activities on flood control facilities in response to an imminent threat to human lives and property at any time during 1996 or 1997,

and in each instance shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998."

SPECTER AMENDMENTS NOS. 76–78

(Ordered to lie on the table.)

Mr. SPECTER submitted three amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT No. 76

At the appropriate place, insert the following:

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

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

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

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Ag-

riculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

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

AMENDMENT No. 77

At the appropriate place, insert the following:

SEC. . BASIC FORMULA PRICE.

Section 143(a) of the Agricultural Market Transition Act (7 U.S.C. 7253(a)) is amended by adding at the end the following:

"(5) BASIC FORMULA PRICE.—In carrying out this subsection and section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary shall use as factors that are used to determine the basic formula price for milk and any other milk price regulated by the Secretary—

"(A) the price of feed grains, including the cost of concentrates, byproducts, liquid whey, hay, silage, pasture, and other forage; and

"(B) other cash expenses, including the cost of hauling, artificial insemination, veterinary services and medicine, bedding and litter, marketing, custom services and supplies, fuel, lubrication, electricity, machinery and building repairs, labor, association fees, and assessments."

AMENDMENT No. 78

Ordered to lie on the table to be printed Amendment intended to be proposed by Mr. SPECTER

At the appropriate place, insert the following:

SEC. . COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR CHEESE, BUTTER, AND NONFAT DRY MILK.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) REPORTING.—The Secretary may require dairy product manufacturing plants in the United States to report to the Secretary on a weekly basis the price they receive for cheese, butter, and nonfat dry milk sold through spot sales arrangements, forward contracts, or other sales arrangements.

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

COATS AMENDMENT NO. 79

(Ordered to lie on the table.)

Mr. COATS submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 85, between lines 9 and 10, insert the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. IMPLEMENTATION OF RATING SYSTEMS FOR TELEVISION PROGRAMMING.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

“SEC. 337. RATING SYSTEMS FOR TELEVISION PROGRAMMING.

“(a) SYSTEM REQUIRED FOR GRANT OR RENEWAL OF BROADCAST TELEVISION LICENSE.—The Commission shall not grant or renew a license for a broadcast television station unless the person applying for the license submits to the Commission with the application evidence of—

“(1) in the case of an application for the grant of a license, a plan for the implementation of a system for rating the content of television programming to be broadcast by the station under the license; or

“(2) in the case of an application for the renewal of a license, evidence of the implementation as of the date of the application of a system for rating the content of television programming broadcast by the station.

“(b) SYSTEM REQUIRED FOR ASSIGNMENT OF TRANSITIONAL DIGITAL TELEVISION FREQUENCIES.—The Commission shall not assign transitional digital television frequencies to a broadcast television station unless the person licensed to operate the station submits to the Commission with the request for assignment evidence of the implementation as of the date of the request of a system for rating the content of television programming broadcast by the station.

“(c) RECOVERY OF CERTAIN TRANSITIONAL FREQUENCIES.—The Commission shall require a person assigned transitional digital television frequencies before the date of enactment of this section to surrender such frequencies to the Commission if the person does not submit to the Commission, before commencement of the use of such frequencies, evidence of the implementation of a system for rating the content of television programming to be broadcast using such frequencies.

“(d) SYSTEM ELEMENTS.—

“(1) IN GENERAL.—Each system for rating the content of television programming under this section shall provide a rating of the specific content of each pre-recorded program broadcast by the television station concerned.

“(2) SPECIFIC ELEMENTS.—The rating of a television program under such system shall—

“(A) include information regarding language content, sexual content, violent content, and any other element that the person implementing the system considers appropriate; and

“(B) be broadcast so as—

“(i) to appear in both visible and audible form;

“(ii) to appear at the beginning of the program, and every 30 minutes thereafter in the case of a program in excess of 30 minutes in length; and

“(iii) to permit the automatic blocking of display of the program using a feature to block display of programs with a common rating required under section 303(x).

“(e) REVIEW BY COMMISSION.—

“(1) PURPOSE OF REVIEW.—The Commission shall review each system for rating the content of television programming submitted under this section solely for the purpose of assuring that such system meets the requirements of subsection (d).

“(2) SCOPE OF AUTHORITY.—Nothing in this section may be construed to authorize or require the Commission to establish or require a specific system for rating television programming.

“(3) APPLICABILITY OF CONTENT-BASED STANDARDS.—Nothing in this section may be construed to limit the applicability to television programs covered by a system for rating television programming under this section of any content-based standards otherwise applicable to such programs under any other provision of law.

“(f) DEFINITION.—As used in this section:

“(1) ADVANCED TELEVISION SERVICES.—The term ‘advanced television services’ has the meaning given such term in section 336(g)(1).

“(2) TRANSITIONAL DIGITAL TELEVISION FREQUENCIES.—The term ‘transitional digital television frequencies’ means television frequencies allotted by the Commission for use by broadcast television stations for the transition of such stations from the broadcast of analog television services to the broadcast of advanced television services.”.

SNOWE (AND KERRY) AMENDMENT NO. 80

(Ordered to lie on the table.)

Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . DISENTANGLEMENT OF MARINE MAMMALS.

Section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(c)) is amended by inserting a comma and “to free a marine mammal from entanglement in fishing gear or debris,” after “self-defense”.

SNOWE AMENDMENTS NOS. 81-82

(Ordered to lie on the table.)

Ms. SNOWE submitted two amendments intended to be proposed by her to the bill, S. 672, supra; as follows:

AMENDMENT NO. 81

At the appropriate place, insert the following:

SEC. . TAKE-REDUCTION PLAN.

(a) Notwithstanding any other provision of law, or any decision by a Federal court to the contrary, the Secretary of Commerce may not issue a regulation to implement a take-reduction plan for Atlantic Large Whales pursuant to section 118 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1387) before May 1, 1998, except as provided in subsection (b) and (c).

(b)(1) The Secretary may, after consultation with the fishing industry, the States, whale scientists, whale disentanglement specialists, and conservation organizations, issue a regulation to implement a take-reduction plan for Atlantic large whales before May 1, 1998, if that plan is limited to any combination of the following—

(A) a program designed to obtain information on the movements and distribution, and on the incidence of fishing gear entanglement, injury, or mortality, of Atlantic large whales;

(B) a program providing for the disentanglement of Atlantic whales that have been entangled in fishing gear;

(C) a program to inform and educate the fishing industry and the public about the current status of Atlantic large whales, the threats of injury and mortality to such whales, including ship strikes, voluntary actions that can be taken by the fishing industry and the public to reduce the risk of fishing gear entanglement, injury, and mortality of such whales, and any other information that the Secretary deems appropriate;

(D) research on modifications to fishing gear, and new types of fishing gear, that re-

duce the risk of entanglement, serious injury, and mortality to Atlantic large whales, and the development and testing of prototypes of such fishing gear;

(E) the marking of fishing gear to identify the type of fishing gear involved in the entanglement of a marine mammal, and the location in which the gear was fished;

(F) the inspection of gear for the purpose of determining compliance with any gear marking requirement approved under subparagraph (E); and

(G) a program to reduce inactive fishing gear that poses a significant risk of entanglement, serious injury, or mortality to Atlantic large whales.

(2) For the purposes of this subsection, the term “inactive fishing gear” means fishing gear that remains in the waters of the United States but is no longer used in a viable fishing operation.

(c) the Secretary may, after consultation with the fishing industry, the states, whale scientists, whale disentanglement specialists, and conservation organizations, issue a regulation to implement that part of a take reduction plan for Atlantic large whales covering only areas designated as critical habitat for the Northern Right Whale before May 1, 1998. The issuance of a regulation under this subsection shall not constitute the implementation of a take reduction plan for the purposes of Section 118(f)(2) and 118(f)(5).

(d)(1)(A) Notwithstanding any other provision of law, the Secretary of Commerce shall, within 30 days after the enactment of this Act, reconvene the take-reduction team for Atlantic large whales.

(B) In reconvening the team referred to in subparagraph (A), the Secretary shall ensure that the membership of the team adequately reflects any significant regional differences in operating conditions within commercial fisheries and gear types that incidentally take Atlantic large whales, including, if necessary, the appointment of additional members to the team to reflect such regional differences.

(2)(A) Not later than 4 months after the date that the take-reduction team for Atlantic large whales has been reconvened, the team shall submit a draft take-reduction plan to the Secretary, consistent with the other provisions, of section 118 of the Marine Mammal Protection Act (16 U.S.C. 1387).

(B) The take-reduction team shall meet no less than 4 times before the end of the 4-month period referred to in subparagraph (A).

(C) After the take-reduction has been reconvened, the team and the Secretary shall follow the procedures set forth in section 118(f)(7) of the Marine Mammal Protection Act.

(e) A permit pursuant to section 101(a)(5)(E) of the Marine Mammal Protection Act (16 U.S.C. 1371) shall be deemed granted for commercial fisheries interacting with Atlantic Large Whales, and listed under section 118(c), until May 1, 1998.

(f) Section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(c)) is amended by inserting a comma and “to free a marine mammal from entanglement in fishing gear or debris,” after “self-defense”.

AMENDMENT NO. 82

At the appropriate place, insert the following:

SEC. . TAKE-REDUCTION PLAN.

(a) Notwithstanding any other provision of law, or any decision by a Federal court to the contrary, the Secretary of Commerce may not issue a regulation to implement a take-reduction plan for Atlantic Large Whales pursuant to section 118 of the Marine Mammal Protection Act of 1972 (16 U.S.C.

1387) before February 1, 1998, except as provided in subsection (b).

(b)(1) The Secretary may, after consultation with the fishing industry, the States, whale scientists, whale disentanglement specialists, and conservation organizations, issue a regulation to implement a take-reduction plan for Atlantic large whales before February 1, 1998, if that plan is limited to any combination of the following—

(A) a program designed to obtain information on the movements and distribution, and on the incidence of fishing gear entanglement, injury, or mortality, of Atlantic large whales;

(B) a program providing for the disentanglement of Atlantic large whales that have been entangled in fishing gear;

(C) a program to inform and educate the fishing industry and the public about the current status of Atlantic large whales, the threats of injury and mortality to such whales, including ship strikes, voluntary actions that can be taken by the fishing industry and the public to reduce the risk of fishing gear entanglement, injury, and mortality of such whales, and any other information that the Secretary deems appropriate;

(D) research on modifications to fishing gear, and new types of fishing gear, that reduce the risk of entanglement, serious injury, and mortality to Atlantic large whales, and the development and testing of prototypes of such fishing gear;

(E) the marking of fishing gear to identify the type of fishing gear involved in the entanglement of a marine mammal, and the location in which the gear was fished;

(F) the inspection of gear for the purpose of determining compliance with any gear marking requirement approved under subparagraph (E); and

(G) a program to reduce inactive fishing gear that poses a significant risk of entanglement, serious injury, or mortality to Atlantic large whales.

(2) For the purposes of this subsection, the term "inactive fishing gear" means fishing gear that remains in the waters of the United States but is no longer used in a viable fishing operation.

(c)(1)(A) Notwithstanding any other provision of law, the Secretary of Commerce shall, within 30 days after the enactment of this Act, reconvene the take-reduction team for Atlantic large whales.

(B) In reconvening the team referred to in subparagraph (A), the Secretary shall ensure that the membership of the team adequately reflects any significant regional differences in operating conditions within commercial fisheries and gear types that incidentally take Atlantic large whales, including, if necessary, the appointment of additional members to the team to reflect such regional differences.

(2)(A) Not later than 3 months after the date that the take-reduction team for Atlantic large whales has been reconvened, the team shall submit a draft take-reduction plan to the Secretary, consistent with the other provisions, of section 118 of the Marine Mammal Protection Act (16 U.S.C. 1387).

(B) The take-reduction team shall meet no less than 4 times before the end of the 3-month period referred to in subparagraph (A).

(C) After the take-reduction has been reconvened, the team and the Secretary shall follow the procedures set forth in section 118(f)(7) of the Marine Mammal Protection Act.

(d) A permit pursuant to section 101(a)(5)(E) of the Marine Mammal Protection Act (16 U.S.C. 1371) shall be deemed granted for commercial fisheries interacting with Atlantic Large Whales, and listed under section 118(c), until February 1, 1998.

(e) Section 101(e) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(e)) is amended by inserting a comma and "to free a marine mammal from entanglement in fishing gear or debris," after "self-defense".

FEINGOLD AMENDMENTS NOS. 83-84

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 83

On page 7, line 24, insert before the period, the following: "Provided further, That none of the funds made available under this Act may be obligated or expended for operations or activities of the Armed Forces relating to Bosnia ground deployment after September 30, 1997".

AMENDMENT NO. 84

On page 9, between line 2 and 3, insert the following:

(c) PROHIBITION.—(1) Congress makes the following findings:

(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force (known as IFOR) would terminate in one year.

(B) The President declared the expiration date of the mandate for IFOR to be December 20, 1996.

(C) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that IFOR would complete its mission in one year.

(D) The exemplary performance of the United States Armed Forces has significantly contributed to the accomplishment of the military mission of IFOR, and the courage, dedication, and professionalism of such personnel have permitted the separation of the belligerent parties to the conflict in Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in Bosnia and Herzegovina.

(E) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the President to delay the removal of the United States Armed Forces personnel from Bosnia and Herzegovina until March 1997 for operational reasons.

(F) Notwithstanding the assurances given to Congress by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff of their resolve to end the mission of United States Armed Forces in Bosnia and Herzegovina by December 20, 1996, the President in November 1996 announced his intention to further extend the deployment of the United States Armed Forces in Bosnia and Herzegovina until June 1998 to participate in the multinational military Stabilization Force (known as SFOR).

(G) Before the announcement of the new policy referred to in subparagraph (F), the President did not request authorization by Congress of the policy that would result in the further deployment of United States Armed Forces in Bosnia and Herzegovina until June 1998.

(H) Although the cost of the United States Armed Forces deployment in Bosnia and Herzegovina was initially estimated at \$2,000,000,000, the estimate has been revised upward to \$6,500,000,000, more than three times the initial projected cost.

(I) Unless an end date for the deployment of United States Armed Forces in Bosnia and Herzegovina is established, the length of the deployment and the cost of the operation is likely to continue to increase.

(2) No funds appropriated or otherwise made available by this or any other Act for the Department of Defense or any other agency of the Federal Government may be obligated or expended for the deployment of the Armed Forces of the United States on the ground in Bosnia and Herzegovina after September 30, 1997.

(3) The prohibition in paragraph (2) does not apply to obligations and expenditures necessary to support the safe and timely withdrawal of the Armed Forces from Bosnia and Herzegovina.

(4) If requested by the President and authorized in a law enacted after the date of the enactment of this Act, obligations and expenditures otherwise prohibited under paragraph (2) after the date specified in that paragraph may be made during the 90-day period beginning on the day after that date.

HOLLINGS AMENDMENTS NOS. 85-87

(Ordered to lie on the table.)

Mr. HOLLINGS submitted three amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 85

On page 47, strike lines 14 through 18 and insert the following:

SEC. 303. (a) None of the funds available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to plan or otherwise prepare for the use of sampling in taking the 2000 census in a manner that cannot be reversed should Congress determine that only a direct enumeration 2000 census may be performed;

(b) The Senate Committee on Governmental Affairs shall review the current plans of the Bureau of the Census for conducting the decennial census in the year 2000 and it shall report back to the Senate not later than July 15, 1997, on the accuracy, objectivity, and cost effectiveness of employing statistical sampling in the conduct of the decennial census.

AMENDMENT NO. 86

On page 47, strike lines 14 through 18 and insert the following:

SEC. 303. None of the funds available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to plan or otherwise prepare for the use of sampling in taking the 2000 census in a manner that cannot be reversed should Congress determine that only a direct enumeration 2000 census may be performed.

AMENDMENT NO. 87

On page 47 of the bill, strike lines through 18.

GRAHAM AMENDMENT NO. 88

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

Beginning on page 75, strike line 11 and all that follows through page 80, line 22, and insert the following:

TITLE VI—SOCIAL SECURITY ADMINISTRATION—SUPPLEMENTAL SECURITY INCOME

None of the funds appropriated or otherwise made available by this Act or any other Act for the Social Security Administration for fiscal year 1997 may be used to implement any termination or suspension of benefits under the supplemental security income program under title XVI of the Social Security

Act (42 U.S.C. 1381 et seq.) pursuant to section 402(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)).

DASCHLE AMENDMENTS NOS. 89-91

(Ordered to lie on the table.)

Mr. DASCHLE submitted three amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT No. 89

At the appropriate place, insert the following:

FEDERAL EMERGENCY MANAGEMENT AGENCY

GRANT FOR THE CONSTRUCTION OF A PIPELINE TO CONNECT THE TOWN OF GETTYSBURG, SOUTH DAKOTA, TO THE MID-DAKOTA RURAL WATER SYSTEM

For the funding of a grant to the town of Gettysburg, South Dakota, to be used to pay the Bureau of Reclamation of the construction of a pipeline to connect the town to the Mid-Dakota Rural Water System, \$1,500,000.

DEPARTMENT OF AGRICULTURE CONSOLIDATED FARM SERVICES AGENCY

For the funding of an emergency community water assistance grant to the town of Gettysburg, South Dakota, under section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a), \$1,500,000.

AMENDMENT No. 90

At the appropriate place, insert the following:

UNITED STATES FISH AND WILDLIFE SERVICE PARTNERS FOR WILDLIFE PROGRAM

For the Partners of Wildlife Program of the United States Fish and Wildlife Service, \$5,000,000 to pay private landowners for the voluntary use of private land to store water in restored wetlands.

AMENDMENT No. 91

At the appropriate place, insert the following new section:

SEC. . EMERGENCY ASSISTANCE FOR THE CROW CREEK SIOUX TRIBE.

(a) DEFINITIONS.—In this section:

(1) BAD NATION COMMUNITY.—The term "Bad Nation Community" means the Bad Nation Community of the Crow Creek Indian Reservation, South Dakota.

(2) FORT THOMPSON COMMUNITY.—The term "Fort Thompson Community" means the Fort Thompson Community of the Crow Creek Indian Reservation, South Dakota.

(3) TRIBAL ADMINISTRATION BUILDING.—The term "Tribal Administration Building" means the administration building of the Tribe.

(4) TRIBAL FARM.—The term "Tribal Farm" means the Crow Creek Tribal Farm, located in the Crow Creek Indian Reservation, South Dakota.

(5) TRIBE.—The term "Tribe" means the Crow Creek Sioux Tribe of Indians, a band of the Great Sioux Nation recognized by the United States of America.

(b) EMERGENCY ASSISTANCE.—

(1) IN GENERAL.—In addition to the amounts appropriated under this Act for the Bureau of Indian Affairs of the Department of the Interior, there are appropriated to the Department of the Interior for use by the Bureau of Indian Affairs \$1,200,000. The amount appropriated under this paragraph shall be used for the emergency response activities specified in paragraphs (2) through (5) to address damage to the Crow Creek Indian Reservation, South Dakota, caused by natural disasters.

(2) ROAD REPAIRS.—Of the amount appropriated under paragraph (1), \$725,000 shall be used for road repairs, of which—

(A) \$125,000 shall be used to make repairs to roads that service the Fort Thompson Community; and

(B) \$600,000 shall be used to make repairs to roads that service the Bad Nation Community.

(3) MONITORING AND CLEANUP OF SEWAGE.—Of the amount appropriated under paragraph (1), \$40,000 shall be used for the monitoring and cleanup of sewage discharges.

(4) TRIBAL FARM.—Of the amount appropriated under paragraph (1), \$350,000 shall be used to repair damage to the irrigation pump on the Tribal Farm.

(5) TRIBAL ADMINISTRATION BUILDING.—Of the amount appropriated under paragraph (1), \$85,000 shall be used to repair the Tribal Administration Building.

LEAHY AMENDMENT NO. 92

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 68, below line 24, add the following:

SEC. 406. Notwithstanding any other provision of law, funds appropriated for Dual Use Applications Programs in Public Law 104-208 (110 Stat. 3009-84) under the heading "Research, Development, Test and Evaluation, Defense-Wide" may be obligated by the Secretary of Defense for the Commercial Operations and Support Savings Initiative.

REID (AND BAUCUS) AMENDMENT NO. 93

(Ordered to lie on the table.)

Mr. REID (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

REID AMENDMENT NO. 94

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall—

(1) apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997; or

(2) apply to repair activities on flood control facilities in response to an imminent threat to human lives and property; and

(3) remain in effect for the purposes of paragraphs (1) and (2) until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

KERREY (AND DORGAN) AMENDMENTS NOS. 95-96

(Ordered to lie on the table.)

Mr. KERREY (for himself and Mr. DORGAN) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT No. 95

On page 55, strike lines 11 through 13 and insert in lieu thereof the following new language: "within that other contiguous country; (B) that exempts similar categories of flights operated by citizens of the United States and (C) the total amount to be collected in FY 1998 and each year thereafter from overflight fees is at least \$50,000,000 per year."

AMENDMENT No. 96

On page 55, strike lines 3 through 13 and insert in lieu thereof the following:

SEC. 320. (a) Section 45301(a)(1) of title 49, United States Code, is amended by—

(1) striking "government or of a foreign government" and inserting "government, a foreign government, or general aviation aircraft";

(b) Section 45301 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) REBATES TO CERTAIN AIRLINES.—Out of the Airport and Airways Trust Fund, the Administrator shall make funds available to make payments to airlines providing domestic air service originating or terminating in States other than the 48 contiguous States of the United States that are charged overflight fees by a foreign country contiguous to the United States. The payments to any air carrier shall not exceed the amount such carrier was charged for overflight rights by that foreign country. The total payments made per year to airlines by the Administrator under this subsection shall not exceed \$3,000,000."

BUMPERS (AND OTHERS) AMENDMENT NO. 97

(Ordered to lie on the table.)

Mr. BUMPERS (for himself, Mr. BOND and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place add the following new section:

SEC. . EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.

"Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking 'September 30, 1996' and inserting 'September 30, 1997'."

GRAHAM AMENDMENT NO. 98

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 57, between lines 3 and 4, insert the following:

SEC. 326. It is the sense of the Senate that funds provided by this Act for highways

should be distributed in a manner that ensures fairness and equity.

WELLSTONE AMENDMENT NO. 99

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 33, line 22, strike "\$58,000,000" and insert "\$76,000,000".

MOSELEY-BRAUN AMENDMENT NO. 100

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

On page 40, line 21, after the word "County", insert the following: "Provided further, That \$400,000 of the additional allocation for the State of Illinois shall be provided for costs associated with the replacement of Gaumer's Bridge in Vermilion County, Illinois".

MCCAIN AMENDMENTS NOS. 101-113

(Ordered to lie on the table.)

Mr. MCCAIN submitted 13 amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 101

SEC. . Sections 4041(c)(3)(B), 4081(d)(2)(B), 4091(b)(3)(A)(1)(ii), 4261(g)(1)(ii), and 4271(d)(1)(A)(ii) of the Internal Revenue Code of 1986 are each amended by striking "September 30, 1997," and inserting "the date on which the Secretary and the Secretary of Transportation jointly determine that the aviation-related taxes imposed under section 4041, 4081, 4091, 4261, and 4271 of this title have been replaced by an alternative funding system."

AMENDMENT NO. 102

SEC. . Section 4091(a)(3)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

"(A) The rate of tax specified in paragraph (1) shall be 4.3 cents per gallon after December 31, 1996, and before the date which is 7 days after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997."

(b) Section 4081(d)(2) of such Code is amended to read as follows:

"(2) AVIATION GASOLINE.—The rate of tax specified in subsection (a)(2)(A)(ii) shall be 4.3 cents per gallon after December 31, 1996, and before the date which is 7 days after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997."

(c) Section 4041(c)(3) of such Code is amended to read as follows:

"(3) APPLICATION.—The rate of the taxes imposed by paragraph (1) shall be 4.3 cents per gallon after December 31, 1996, and before the date which is 7 days after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997."

(d) Section 4261(g) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The taxes imposed by this section shall apply to transportation beginning after the seventh day after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997 and amounts paid for transportation beginning after that day.";

(2) by striking "under paragraph (1)(B)" in paragraph (2).

(e) Section 4261(d) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The tax imposed by subsection (a) shall apply to transportation beginning after the seventh day after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997 and amounts paid for transportation beginning after that day.";

(2) by striking "under paragraph (1)(B)" in paragraph (2).

AMENDMENT NO. 103

On page 41, strike lines 1 through 18.

On page 47, strike lines 6 through 13.

AMENDMENT NO. 104

On page 25, on line 11, strike all that appears after the phrase "as amended", through line 16, and insert in lieu thereof".

AMENDMENT NO. 105

On page 37, strike lines 4 through 18.

AMENDMENT NO. 106

On page 36, starting on line 18, strike all that appears through page 37, line 3.

AMENDMENT NO. 107

On page 39, starting on line 22, strike all that appears after "1997" through page 40, line 21, and insert in lieu thereof".

On page 42, starting on line 11, strike all that appears through page 43, line 4.

AMENDMENT NO. 108

On page 32, strike lines 1 through 18.

AMENDMENT NO. 109

On page 15, beginning on line 11, strike all after the phrase "as amended" through line 16, and insert in lieu thereof".

AMENDMENT NO. 110

On page 50, before the period at the end of line 11, add the following new provisos: "Provided, That, within 60 days of the date of enactment of this Act, the Secretary of the Interior, in consultation with State and local government officials, shall submit to Congress a proposal to establish a process for recognizing and determining the validity or management of any right of way established pursuant to Revised Statutes 2477 (43 U.S.C. 932)."

AMENDMENT NO. 111

Strike title VII of the Act, and insert in lieu thereof the following:

"SEC. 701. SHORT TITLE.

This title may be cited as the "Government Shutdown Prevention Act."

SEC. 702. AMENDMENT TO TITLE 31.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

"§ 1311. Continuing appropriations

"(a)(1) If any regular appropriation bill for a fiscal year does not become law prior to the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

"(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

"(B) if the corresponding regular appropriation bill for such preceding fiscal year

did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

"(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

"(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year;

"(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year,

"(C) the rate of operations provided for in the House or Senate passed appropriation bill for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version,

"(D) the rate provided in the budget submission of the President under section 1105(a) of title 31, United States Code, for the fiscal year in question, or

"(E) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

"(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

"(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be, or

"(B) the last day of such fiscal year.

"(d) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

"(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

"(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

"(c) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

"(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period, or

"(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

"(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

"(1) Agriculture, rural development, and related agencies programs.

"(2) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

"(3) The Department of Defense.

"(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

"(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

"(6) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

"(7) Energy and water development.

"(8) Foreign assistance and related programs.

"(9) The Department of the Interior and related agencies.

"(10) Military construction.

"(11) The Department of Transportation and related agencies.

"(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

"(13) The legislative branch."

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations."

(c) PROTECTION OF OTHER OBLIGATIONS.—Nothing in the amendments made by this section shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, and Medicaid.

SEC. 703. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to fiscal years beginning with fiscal year 1998.

AMENDMENT NO. 112

On page 81, line 19, strike "98" and insert in lieu thereof "100".

AMENDMENT NO. 113

Beginning on page 50, strike line 12 and all that follows through page 51, line 25, and insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service that implements emergency provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and applies to 46 California counties declared by the President to be major disaster areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall—

(1) apply to all counties nationwide with respect to which such a declaration is made at any time during 1997;

(2) apply to repair activities on flood control facilities in response to an imminent threat to human lives and property; and

(3) remain in effect until the Assistant Secretary of the Army having responsibility for civil works determines that 100 percent of emergency repairs have been completed, except that the policy shall not remain in effect after December 31, 1998.

TORRICELLI (AND LAUTENBERG)
AMENDMENT NO. 114

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

On page 57, between lines 3 and 4, insert the following:

SEC. . MICHAEL GILICK CHILDHOOD CANCER RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) during the period from 1980 to 1988, Ocean County, New Jersey, had a significantly higher rate of childhood cancer than the rest of the United States, including a rate of brain and central nervous system cancer that was nearly 70 percent above the rate of other States;

(2) during the period from 1979 to 1991—

(A) there were 230 cases of childhood cancer in Ocean County, of which 56 cases were in Dover Township, and of those 14 were in Toms River alone;

(B) the rate of brain and central nervous system cancer of children under 20 in Toms River was 3 times higher than expected, and among children under 5 was 7 times higher than expected; and

(C) Dover Township, which would have had a nearly normal cancer rate if Toms River was excluded, had a 49 percent higher cancer rate than the rest of the State and an 80 percent higher leukemia rate than the rest of the State; and

(3)(A) according to New Jersey State averages, a population the size of Toms River should have 1.6 children under age 19 with cancer; and

(B) Toms River currently has 5 children under the age of 19 with cancer.

(b) STUDY.—

(1) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry shall conduct does-reconstruction modeling and an epidemiological study of childhood cancer in Dover Township, New Jersey, which may also include the high incidence of neuroblastomas in Ocean County, New Jersey.

(2) GRANT TO NEW JERSEY.—The Administrator may make 1 or more grants to the State of New Jersey to carry out paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act \$6,000,000 for fiscal years 1998 through 2000.

BOXER AMENDMENT NO. 115

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

Strike title VI and insert the following:

TITLE VI—EXTENSION OF SSI FOR CERTAIN ALIENS

SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

(a) IN GENERAL.—Subject to subsection (d), in the case of the specified Federal program defined in section 402(a)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Act (8 U.S.C. 1612(a)(3)(A)), section 402(a)(2)(D)(i) of such Act (8 U.S.C. 1612(a)(2)(D)(i) is applied—

(1) in subclause (I), by substituting "September 30, 1997" for "the date which is 1 year after such date of enactment"; and

(2) in subclause (III), by substituting "September 30, 1997" for "the date of the redetermination with respect to such individual".

(b) NOTICE AND REDETERMINATION.—The Commissioner of Social Security shall notify any individual described in section 402(A)(2)(D)(i) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)(i)), as applied by

subsection (a), who, on or after August 22, 1996, has been determined to be ineligible for the specified Federal program defined in section 402(a)(3)(A) of such Act (8 U.S.C. 1612(a)(3)(A)) solely on the basis of the application of section 402 of such Act (8 U.S.C. 1612), as in effect on the day before the date of enactment of this Act, that the individual's eligibility for such program shall be re-determined, and shall conduct such redetermination in a timely manner. Subject to subsection (d), any benefits that such an individual should have received under any such program during the period beginning on the date of the determination described in the preceding sentence and ending on September 30, 1997, were it not for the enactment of the Personal Responsibility and Work Opportunity Reconciliation act of 1996, shall be restored to that individual.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for payment of benefits resulting from the application of subsection (a) an amount not to exceed \$125,000,000 for fiscal year 1997, to remain available without fiscal year limitation.

(d) LIMITATION OF APPLICATION.—If the total amount of additional benefits to be paid as a result of the application of subsection (a) exceeds the amount appropriated pursuant to subsection (c), then the benefits payable to each individual made eligible by the application of subsection (a) shall be reduced on a pro rata basis.

GRAMM AMENDMENTS NOS. 116-119

(Ordered to lie on the table.)

Mr. GRAMM submitted four amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 116

At the appropriate place, insert the following:

SEC. 501. (a) Notwithstanding any other provision of this Act, each amount of budget authority provided in a nonexempt discretionary spending nondefense account for fiscal year 1997 for a program, project, or activity is reduced by the uniform percentage necessary to offset nondefense budget authority provided in this Act. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Notwithstanding any other provision of this Act only that portion of non-defense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

AMENDMENT NO. 117

At the appropriate place, insert the following:

SEC. 501. Notwithstanding any other provision of this Act or only that portion of non-defense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) if the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining non-defense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

AMENDMENT NO. 118

At the appropriate place, insert the following:

SEC. . (a) Notwithstanding any other provision of this Act or any other law, each amount of budget authority provided in a nonexempt discretionary spending non-defense account for fiscal year 1997 for a program, project, or activity is reduced by the uniform percentage necessary to offset non-defense budget authority provided in this Act. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Notwithstanding any other provision of this Act or any other provision of law, only that portion of nondefense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

AMENDMENT NO. 119

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other provision of law, only that portion of nondefense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

FEINSTEIN (AND COVERDELL)
AMENDMENT NO. 120

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mr. COVERDELL) submitted an amendment intended to be proposed by them to the bill, S. 672, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . CUSTOMS INSPECTIONS OF CERTAIN CARRIERS.

(a) DEFINITIONS.—In this section:

(1) CARRIER.—The term “carrier” includes every description of carriage or other contrivance used, or capable of being used, as a means of transporting cargo on land, but does not include automobiles or aircraft.

(2) HARD NARCOTIC.—The term “hard narcotic” means—

(A) a depressant or stimulant substance as defined in section 102(9) of the Controlled Substances Act (21 U.S.C. 802(9));

(B) marihuana as defined in section 102(16) of such Act (21 U.S.C. 802(16));

(C) a narcotic drug as defined in section 102(17) of such Act (21 U.S.C. 802(17)); and

(D) an immediate precursor to a hard narcotic described in subparagraph (A) or (C), as defined in section 102(23) of such Act (21 U.S.C. 802(23)).

(3) PERSON.—The term “person” includes partnerships, associations, and corporations.

(4) RELATED PERSON.—A person is related to another person if—

(A) the person bears a relationship to such other person specified in section 267(b) or 707(b)(1) of the Internal Revenue Code of 1986; or

(B) the person and such other person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986).

For purposes of subparagraph (A), “10 percent” shall be substituted for “50 percent” in

applying sections 267(b)(1) and 707(b)(1) of such Code.

(b) LIST OF CARRIERS, SHIPPERS, AND IMPORTERS.—

(1) IN GENERAL.—Not later than January 1, 1998, the Secretary of the Treasury shall compile a list of all persons (including all related persons) who are carriers, shippers, or importers and with respect to whom property or funds have been seized by or otherwise forfeited to the United States in connection with hard narcotics-related activity within the 10 years preceding publication of the list.

(2) UPDATES.—The Secretary of the Treasury shall update the list described in paragraph (1) every 30 days.

(c) INSPECTION BY CUSTOMS.—The Commissioner of Customs shall direct customs officers to conduct inspections of all carriers and cargo entered into the customs territory of the United States if—

(1) the carrier, shipper, or importer of such cargo is a person who is on the list compiled pursuant to subsection (b); or

(2) after consultation with the Administrator of the Drug Enforcement, the carrier, shipper, or importer of such cargo is a person whom the Administrator determines warrants inspection.

FEINSTEIN AMENDMENT NO. 121

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 672, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . REPORT AND CERTIFICATION REQUIRED.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation shall not approve the application of any Mexican motor carrier of property to provide service across the United States-Mexico international boundary line or by a Mexican owned or controlled enterprise established in the United States to transport international cargo in foreign commerce, until the report and certification described in subsection (b) are submitted to Congress and a joint resolution described in subsection (c) is enacted into law.

(b) REPORT AND CERTIFICATION DESCRIBED.—

(1) REPORT.—The report described in this subsection means a written statement submitted to Congress not later than September 1, 1997, by the President describing the following:

(A) The extent of any significant and demonstrable progress made by the Government of the United States and the Government of Mexico, respectively, during the period beginning on March 1, 1997, and ending on the date of the report in achieving the following objectives relating to counterdrug cooperation:

(i) The investigation and dismantlement of the principal organizations responsible for drug trafficking and related crimes in both Mexico and the United States, including the prevention and elimination of their activities, the prosecution or extradition and incarceration of their leaders, and the seizure of their assets.

(ii) The development and strengthening of permanent working relationships between the United States and Mexico law enforcement agencies, with particular reference to law enforcement directed against drug trafficking and related crimes, including full funding and deployment of the Binational Border Task Forces as agreed upon by both governments.

(iii) The strengthening of bilateral border enforcement, including more effective screening for and seizure of contraband.

(iv) The denial of safe havens to persons and organizations responsible for drug trafficking and related crimes and the improvement of cooperation on extradition matters between both countries.

(v) The simplification of evidentiary requirements for narcotics crimes and related crimes and for violence against law enforcement officers.

(vi) The full implementation of effective laws and regulations for banks and other financial institutions to combat money laundering, including the enforcement of penalties for non-compliance by such institutions, and the prosecution of money launderers and seizure of their assets.

(vii) The eradication of crops destined for illicit drug use in Mexico and in the United States in order to minimize and eventually eliminate the production of such crops.

(viii) The establishment and implementation of a comprehensive screening process to assess the suitability and financial and criminal background of all law enforcement and other officials involved in the fight against organized crime, including narcotics trafficking.

(ix) The rendering of support to Mexico in its efforts to identify, remove, and prosecute corrupt officials at all levels of government, including law enforcement and military officials.

(x) The augmentation and strengthening of bilateral cooperation.

(B) The extent of any significant and demonstrable progress made by the Government of the United States during the period beginning on March 1, 1997, and ending on the date of the report in—

(i) implementing a comprehensive anti-drug education effort in the United States targeted at reversing the rise in drug use by America's youth;

(ii) implementing a comprehensive international drug interdiction and enforcement strategy; and

(iii) deploying 1,000 additional active-duty, full-time patrol agents within the Immigration and Naturalization Service in fiscal year 1997 as required by section 101 of division C of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208).

(2) CERTIFICATION.—The certification described in this subsection means a written statement submitted to Congress by the Secretary of Transportation certifying that—

(A) the operating authority described in subsection (a) shall not be granted to any Mexican motor carrier, driver, enterprise, or broker unless such carrier, driver, enterprise, or broker is aware of and is complying, while operating in the United States, with the Federal motor carrier safety rules;

(B) the Department of Transportation or the States in which the carrier will operate have in place a full-time enforcement program with respect to the requirements described in subparagraph (A); and

(C) the Department of Transportation or the States in which the carrier will operate have in place an on-going program of monitoring and evaluating the requirements described in subparagraph (A).

(c) JOINT RESOLUTION DESCRIBED; PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—For purposes of subsection (a), a joint resolution is described in this subsection if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: “That Congress authorizes the Secretary of Transportation to approve applications submitted by Mexican motor carriers of property, drivers, enterprises, and brokers to operate across the United States-Mexico international boundary line and by Mexican owned or controlled enterprises to transport international cargo in the United States, if

the Secretary is satisfied that the carrier, driver, enterprise, or broker, as the case may be, meets United States safety, health, and operating standards, and any other applicable standard, for such operations.”.

(2) PROCEDURAL PROVISIONS.—The requirements of this subsection are met if Congress adopts and transmits the joint resolution described in paragraph (1) to the President at any time after Congress receives the report and certification described in subsection (b).

HUTCHISON AMENDMENTS NOS. 122–125

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted four amendments intended to be proposed by her to the bill, S. 672, supra; as follows:

AMENDMENT NO. 122

Beginning on page 76, line 7 strike “0.2” and insert “0.1”.

AMENDMENT NO. 123

Beginning on page 76, line 7 strike “0.2” and insert “0.05”.

AMENDMENT NO. 124

Beginning on page 75, strike line 17 and all that follows through page 78, line 15 and insert the following:

“(a) STATE ENTITLEMENT.—

“(1) IN GENERAL.—In addition to any other payment under this title, subject to the amount appropriated under subsection (g) for a fiscal year and paragraph (3), each State described in paragraph (2) shall, for the purpose of providing assistance to an eligible individual, as defined in subsection (e)(1), be entitled to a grant under this section for that fiscal year in an amount that bears the same ratio to the amount appropriated under subsection (g) as the number of individuals described in subsection (e)(1) bears to the total number of such individuals in all such States as of June 1, 1997, as determined by the Secretary.

“(2) STATE DESCRIBED.—A State described in this paragraph is a State in which at least 5000 noncitizens received benefits under the Federal program described in subsection (e)(2) in December 1996, according to the census population estimate as of July 1, 1996.

“(3) PRO RATA REDUCTIONS.—If the amount appropriated pursuant to subsection (g) is insufficient to pay the total amount of funds required to be paid to a State described in paragraph (2) under this section, then such funds shall be reduced on a pro rata basis.

“(4) REDISTRIBUTION.—

“(A) IN GENERAL.—With respect to any fiscal year, if the Secretary determines (in accordance with subparagraph (B)) that amounts under any grant awarded to a State under this section for such fiscal year will not be used by such State during such fiscal year, the Secretary shall make such amounts available in the subsequent fiscal year to 1 or more States described in paragraph (2) which apply for such funds to the extent the Secretary determines that such States will be able to use such additional amounts for the purpose of providing assistance to an eligible individual, as defined in subsection (e)(1). Such available amounts shall be redistributed among such States in the same manner as funds are distributed under paragraph (1).

“(B) TIME OF DETERMINATION AND DISTRIBUTION.—The determination of the Secretary under subparagraph (A) for a fiscal year shall be made not later than the end of the first quarter of the subsequent fiscal year. The redistribution of amounts under subparagraph (A) shall be made as close as practicable to

the date on which such determination is made. Any amount made available to a State from an appropriation for a fiscal year in accordance with this paragraph shall be regarded as part of such State’s payment for the fiscal year in which the redistribution is made.

AMENDMENT NO. 125

At the appropriate place, insert the following:

SEC. . AGREEMENTS UNDER THE ENDANGERED SPECIES ACT OF 1973.

(a) LISTING.—Section 4(b)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(1)) is amended by adding at the end the following:

“(C) AGREEMENTS.—In determining whether a species is an endangered species or a threatened species, the Secretary shall take into full consideration any—

“(i) conservation agreement;
“(ii) pre-listing agreement;
“(iii) memorandum of agreement;
“(iv) memorandum of understanding; or
“(v) any other agreement designated to promote the conservation of any species;

agreed to by the Secretary and any other Federal agency, State, State agency, political subdivision of a State, or other person, including the reasonably expected future beneficial effects to the species of every provision of the agreement that has been implemented or is reasonably likely to be implemented.”.

(b) RECOVERY PLANS.—Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) is amended by adding at the end the following:

“(6) AGREEMENTS.—The Secretary shall—
“(A) give the highest priority to development and implementation of a recovery plan for a species for which the Secretary has entered into a—
“(i) conservation agreement;
“(ii) pre-listing agreement;
“(iii) memorandum of agreement;
“(iv) memorandum of understanding; or
“(v) any other agreement designed to promote the conservation of any species;

(whether before or after the listing of the species as endangered or threatened) with any other Federal agency, State, State agency, political subdivision of a State, or other person; and

“(B) ensure that the commitments made by the Secretary in the agreement are fulfilled before funds are expended on the development and implementation of any other recovery plan.”.

CONRAD (AND DORGAN) AMENDMENT NO. 126

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 9, between lines 9 and 10, insert the following:

SEC. 108. (a) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the National Defense Panel established under section 924 of Public Law 104-201 (110 Stat. 2626), shall take immediate action to ensure that a thorough assessment of the capabilities of all 94 of the B-52H bomber aircraft in active service in fiscal year 1997 is conducted.

(b) The report required by paragraph (1) of section 924(e) of Public Law 104-201 (110 Stat. 2627) shall include the assessment of capabilities required by subsection (a). The Secretary of Defense shall include the Secretary’s views, and the views of the Chair-

man of the Joint Chiefs of Staff, on the assessment in the submission required by paragraph (2) of that section.

COVERDELL (AND FEINSTEIN) AMENDMENTS NOS. 127–128

(Ordered to lie on the table.)

Mr. COVERDELL (for himself and Mrs. FEINSTEIN) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 127

At the appropriate place in the bill, add the following:

TITLE —COUNTERDRUG ACTIVITIES

SEC. . REPORT ON COOPERATION BETWEEN UNITED STATES AND MEXICO IN COUNTERDRUG ACTIVITIES.

Not later than September 1, 1997, the President shall submit to Congress a report describing the following:

(1) The extent of any significant and demonstrable progress made by the Government of the United States and the Government of Mexico, respectively, during the period beginning on March 1, 1997, and ending on the date of the report in achieving the following objectives relating to counterdrug cooperation:

(A) The investigation and dismantlement of the principal organizations responsible for drug trafficking and related crimes in both Mexico and the United States, including the prevention and elimination of their activities, the prosecution or extradition and incarceration of their leaders, and the seizure of their assets.

(B) The development and strengthening of permanent working relationships between the United States and Mexico law enforcement agencies, with particular reference to law enforcement directed against drug trafficking and related crimes, including full funding and deployment of the Binational Border Task Forces as agreed upon by both governments.

(C) The strengthening of bilateral border enforcement, including more effective screening for and seizure of contraband.

(D) The denial of safe havens to persons and organizations responsible for drug trafficking and related crimes and the improvement of cooperation on extradition matters between both countries.

(E) The simplification of evidentiary requirements for narcotics crimes and related crimes and for violence against law enforcement officers.

(F) The full implementation of effective laws and regulations for banks and other financial institutions to combat money laundering, including the enforcement of penalties for non-compliance by such institutions, and the prosecution of money launderers and seizure of their assets.

(G) The eradication of crops destined for illicit drug use in Mexico and in the United States in order to minimize and eventually eliminate the production of such crops.

(H) The establishment and implementation of a comprehensive screening process to assess the suitability and financial and criminal background of all law enforcement and other officials involved in the fight against organized crime, including narcotics trafficking.

(I) The rendering of support to Mexico in its efforts to identify, remove, and prosecute corrupt officials at all levels of government, including law enforcement and military officials.

(J) The augmentation and strengthening of bilateral cooperation.

(2) The extent of any significant and demonstrable progress made by the Government of the United States during the period

beginning on March 1, 1997, and ending on the date of the report in—

(A) implementing a comprehensive anti-drug education effort in the United States targeted at reversing the rise in drug use by America's youth;

(B) implementing a comprehensive international drug interdiction and enforcement strategy; and

(C) deploying 1,000 additional active-duty, full-time patrol agents within the Immigration and Naturalization Service in fiscal year 1997 as required by section 101 of division C of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208).

SEC. . REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

AMENDMENT NO. 128

At the appropriate place in the bill, add the following:

TITLE —COUNTERDRUG ACTIVITIES

SEC. . REPORT ON COOPERATION BETWEEN UNITED STATES AND MEXICO IN COUNTERDRUG ACTIVITIES.

Not later than September 1, 1997, the President shall submit to Congress a report describing the following:

(1) The extent of any significant and demonstrable progress made by the Government of the United States and the Government of Mexico, respectively, during the period beginning on March 1, 1997, and ending on the date of the report in achieving the following objectives relating to counterdrug cooperation:

(A) The investigation and dismantlement of the principal organizations responsible for drug trafficking and related crimes in both Mexico and the United States, including the prevention and elimination of their activities, the prosecution or extradition and incarceration of their leaders, and the seizure of their assets.

(B) The development and strengthening of permanent working relationships between the United States and Mexico law enforcement agencies, with particular reference to law enforcement directed against drug trafficking and related crimes, including full funding and deployment of the Binational Border Task Forces as agreed upon by both governments.

(C) The strengthening of bilateral border enforcement, including more effective screening for and seizure of contraband.

(D) The denial of safe havens to persons and organizations responsible for drug trafficking and related crimes and the improvement of cooperation on extradition matters between both countries.

(E) The simplification of evidentiary requirements for narcotics crimes and related crimes and for violence against law enforcement officers.

(F) The full implementation of effective laws and regulations for banks and other financial institutions to combat money laundering, including the enforcement of penalties for non-compliance by such institutions, and the prosecution of money launderers and seizure of their assets.

(G) The eradication of crops destined for illicit drug use in Mexico and in the United States in order to minimize and eventually eliminate the production of such crops.

(H) The establishment and implementation of a comprehensive screening process to assess the suitability and financial and criminal background of all law enforcement and other officials involved in the fight against organized crime, including narcotics trafficking.

(I) The rendering of support to Mexico in its efforts to identify, remove, and prosecute corrupt officials at all levels of government, including law enforcement and military officials.

(J) The augmentation and strengthening of bilateral cooperation.

(2) The extent of any significant and demonstrable progress made by the Government of the United States during the period beginning on March 1, 1997, and ending on the date of the report in—

(A) implementing a comprehensive anti-drug education effort in the United States targeted at reversing the rise in drug use by America's youth;

(B) implementing a comprehensive international drug interdiction and enforcement strategy; and

(C) deploying 1,000 additional active-duty, full-time patrol agents within the Immigration and Naturalization Service in fiscal

year 1997 as required by section 101 of division C of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208).

SEC. . CUSTOMS INSPECTIONS OF CERTAIN CARRIERS.

(a) DEFINITIONS.—In this section:

(1) CARRIER.—The term "carrier" includes every description of carriage or other contrivance used, or capable of being used, as a means of transporting cargo on land, but does not include automobiles or aircraft.

(2) HARD NARCOTIC.—The term "hard narcotic" means—

(A) a depressant or stimulant substance as defined in section 102(9) of the Controlled Substances Act (21 U.S.C. 802(9));

(B) marihuana as defined in section 102(16) of such Act (21 U.S.C. 802(16));

(C) a narcotic drug as defined in section 102(17) of such Act (21 U.S.C. 802(17)); and

(D) an immediate precursor to a hard narcotic described in subparagraph (A) or (C), as defined in section 102(23) of such Act (21 U.S.C. 802(23)).

(3) PERSON.—The term "person" includes partnerships, associations, and corporations.

(4) RELATED PERSON.—A person is related to another person if—

(A) the person bears a relationship to such other person specified in section 267(b) or 707(b)(1) of the Internal Revenue Code of 1986; or

(B) the person and such other person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986).

For purposes of subparagraph (A), "10 percent" shall be substituted for "50 percent" in applying sections 267(b)(1) and 707(b)(1) of such Code.

(b) LIST OF CARRIERS, SHIPPERS, AND IMPORTERS.—

(1) IN GENERAL.—Not later than January 1, 1998, the Secretary of the Treasury shall compile a list of all persons (including all related persons) who are carriers, shippers, or importers and with respect to whom property or funds have been seized by or otherwise forfeited to the United States in connection with hard narcotics-related activity within the 10 years preceding publication of the list.

(2) UPDATES.—The Secretary of the Treasury shall update the list described in paragraph (1) every 30 days.

(c) INSPECTION BY CUSTOMS.—The Commissioner of Customs shall direct customs officers to conduct inspections of all carriers and cargo entered into the customs territory of the United States if—

(1) the carrier, shipper, or importer of such cargo is a person who is on the list compiled pursuant to subsection (b); or

(2) after consultation with the Administrator of the Drug Enforcement, the carrier, shipper, or importer of such cargo is a person whom the Administrator determines warrants inspection.

SEC. . REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments

on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(b) IMMEDIATE CONTRIBUTION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall make a contribution to each of the Delaware River Basin Commission and the Susquehanna River Basin Commission for fiscal year 1997 an amount of funds that bears the same proportion to the amount of funds contributed for fiscal year 1996 as the number of days remaining in fiscal year 1997 as of the date of enactment of this Act bears to the number 365.

AMENDMENT NO. 132

On page 48, strike lines 15 through 23 and insert the following:

SEC. 306. DELAWARE RIVER BASIN COMMISSION; SUSQUEHANNA RIVER BASIN COMMISSION.

(a) COMPENSATION OF ALTERNATE MEMBERS.—During fiscal year 1997 and each fiscal year thereafter, compensation for the alternate members of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87-328) and for the alternate members of the Susquehanna River Basin Commission appointed under the Susquehanna River Basin Compact (Public Law 91-575) shall be provided by the Secretary of the Interior.

AMENDMENT NO. 133

On page 48, strike lines 15 through 23.

MURRAY AMENDMENT NO. 134

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

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

SEC. . Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by—

(a) inserting in subsection (a) after “necessary, and”, “except as provided in subsection (j),” and

(b) inserting a new subsection (j) as follows—

“(j)(1) A State agency may, with the concurrence of the Secretary, issue coupons to individuals who are ineligible to participate in the food stamp program solely because of the provisions of section 6(o)(2) of this Act or sections 402 and 403 of the Personal Responsibility and Work Opportunity Act of 1996. A State agency that issues coupons under this subsection shall pay the Secretary the face value of the coupons issued under this subsection and the cost of printing, shipping, and redeeming the coupons, as well as any other Federal costs involved, as determined by the Secretary. A state agency shall pay the Secretary for coupons issued under this subsection and for the associated Federal costs issued under this subsection no later than the time the State agency issues such coupons to recipients. In making payments, the State agency shall comply with procedures developed by the Secretary. Notwithstanding 31 U.S.C. 3302(b), payments received by the Secretary for such coupons and for the associated Federal costs shall be credited to the food stamp program appropriation account or the account from which such associated costs were drawn, as appropriate, for the fiscal year in which the payment is received. The State agency shall comply with reporting requirements established by the Secretary.

“(2) A State agency that issues coupons under this subsection shall submit a plan, subject to the approval of the Secretary, describing the conditions under which coupons will be issued, including, but not limited to,

COVERDELL AMENDMENTS NOS. 129-130

(Ordered to lie on the table.)

Mr. COVERDELL submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 129

On page 85, between lines 9 and 10, insert the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President

AMENDMENT NO. 130

On page 66, line 15, replace “\$2,000,000” with “\$1,600,000”.

BIDEN (AND OTHERS) AMENDMENTS NOS. 131-133

(Ordered to lie on the table.)

Mr. BIDEN (for himself, Mr. REID, and Mr. ROTH) submitted three amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 131

On page 48, strike lines 15 through 23 and insert the following:

SEC. 306. DELAWARE RIVER BASIN COMMISSION; SUSQUEHANNA RIVER BASIN COMMISSION.

(a) COMPENSATION OF ALTERNATE MEMBERS.—During fiscal year 1997 and each fiscal year thereafter, compensation for the alternate members of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87-328) and for the alternate members of the Susquehanna River Basin Commission appointed under the Susquehanna River Basin Compact (Public Law 91-575) shall be provided by the Secretary of the Interior.

eligibility standards, benefit levels, and the methodology the State will use to determine amounts owed the Secretary.

“(3) A State agency shall not issue benefits under this subsection—

“(A) to individuals who have been made ineligible under any provision of section 6 of this Act other than section 6(o)(2); or

“(B) in any area of the State where an electronic benefit transfer system has been implemented.

“(4) The value of coupons provided under this subsection shall not be considered income or resources for any purpose under any Federal laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

“(5) Any sanction, disqualification, fine or other penalty prescribed in Federal law, including, but not limited to, sections 12 and 15 of this Act, shall apply to violations in connection with any coupon or coupons issued pursuant to this subsection.

“(6) Administrative and other costs associated with the provision of coupons under this subsection shall not be eligible for reimbursement or any other form of Federal funding under section 16 or any other provision of this Act.

“(7) That portion of a household's allotment issued pursuant to this subsection shall be excluded from any sample taken for purposes of making any determination under the system of enhanced payment accuracy established in section 16(c).”

CONFORMING AMENDMENT

Sec. . Section 17(b)(I)(R)(iv) of the Food Stamp Act of 1977 is amended by—

- (a) striking “or” in subclause (V);
- (b) striking the period at the end of subclause (VI) and inserting “; or”;
- (c) inserting a new subclause (VII) as follows—

“(VII) waives a provision of section 7(j).”

DEWINE AMENDMENT NO. 135

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 34, between lines 2 and 3, insert the following:

ANIMAL AND PLANT HEALTH INSPECTION
SERVICE
ANIMAL DAMAGE CONTROL UNIT

For an additional amount for the eradication of rabies in the State of Ohio, \$1,000,000.

MCCAIN AMENDMENT NO. 136

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 39, line 23, strike “shall” and insert “may”.

On page 40, line 1, strike “shall” and insert “may”.

On page 40, line 3, strike “shall” and insert “may”.

On page 40, line 7, strike “shall” and insert “may”.

On page 40, line 16, strike “shall” and insert “may”.

On page 40, line 19, strike “shall” and insert “may”.

COVERDELL AMENDMENT NO. 137

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 85, between lines 9 and 10, insert the following:

TITLE VIII—SAVANNAH RIVER DEEPENING

SEC. 801. SAVANNAH RIVER DEEPENING.

Notwithstanding section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231), the Secretary of the Army shall use amounts made available for fiscal year 1998 for the Federal share of the costs of the feasibility study for the project for deepening of the Savannah River, Georgia, to reimburse the State of Georgia for amounts expended by the State to carry out the study at such time as the Secretary of the Army approves the feasibility report.

KEMPTHORNE AMENDMENTS NOS. 138–139

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 138

At the appropriate place, insert the following:

(a) CONSULTATION OR CONFERENCING.—Consultation or conferencing shall not be required under section 7(a)(2) or section 7(a)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) for any action authorized, funded, or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure, if the Federal agency authorizing, funding or carrying out the action determines that the repair is needed to address an imminent threat to public health or safety that has resulted, or that may result, from a catastrophic natural event in 1996 or 1997. For purposes of this section, the term repair shall include preventive measures to anticipate the impact of a catastrophic event and remedial measures to restore the project, facility, or structure to a condition that will provide for public health and safety.

(b) MITIGATION.—In the event that the Secretary determines that an action to repair a flood control project, facility or structure under subsection (a) will result in the incidental take of an endangered species of fish or wildlife otherwise prohibited under section 9 of the Endangered Species Act, or a threatened species to which the incidental take prohibition of section 9 has been applied by regulation, the Secretary may propose reasonable and prudent measures to mitigate the impact of the action on the species. Any reasonable and prudent measures proposed under this subsection shall be related both in nature and in extent to the effect of the action taken to repair the flood control project, facility or structure. The costs of such reasonable and prudent measures shall be borne by the Federal agency authorizing, funding or carrying out the action.”

AMENDMENT NO. 139

At the appropriate place, insert the following:

(a) CONSULTATION OR CONFERENCING.—Consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) for any action authorized, funded, or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure, may be deferred until after the completion of the action if the Federal agency authorizing, funding or carrying out the action determines that the repair is needed to address an imminent threat to public health or safety that has resulted, or that may result, from a catastrophic natural

event in 1996 or 1997. For purposes of this section, the term repair shall include preventive measures to anticipate the impact of a catastrophic event and remedial measures to restore the project, facility, or structure to a condition that will prevent an imminent threat to public health or safety.

(b) MITIGATION.—Any reasonable and prudent measures proposed under section 7 of the Endangered Species Act to mitigate the impact of an action taken under this section on an endangered species, or a threatened species to which the incidental take prohibition of Section 9 has been applied by regulation, shall be related both in nature and in extent to the effect of the action taken to repair the flood control project, facility or structure. The costs of such reasonable and prudent measures shall be borne by the Federal agency authorizing, funding or carrying out the action.”

BYRD AMENDMENT NO. 140

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 28, line 8, strike the words “in the Northern Plains states” and insert “in September 1996, and”.

FORD AMENDMENT NO. 141

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 9, between lines 9 and 10, insert the following:

SEC. 108. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.

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

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

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

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

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

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

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

HOLLINGS (AND OTHERS)
AMENDMENT NO. 142

(Ordered to lie on the table.)

Mr. HOLLINGS (for himself, Mr. INOUE, and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Protection from Violent Programming Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:
(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) uniquely pervasive presences in the lives of all American children; and

(B) are readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) Children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) Age-based ratings systems do not allow parents to block programming based solely on violent content thereby rendering ineffective any technology-based blocking mechanism designed to limit violent video programming.

(10) If programming is not rated specifically for violent content and therefore cannot be blocked solely on the basis of its violent content, then restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve a compelling governmental interest.

(11) Studies show that warning labels based on age restrictions tend to encourage children's desire to watch restricted programming.

(12) Technology-based solutions may be helpful in protecting some children, but may not be effective in achieving the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming based on the age of the child and not on the violent content of the programming.

(13) Absent the ability to block programming based specifically on the violent con-

tent of the programming, the channeling of violent programming is the least restrictive means to limit unsupervised children from the harmful influences of violent programming.

(14) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, or unable to afford the costs of technology-based solutions.

SEC. 3. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 718. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute to the public any violent video programming not blockable by electronic means specifically on the basis of its violent content during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including new programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

"(c) REPEAT VIOLATIONS.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, immediately revoke any license issued to that person under this Act.

"(d) CONSIDERATION OF VIOLATIONS IN LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

"(e) DEFINITIONS.—For purposes of this section—

"(1) BLOCKABLE BY ELECTRONIC MEANS.—The term 'blockable by electronic means' means blockable by the feature described in section 303(x).

"(2) DISTRIBUTE.—The term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite."

SEC. 4. ASSESSMENT OF EFFECTIVENESS.

(a) REPORT.—The Federal Communications Commission shall—

(1) assess the effectiveness of measures undertaken under section 718 of the Communications Act of 1934 (47 U.S.C. 718) and under subsections (w) and (x) of section 303 of that Act (47 U.S.C. 303(w) and (x)) in accomplishing the purposes for which they were enacted; and

(2) report its findings to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Commerce of the United States House of Representatives,

within 18 months after the date on which the regulations promulgated under section 718 of the Communications Act of 1934 (as added by section 2 of this Act) take effect, and thereafter as part of the biennial review of regulations required by section 11 of that Act (47 U.S.C. 161).

(b) ACTION.—If the Commission finds at any time, as a result of its assessment under subsection (a), that the measures referred to in subsection (a)(1) are insufficiently effective, then the Commission shall initiate a rulemaking proceeding to prohibit the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(c) DEFINITIONS.—Any term used in this section that is defined in section 718 of the Communications Act of 1934 (47 U.S.C. 718), or in regulations under that section, has the meaning as when used in that section or in those regulations.

SEC. 5. SEPARABILITY.

If any provision of this Act, or any provision of an amendment made by this Act, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this Act or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. 6. EFFECTIVE DATE.

The prohibition contained in section 718 of the Communications Act of 1934 (as added by section 2 of this Act) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

REID (AND STEVENS) AMENDMENT
NO. 143

Mr. STEVENS (for Mr. REID for himself and Mr. STEVENS) proposed an amendment to the bill, S. 672, supra; as follows:

On page 18, line 15, following "fund:" insert the following: "Provided, That the Secretary of the Army is directed to use from available balances of the funds appropriated herein to perform such emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River channel, California, as the Secretary determines to be necessary as the result of the January 1997 flooding in Nevada and California; and dredging of shoaling which has occurred downstream from the Federal Chena River Flood Control Facility:"

DOMENICI (AND OTHERS)
AMENDMENT NO. 144

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. BROWBACK, and Mr. ROBERTS) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, add the following:

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

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

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

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

(b) EFFECTIVE DATES.—

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

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

SEC. . DATE EXTENSION.

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

SEC. . TIMELY FILING OF NOTICE.

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

SEC. . HOLD HARMLESS PAYMENTS.

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

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

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

(3) by adding at the end the following:

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

SEC. . DATA.

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

(1) in subparagraph (A)—

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

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

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

(3) by striking subparagraph (B).

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

**STEVENS (AND OTHERS)
AMENDMENT NO. 145**

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. CHAFEE, Mr. D’AMATO, Mr. DEWINE, and Mr. SPECTER) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

On page 44, strike all after line 19, through line 2 on page 45, and insert in lieu thereof the following:

“JOB OPPORTUNITIES AND BASIC SKILLS
(RESCISSION)

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

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the “,” the following: “reduced by an amount equal to the total of

those funds that are within each State’s limitation for fiscal year 1997 that are not necessary to pay such State’s allowable claims for such fiscal year (except that such amount for such year shall be deemed to be \$1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled).”.

On page 46, after line 25, insert the following:

“Public Law 104–208, under the heading titled “Education For the Disadvantaged” is amended by striking “\$1,298,386,000” and inserting “\$713,386,000” in lieu thereof.”

On page 75, strike all after line 10 through line 22 on page 80, and insert in lieu thereof the following:

“TITLE VI—SUPPLEMENTAL SECURITY INCOME AMENDMENT
“SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

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

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

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

(b) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612).”

SANTORUM AMENDMENT NO. 146

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

SEC. . REGARDING THE BUDGET TREATMENT OF FEDERAL DISASTER ASSISTANCE. SENSE OF THE SENATE.

The Senate shall find sufficient funding reductions to offset the costs of providing any federal disaster assistance.

**DORGAN (AND OTHERS)
AMENDMENTS NOS. 147–148**

(Ordered to lie on the table.)

Mr. DORGAN (for himself, Mr. GRAMS, Mr. CONRAD, Mr. WELLSTONE, Mr. DASCHLE, and Mr. JOHNSON) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 147

On page 30, line 11, strike “\$100,000,000” and insert “\$400,000,000”.

On page 72, line 10, strike “\$3,650,000,000” and insert “\$3,950,000,000”.

On page 72, line 13, strike “\$5,800,000,000” and insert “\$6,100,000,000”.

On page 72, line 13, strike “\$5,800,000,000” and insert “\$6,200,000,000”.

AMENDMENT NO. 148

On page 16, line 20, strike “\$54,700,000” and insert “\$154,700,000”.

On page 30, line 11, strike “\$100,000,000” and insert “\$400,000,000”.

On page 72, line 10, strike “\$3,650,000,000” and insert “\$4,050,000,000”.

DORGAN AMENDMENTS NOS. 149–151

(Ordered to lie on the table.)

Mr. DORGAN submitted three amendments intended to be proposed by him to the bill, S. 672, supra, as follows:

AMENDMENT NO. 149

On page 30, line 11, strike “\$100,000,000” and insert “\$400,000,000”.

On page 31, line 13, strike “\$3,500,000,000” and insert “\$3,200,000,000”.

On page 31, line 17, strike “\$2,500,000,000” and insert “\$2,200,000,000”.

AMENDMENT NO. 150

On page 30, line 11, strike 1 “\$100,000,000” and insert “\$400,000,000”.

On page 72, line 10, strike “\$3,650,000,000” and insert “\$3,950,000,000”.

On page 72, line 18, strike “\$2,150,000,000” and insert “\$1,850,000,000”.

AMENDMENT NO. 151

At the appropriate place, insert the following:

SEC. . EMERGENCY USE OF CHILD CARE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997, and ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) and under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) ELIGIBILITY.—

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

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

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

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

(c) LIMITATIONS.—

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

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

(d) PRIORITY.—In making assistance available under this section, the Governors described in subsection (a) shall give priority

to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

DORGAN (AND OTHERS)
AMENDMENTS NOS. 152-153

(Ordered to lie on the table.)

Mr. DORGAN (for himself, Mr. DASCHLE, Mr. JOHNSON, and Mr. CONRAD) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 152

At the appropriate place, insert the following:

SEC. . NONAPPLICABILITY TO EMERGENCY LOANS OF PROHIBITION ON LOANS FOR BORROWERS THAT HAVE RECEIVED DEBT FORGIVENESS.

Section 373(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008h(b)(1)) is amended by inserting after "loan under this title" the following: "(other than subtitle C)".

AMENDMENT NO. 153

On page 10, between lines 10 and 11, insert the following:

For guaranteed loans made to federally recognized Indian tribes under the business and industrial loan program established under section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) for the replacement of livestock lost during storms occurring during the winter season of 1995 and 1996 and the winter season of 1996 and 1997:

(1) For additional gross obligations for the principal amount of the guaranteed loans, to be available from funds in the Agricultural Credit Insurance Fund, \$50,000,000.

(2) For the additional cost of the guaranteed loans (including the cost of modifying loans (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)), \$465,000.

FOOD AND CONSUMER SERVICE

EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2036(a)), the amount available for allocation under that section for fiscal year 1997 shall be \$99,535,000.

DORGAN AMENDMENT NO. 154

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 85, after line 11, add the following:
TITLE VIII—ABATEMENT OF INTEREST ON UNDERPAYMENTS BY CERTAIN TAXPAYERS

SEC. 801. ABATEMENT OF INTEREST ON UNDERPAYMENTS BY TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.

(a) IN GENERAL.—Section 6404 of the Internal Revenue Code of 1986 (relating to abatements) is amended by adding at the end the following:

"(h) ABATEMENT OF INTEREST ON UNDERPAYMENTS BY TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.—

"(1) IN GENERAL.—If the Secretary extends for any period the time for filing income tax returns under section 6081 and the time for paying income tax with respect to such returns under section 6161 for any taxpayer located in a Presidentially declared disaster area, the Secretary shall abate for such period the assessment of any interest pre-

scribed under section 6601 on such income tax.

"(2) PRESIDENTIALLY DECLARED DISASTER AREA.—For purposes of paragraph (1), the term "Presidentially declared disaster area" means, with respect to any taxpayer, any area which the President has determined warrants assistance by the Federal Government under the Disaster Relief and Emergency Assistance Act."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters declared after December 31, 1996.

CONRAD (AND OTHERS)
AMENDMENTS NOS. 155-157

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. GRAMS, Mr. DORGAN, Mr. DASCHLE, Mr. WELLSTONE, and Mr. JOHNSON) submitted three amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 155

On page 16, line 20, strike "\$54,700,000" and insert "\$154,700,000".

On page 30, line 11, strike "\$100,000,000" and insert "\$400,000,000".

On page 31, line 13, strike "\$3,500,000,000" and insert "\$3,100,000,000".

On page 31, line 17, strike "\$2,500,000,000" and insert "\$2,100,000,000".

AMENDMENT NO. 156

On page 16, line 20, strike "\$54,700,000" and insert "\$154,700,000".

On page 31, line 13, strike "\$3,500,000,000" and insert "\$3,400,000,000".

On page 31, line 17, strike "\$2,500,000,000" and insert "\$2,400,000,000".

AMENDMENT NO. 157

On page 16, line 20, strike "\$54,700,000" and insert "\$154,700,000".

On page 72, line 10, strike "\$3,650,000,000" and insert "\$3,750,000,000".

On page 72, line 13, strike "\$5,800,000,000" and insert "\$5,900,000,000".

CONRAD (AND DORGAN)
AMENDMENTS NOS. 158-159

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 158

On page 45, between lines 7 and 8, insert the following:

For an additional amount under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING RESCISSIONS)", \$10,000,000, which shall be for making payments under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) to pay for emergency expenses resulting from the flooding in the upper Midwest and other natural disasters in fiscal year 1997, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the \$3,500,000,000 and \$2,500,000,000 amounts under the heading "DISASTER RELIEF" under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" under the heading "INDEPENDENT AGENCY" in chapter 6 of title II of this Act shall each be reduced by \$10,000,000.

AMENDMENT NO. 159

At the appropriate place, insert the following:

SEC. . FLOOD INSURANCE.

Section 1306(c)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(1)) is amended by striking "30" and inserting "15".

CONRAD (AND OTHERS)
AMENDMENT NO. 160

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. DORGAN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 13, line 15, strike "\$10,000,000" and insert "\$20,000,000".

CONRAD (AND OTHERS)
AMENDMENT NO. 161

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. WELLSTONE, Mr. JOHNSON, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN CASES OF CERTAIN DISASTERS.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding at the end the following:

"TITLE VIII—ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN CASES OF CERTAIN DISASTERS

"SEC. 801. ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN CASES OF CERTAIN DISASTERS.

"(a) ASSISTANCE.—

"(1) AUTHORITY.—The Director of the Federal Emergency Management Agency may provide the assistance described in paragraph (2) in any case in which the Director determines with respect to any local educational agency (including for the purpose of this section any other public agency which operates schools providing technical, vocational, or other special education to children of elementary school or secondary school age) that—

"(A) the agency serves in whole or in part an area with respect to which a major disaster has been declared by the President under section 401;

"(B) the Governor of the State in which the agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of the State, or of any political subdivision thereof, for the same or similar purposes with respect to the disaster;

"(C) the agency is utilizing or will utilize all State and other financial assistance available to the agency for the purpose of meeting the cost of providing free public education for the children attending the schools of the agency, but as a result of the disaster the agency is unable to obtain sufficient funds for such purpose and requires an amount of additional assistance equal to at least \$10,000 or 5 percent of the agency's current expenditures during the fiscal year preceding the fiscal year in which the disaster occurred, whichever is less; and

"(D) in the case of any such disaster to the extent that the operation of private elementary schools and secondary schools in the school attendance area of such local educational agency has been disrupted or impaired by the disaster, the local educational

agency has made provisions for the conduct of educational programs under public auspices and administration in which children enrolled in the private elementary schools and secondary schools may attend and participate, except that nothing contained in this section shall be construed to authorize the making of any payment under this section for religious worship or instruction.

“(2) ASSISTANCE.—The assistance referred to in paragraph (1) is the assistance the Director determines necessary to pay the costs of emergency operating expenses incurred by the local educational agency in educating students in public and private elementary schools and secondary schools who have been displaced by the disaster, including—

“(A) providing transportation costs for busing students to alternative sites;

“(B) replacing instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of the disaster, making minor repairs, and leasing or otherwise providing (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily the facilities which have been made unavailable as a result of the disaster; and

“(C) providing educational services to children who, as a result of damage to schools that the children attended prior to the disaster, were required to attend other schools.

“(3) DURATION.—The Director may provide a local educational agency with assistance under this section for the period beginning on the date the disaster is declared by the President under section 401 with respect to an area served by the local educational agency and ending 18 months after the date.

“(4) PAYMENTS TO OTHER LOCAL EDUCATIONAL AGENCIES.—A local educational agency may use funds received under this section to make a payment to another local educational agency for the costs of emergency operating expenses incurred by such other local educational agency in educating students who are displaced by the disaster.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Director is authorized to expend (without regard for subchapter II of chapter 15 of title 31, United States Code) from any funds appropriated to the Federal Emergency Management Agency and at that time available to the Director, such sums as may be necessary for providing immediate assistance under this section. Expenditures pursuant to the preceding sentence—

“(1) shall be reported by the Director to the Committees on Appropriations and Education and the Workforce of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of the expenditure; and

“(2) shall be reimbursed from the appropriations authorized by the first sentence of this subsection.

“(c) REPORT.—The report required under subsection (b)(1) shall constitute a budget estimate within the meaning of section 1109 of title 31, United States Code.

“(d) APPLICATION.—No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Director in accordance with the regulations prescribed by the Director. In determining the order in which such applications may be approved, the Director shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications. The Di-

rector shall complete action of approval or disapproval of an application within 90 days of the filing of an application.

“(e) PAYMENTS.—Amounts paid by the Director to local educational agencies under this section may be paid in advance or by way of reimbursement and in such installments as the Director may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

“(f) SPECIAL RULE.—Funds available to carry out this section for any fiscal year shall also be available to carry out section 403 with respect to assistance for public and private elementary schools and secondary schools.

“(g) BUREAU FUNDED SCHOOLS.—The Director may provide assistance to the Bureau of Indian Affairs for Bureau funded schools that are located in an area with respect to which a major disaster has been declared by the President under section 401 in a manner similar to the manner in which local educational agencies receive assistance under this section.

“(h) DEFINITIONS.—In this section:

“(1) BUREAU FUNDED SCHOOL.—The term ‘Bureau funded school’ has the meaning given the term in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

“(2) CURRENT EXPENDITURES.—The term ‘current expenditures’ has the meaning given the term in section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713).

“(3) DIRECTOR.—The term ‘Director’ means Director of the Federal Emergency Management Agency.

“(4) ELEMENTARY SCHOOL; SECONDARY SCHOOL; LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms ‘elementary school’, ‘secondary school’, ‘local educational agency’, and ‘State educational agency’ have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).”

CONRAD AMENDMENT NO. 162

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

At the end of title II, insert the following:

CHAPTER 6

COMMITTEE ON SMALL BUSINESS

SMALL BUSINESS INVESTMENT COMPANY ACT OF 1958 FEES

(a) IN GENERAL.—For fiscal year 1997 and 1998, \$4,800,000, to pay fees required under section 503(b)(7)(A) and paragraphs (2) and (3) of section 503(d) of the Small Business Investment Act of 1958 in connection with assistance authorized under title V of that Act of a borrower located in an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries.

(b) CDC AND BORROWER EXEMPT FROM FEES.—For fiscal years 1997 and 1998, no borrower or certified development company shall be required to pay fees under section 503(b)(7)(A) and paragraphs (2) and (3) of section 503(b) of the Small Business Investment Act of 1958 that are paid by the funds appropriated under subsection (a) of this section.

CONRAD (AND DORGAN) AMENDMENT NO. 163

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 10, between lines 10 and 11, insert the following:

For an additional amount for the “Agricultural Credit Insurance Fund Program Account” for the additional cost of providing assistance under the interest rate reduction program established under section 351 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999) to agricultural producers that have been substantially affected by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), to remain available until expended, \$10,000,000: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$10,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress: *Provided further*, That the amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of that Act (2 U.S.C. 901(b)(2)(D)(i)).

MURRAY AMENDMENT NO. 164

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

On page 17, between lines 13 and 14, insert the following:

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount to continue the assistance implemented by the National Oceanic and Atmospheric Administration in Washington, Oregon, and California (commonly referred to as the “Northwest Economic Aid Package”) to provide disaster assistance under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (relating to the transition to sustainable fisheries) to salmon fishers that continue to suffer from a fishery resource disaster, \$25,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$25,000,000, that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

On page 72, line 10, strike “\$3,650,000,000” and insert “\$3,675,000,000”.

On page 72, line 13, strike “\$5,800,000,000” and insert “\$5,825,000,000”.

D'AMATO (AND CHAFEE) AMENDMENT NO. 165

(Ordered to lie on the table.)

Mr. D'AMATO (for himself and Mr. CHAFEE) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

Strike title VI and insert the following:

TITLE VI—EXTENSION OF SSI AND FOOD STAMPS FOR CERTAIN ALIENS

SEC. 601. EXTENSION OF SSI AND FOOD STAMP REDETERMINATION PROVISIONS.

(A) IN GENERAL.—Section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)), as amended by section 510 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-673), is amended—

(1) in clause (i)—

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

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

(2) in clause (ii)—

(A) in subclause (I)—

(i) by striking “April 1, 1997,” and all that follows through “1977.” and inserting “October 1, 1997, to an alien who received benefits under such program on the date of enactment of this Act.”; and

(ii) by striking “August 22, 1997”, and inserting “September 30, 1997”; and

(B) in subclause (III), by striking “the date of recertification” and inserting “September 30, 1997”.

(b) NOTICE AND REDETERMINATION.—The Commissioner of Social Security, in the case of the specified Federal program defined in section 402(a)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(3)(A)), and the State agency, in the case of the specified Federal program defined in section 402(a)(3)(B) of such Act (8 U.S.C. 1612(a)(3)(B)), shall notify any individual described in section 402(a)(2)(D) of such Act (8 U.S.C. 1612(a)(2)(D)), as amended by subsection (a), who, on or after August 22, 1996, has been determined to be ineligible for any such specified Federal program solely on the basis of the application of section 402 of such Act (8 U.S.C. 1612), as in effect on the day before the date of enactment of this Act, that the individual's eligibility for such program shall be redetermined or recertified (as the case may be), and shall conduct such redetermination or recertification in a timely manner. Any benefits that such an individual should have received under any such specified Federal program during the period beginning on the date of the determination described in the preceding sentence and ending on September 30, 1997, were it not for the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, shall be restored to the individual.

(c) RESCISSION OF JOBS FUNDS.—

(1) IN GENERAL.—Of the funds made available under the heading “JOB OPPORTUNITIES AND BASIC SKILLS” in Public Law 104-208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

(2) CONFORMING AMENDMENT.—Section 403(k)(3)(F) of the Social Security Act (42 U.S.C. 603(k)(3)(F)) (as in effect on October 1, 1996) is amended by inserting “reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be \$1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),” after “year.”.

(d) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of sec-

tion 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612).

**D'AMATO (AND OTHERS)
AMENDMENT NO. 166**

(Ordered to lie on the table.)

Mr. D'AMATO (for himself, Mr. CHAFEE, Mr. DEWINE, and Mr. SPECTER) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

On page 44, strike all after line 19, through line 2 on page 45, and insert in lieu thereof the following:

**JOB OPPORTUNITIES AND BASIC SKILLS
(RESCISSION)**

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

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

On page 46, after line 25, insert the following:

On page 75, strike all after line 10 through line 22 on page 80, and insert in lieu thereof the following:

**Title VI—Supplemental Security Income
Amendment****SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.**

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

(1) in clause (i)—

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

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

(b) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612).

**BOND (AND OTHERS) AMENDMENT
NO. 167**

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. LEVIN, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims

against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

BOND AMENDMENTS NOS. 168-169

(Ordered to lie on the table.)

Mr. BOND submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 168

In Title III, Chapter 10, add the following new section.

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

AMENDMENT NO. 169

In Title III, Chapter 10, add the following new section.

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

DASCHLE AMENDMENT NO. 170

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill, s. 672, supra; as follows:

AMENDMENT NO. 170

At the appropriate place, insert the following:

**FEDERAL EMERGENCY MANAGEMENT
AGENCY**

GRANT FOR THE CONSTRUCTION OF A PIPELINE TO CONNECT THE TOWN OF GETTYSBURG, SOUTH DAKOTA, TO THE MID-DAKOTA RURAL WATER SYSTEM

For the funding of a grant to the town of Gettysburg, South Dakota, to be used to pay the Bureau of Reclamation for the construction of a pipeline to connect the town to the Mid-Dakota Rural Water System, \$1,500,000.

**REID (AND BAUCUS) AMENDMENT
NO. 171**

Mr. REID (for himself and Mr. BAUCUS) proposed an amendment to the bill, S. 672, supra; as follows:

AMENDMENT NO. 171

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on

flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

D'AMATO (AND OTHERS)
AMENDMENT NO. 172

(Ordered to lie on the table.)

Mr. D'AMATO (for himself, Ms. SNOWE, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. DOMENICI, Mr. FAIRCLOTH, Ms. MOSELEY-BRAUN, Mr. BIDEN, Mr. INOUE, Mr. MURKOWSKI, Mr. DODD, Mr. KERREY, Mr. HATCH, Mr. GREGG, Mr. SMITH of New Hampshire, and Mr. FORD) submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

**TITLE ___—WOMEN'S HEALTH AND
CANCER RIGHTS**

SEC. ___1. SHORT TITLE.

This title may be cited as the "Women's Health and Cancer Rights Act of 1997".

SEC. ___2. FINDINGS.

Congress finds that—

- (1) the offering and operation of health plans affect commerce among the States;
- (2) health care providers located in a State serve patients who reside in the State and patients who reside in other States; and
- (3) in order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in 1 State as well as health plans operating among the several States.

SEC. ___3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

**"SEC. 713. REQUIRED COVERAGE FOR MINIMUM
HOSPITAL STAY FOR
MASTECTOMIES AND LYMPH NODE
DISSECTIONS FOR THE TREATMENT
OF BREAST CANCER, COVERAGE
FOR RECONSTRUCTIVE SURGERY
FOLLOWING MASTECTOMIES, AND
COVERAGE FOR SECONDARY CON-
SULTATIONS.**

“(a) INPATIENT CARE.—

“(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

“(A) a mastectomy;

“(B) a lumpectomy; or

“(C) a lymph node dissection for the treatment of breast cancer.

“(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

“(b) RECONSTRUCTIVE SURGERY.—A group health plan, and a health insurance issuer providing health insurance coverage in con-

nection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

“(1) all stages of reconstruction of the breast on which the mastectomy has been performed; and

“(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

“(c) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a) or (b).

“(d) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

“(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

“(2) as part of any yearly informational packet sent to the participant or beneficiary; or

“(3) not later than January 1, 1998;

whichever is earlier.

“(e) SECONDARY CONSULTATIONS.—

“(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

“(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

“(f) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

“(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist

because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

“(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

“(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (e).”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 603 of the Newborns' and Mothers' Health Protection Act of 1996 and section 702 of the Mental Health Parity Act of 1996, is amended by inserting after the item relating to section 712 the following new item:

“Sec. 713. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. ___4. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 703(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

**"SEC. 2706. REQUIRED COVERAGE FOR MINIMUM
HOSPITAL STAY FOR
MASTECTOMIES AND LYMPH NODE
DISSECTIONS FOR THE TREATMENT
OF BREAST CANCER, COVERAGE
FOR RECONSTRUCTION SURGERY
FOLLOWING MASTECTOMIES, AND
COVERAGE FOR SECONDARY CON-
SULTATIONS.**

“(a) INPATIENT CARE.—

“(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician,

in consultation with the patient, to be medically appropriate following—

“(A) a mastectomy;

“(B) a lumpectomy; or

“(C) a lymph node dissection for the treatment of breast cancer.

“(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

“(b) RECONSTRUCTIVE SURGERY.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

“(1) all stages of reconstruction of the breast on which the mastectomy has been performed; and

“(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

“(c) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a) or (b).

“(d) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

“(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

“(2) as part of any yearly informational packet sent to the participant or beneficiary; or

“(3) not later than January 1, 1998;

whichever is earlier.

“(e) SECONDARY CONSULTATIONS.—

“(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attend-

ing physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

“(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

“(f) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

“(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

“(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

“(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (e).”

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to group health plans for plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 5. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Subpart 3 of part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborn's and Mother's Health Protection Act of 1996) is amended by adding at the end the following new section:

“SEC. 2752. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND SECONDARY CONSULTATIONS.

“The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the

individual market on or after the date of enactment of this Act.

SEC. 6. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Chapter 100 of the Internal Revenue Code of 1986 (relating to group health plan portability, access, and renewability requirements) is amended by redesignating sections 9804, 9805, and 9806 as sections 9805, 9806, and 9807, respectively, and by inserting after section 9803 the following new section:

“SEC. 9804. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER. COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

“(a) INPATIENT CARE.—

“(1) IN GENERAL.—A group health plan that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

“(A) a mastectomy;

“(B) a lumpectomy; or

“(C) a lymph node dissection for the treatment of breast cancer.

“(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

“(b) RECONSTRUCTIVE SURGERY.—A group health plan that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

“(1) all stages of reconstruction of the breast on which the mastectomy has been performed; and

“(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

“(c) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a) or (b).

“(d) NOTICE.—A group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan and shall be transmitted—

“(1) in the next mailing made by the plan to the participant or beneficiary;

“(2) as part of any yearly informational packet sent to the participant or beneficiary; or

“(3) not later than January 1, 1998;

whichever is earlier.

“(e) SECONDARY CONSULTATIONS.—

“(1) IN GENERAL.—A group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or

refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(f) PROHIBITION ON PENALTIES.—A group health plan may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan involved under subsection (e)."

(b) CONFORMING AMENDMENTS.—

(1) Sections 9801(c)(1), 9805(b) (as redesignated by subsection (a)), 9805(c) (as so redesignated), 4980D(c)(3)(B)(i)(I), 4980D(d)(3), and 4980D(f)(1) of such Code are each amended by striking "9805" each place it appears and inserting "9806".

(2) The heading for subtitle K of such Code is amended to read as follows:

"Subtitle K—Group Health Plan Portability, Access, Renewability, and Other Requirements".

(3) The heading for chapter 100 of such Code is amended to read as follows:

"CHAPTER 100—GROUP HEALTH PLAN PORTABILITY, ACCESS, RENEWABILITY, AND OTHER REQUIREMENTS".

(4) Section 4980D(a) of such Code is amended by striking "and renewability" and inserting "renewability, and other".

(c) CLERICAL AMENDMENTS.—

(1) The table of contents for chapter 100 of such Code is amended by redesignating the items relating to sections 9804, 9805, and 9806 as items relating to sections 9805, 9806, and 9807, and by inserting after the item relating to section 9803 the following new item:

"Sec. 9804. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations."

(2) The item relating to subtitle K in the table of subtitles for such Code is amended by striking "and renewability" and inserting "renewability, and other".

(3) The item relating to chapter 100 in the table of chapters for subtitle K of such Code

is amended by striking "and renewability" and inserting "renewability, and other".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

BOND AMENDMENT NO. 173

Mr. STEVENS (for Mr. BOND) proposed an amendment to the bill, S. 672, supra; as follows:

In title III, chapter 10, add the following new section:

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

BOND (AND OTHERS) AMENDMENT NO. 174

Mr. STEVENS (for Mr. BOND, for himself, Mr. LEVIN, and Mr. ABRAHAM) proposed an amendment to the bill, S. 672, supra; as follows:

In title III, chapter 10, add the following new section:

SEC. . After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. 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 on Tuesday, May 6, 1997, to conduct a markup on S. 462, the Public Housing Reform and Responsibility Act of 1997.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. 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 on Tuesday, May 6, 1997, to conduct a hearing to examine the issues surrounding the shredding of Holocaust era documents by the Union Bank of Switzerland.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BURNS. 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, May 6, for purposes of conducting a hearing before the Full Committee which is scheduled to begin at 9:30 a.m. The Purpose of this hearing is to consider the nomination of Elizabeth Anne Moler to be Deputy Secretary of Energy.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Human Resources be authorized to meet for a Public Health and Safety Subcommittee Hearing on Protecting Public Health: CDC Project Grants for Preventable Health Services during the session of the Senate on Tuesday, May 6, 1997, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, at 10 a.m. to hold an open confirmation hearing on the nomination of George J. Tenet to be Director of Central Intelligence.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence, of the Committee on the Judiciary be authorized to meet during the session of the

Senate on Tuesday, May 6, 1997, at 2 p.m. to hold a hearing on Fixing a Broken System: A Review of OJJDP Mandates.

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

ADDITIONAL STATEMENTS

FRANKLIN DELANO ROOSEVELT

● Mr. FEINGOLD. Mr. President, in the fall of 1940, Franklin Delano Roosevelt was attempting something audacious, unprecedented in American history—running for a third term as President. His opponent, Wendell Wilke of Indiana, a man with whom he would attempt to forge an alliance 4 years later, was gaining momentum. Roosevelt had waited until October to begin his formal campaign, but when he hit the trail, he did with characteristic gusto.

"I am an old campaigner," he told cheering audiences, "and I love a good fight."

Mr. President, it was the love of the fight, not in the sense of carrying a chip on one's shoulder, but more in the manner of relishing a challenge to one's ideas and abilities, that marked Franklin Roosevelt's character. That spirit motivated him in his fight against polio, sustained him during many a dark hour in the White House during the Depression and the Second World War and infused itself into his concept of a government that shrugged off old models of action—or inaction—and engaged in bold, persistent experimentation, seeking the best solutions for the pressing problems of the Nation.

His administration did many things considered audacious in Washington, including the creation of then-radical programs like Social Security. It is well-documented that one of the sources for some of Roosevelt's bold experimentation was the Progressive tradition in Wisconsin, which pioneered unemployment insurance and workers' compensation.

Mr. President, Franklin Roosevelt sometimes succeeded gloriously. Sometimes he failed. Sometimes he was helped by a fortuitous turn of events; other times, events frustrated his purposes. Through it all, however, he kept trying, kept experimenting, fueled by a restless intellect, guided by the constitutional responsibility of government to promote the general welfare of the people, and supported by a bedrock conviction that an honest attempt would, at the very least, yield a useful lesson and might well solve the problem.

Mr. President, last week we dedicated the Franklin Delano Roosevelt Memorial, a celebration of his memory, his accomplishments and, perhaps most importantly, his spirit. He was a man of enormous complexity and energy who embraced life and encouraged others to follow his example. His philoso-

phy of encouraging boldness and creativity in the service of the common good and his insistence on an inclusive, not exclusive politics will serve us well in any time.●

TRIBUTE TO JOSHUA GAGNON FOR BEING NEW HAMPSHIRE'S CHAMPION ACROSS AMERICA

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to 10-year-old Joshua Gagnon from Merrimack, NH, for being chosen the New Hampshire champion by the Champions Across America Program of the Children's Miracle Network.

These champions are children who have triumphed over life-threatening health problems. Joshua, along with champions from other States, will represent the 7 million children treated at children's hospitals each year.

Joshua was only 3 years old when his family discovered his illness. An MRI revealed that he suffered from the Dandy Walker syndrome, which required an extensive shunt that extended from his brain to his stomach. In the past 7 years the shunt, which is susceptible to clogging, has required three replacements.

Another surgery Joshua had undergone was to correct a condition known as Streeter's dysplasia. The Genesis fund, which funds the National Birth Defects Center, made it possible for Joshua's webbed fingers and toes to be reshaped by a plastic/reconstructive surgeon. Even though he only has use of his ring finger and his pinky finger on his right hand, Joshua writes very well and loves to assemble model airplanes and cars.

Like any other boy his age, Joshua has many hobbies, such as reading, riding his mountain bike and playing basketball. He is very inquisitive and his sense of humor gives his mother many reasons to laugh.

Mr. President, I want to call attention to the uniqueness of children's health care and the importance of non-profit hospitals for children. Joshua is an inspiring example for children and their families to fight the battle and beat the odds. He and the other champions show children in New Hampshire and across the Nation how to pursue a happy life, despite their illness. I am proud to represent Joshua in the U.S. Senate.●

DR. NAN S. HUTCHISON BROWARD SENIOR HALL OF FAME INDUCTEES

● Mr. GRAHAM. Mr. President, today I would like to recognize and congratulate a group of outstanding citizens from Broward County. These men and women have each given a great gift to their communities—they have given of themselves.

Samuel Bonier, of Sunrise, has spent the last 4 years volunteering at the Daniel D. Cantor Senior Center. His activities include serving as an assistant

bookkeeper, mail clerk and needed friend to the center's residents. Samuel is also concerned about the community's children and has donated his time to help feed and bathe children in the Ann Storch Center. For his selfless actions Samuel was awarded the Volunteer of the Month Award in 1994 by the Cantor Center.

Pearl Canady, of Fort Lauderdale, imparted her wisdom to countless students as a teacher for over 30 years in the Broward County School System. Pearl continues to serve her community as a member of the Area Agency on Aging's Advisory Council. Pearl's generous spirit has enhanced the lives of many.

Daniel D. Cantor, of Tamarac, is one of Broward County's leading Jewish community leaders. Daniel has been active in countless Jewish organizations, including the Jewish National Fund, Israel Bonds and United Jewish Appeal. He was indispensable in the campaign to help resettle Russian Jewry in Israel and in the United States.

Marie Antoinette Capazzi, of Plantation, has served as Social Director for the Senior Club of Plantation for over 20 years. Marie has also worked with the Red Cross distributing food to the needy. Because of her service to the community, May 11, 1983 was declared Marie Capazzi day by the city of Plantation. Marie was also acknowledged as 1996 Citizen of the Year by the Plantation Elks Club.

Chris Franklin, of Pompano Beach, has been a tireless advocate for the elderly. Chris has been extremely active with the Florida Silver-Haired Legislature to insure that the rights of the elderly are protected. Later this year Chris will be a delegate to the National Congress of Silver-Hairs.

Rickey Pine Garber, of Tamarac, works to improve relations between seniors and the police. She is involved in several organizations including Seniors and Lawmen Together and the Citizens Observation Patrol. Rickey also works with the Area Agency on Aging assisting both seniors and the young who are experiencing financial and social distress.

Nat Geier, of Sunrise, volunteers his time to several organizations throughout Broward County. As a result of his efforts in the Area Agency's Seniors for Seniors Dollar Drive, Nat has raised over \$700 every year. In addition, Nat was instrumental in securing the first computers for Piper High School and Village Elementary.

David J. Mears, of Coral Springs, was instrumental in the founding of the city of Margate. David has been called the founding father of Margate because of his active role in developing the eastern section of the city. He has served as honorary mayor of Margate and is presently president of the Gold Coast Chapter of the National Association of Industrial and Office Parks.

Angelo Quatrociocchi, of Cooper City, is an active volunteer at Memorial Manor, a residential home for seniors. His activities include transporting residents to activities, assisting with meals, and playing his accordion and harmonica for the residents. Angelo continued to volunteer even after his wife, Josephine, died. His commitment to the community is unwavering.

Herman Small, of Hallandale, is an advocate for the community's elderly. For the past 10 years, Herman has been developing fundraising concepts for the Area Agency on Agency. Herman also educates the community's elderly on legislation that directly affects them.

Bertha Walker, a resident of Broward County for over 50 years, devotes her time to improving the community. She chaperoned local students on field trips and has been recognized by the YMCA for her dedication to the community's youth. Her contributions to the area's youth are appreciated by all.

Benjamin Wermiel, of Coconut Creek, has been contributing his time and energy to the community for 15 years. As secretary of the elderly interest fund, Benjamin raised \$400,000 for the organization's Medivan Program. Benjamin is also the Broward coalition's representative to the Florida Health Care Campaign which seeks to provide universal health care to all Floridians. Benjamin has improved the lives of many residents in Broward County.

Florida and Broward County are fortunate to have these inspiring senior citizens who give so much to their communities. I congratulate them today and wish for them many more productive and healthy years.

MAJOR LEAGUE BASEBALL PLAYERS SAY "NO" TO SPIT TOBACCO

• Mr. DURBIN. Mr. President, for far too long, tobacco and baseball have been almost synonymous. Dipping or chewing tobacco has been one of the rituals of baseball. Batters stepping out of the batters box to spit, fielders checking the pouch or tin tucked in their hip pocket, bullpen personnel having spitting contests—the fabric of baseball has been colored by the mix of tobacco juice and spit that accompany the use of smokeless tobacco.

Unfortunately, even major league baseball superheroes can't avoid the consequences of tobacco use. Players have found themselves addicted. What seemed to be a colorful and harmless ritual turned out to have a deadly undertow. Many ballplayers have had to deal with serious oral health problems caused by tobacco use. Some have lost a jaw when oral cancer invaded. Some have lost their life.

Fortunately, the tide is turning. I was involved in an effort several years ago to discourage the use of tobacco by ballplayers. It led to the banning of smokeless tobacco use in the field and in the clubhouse at the collegiate level and throughout the minor leagues.

Only the major leagues remain open to smokeless tobacco use, and even

there the glorification of tobacco is subsidizing. What the players and owners have been unwilling to mandate is gradually happening through education and the example of ballplayers who have been willing to take a stand. Smokeless tobacco use is on the decline.

Equally important, ballplayers are beginning to use their positions as role models for our Nation's youth to deliver the important message that you don't have to chew or dip to be successful on the field.

I attended this year's opening day game at Comiskey Park, home of the Chicago White Sox, and was pleased to see a full-page color ad with an important message. Beneath the pictures of one star from each major league team was this message: "We Agree! Chew, Dip, or Snuff Aren't Part of Our Game. Don't Make Spit Tobacco Part of Yours! Just Play the Game."

This message was brought to the fans at Comiskey Park as a public service by the Chicago White Sox and the National Spit Tobacco Education Program, a program sponsored by "Oral Health America."

The National Spit Tobacco Education Program, or NSTEP, is a multimedia, multiyear campaign to communicate to the American public that spit tobacco is not a safe alternative to cigarettes. This year, the initiative includes television and radio public service announcements during baseball broadcasts, an educational outreach to broadcasters and writers, in-stadium outreaches to the fans including scoreboard video messages, and intervention efforts to help current players who need assistance in quitting their use of spit tobacco.

This program is desperately needed. Spit tobacco leads to nicotine addiction, gum disease, and tooth loss, as well as mouth and throat cancer. Oral cancer is diagnosed in 30,000 people annually and kills approximately 8,000 people annually.

While spit tobacco used to be used primarily by older men, boys and young men are now the primary consumers of this deadly product. In Illinois, 10 percent of junior high and high school boys have used smokeless tobacco in the past month. Across the country, nearly 20 percent of high school boys are current users of spit tobacco, and the average age at which children first try the product is under age 10.

Moreover, the link between baseball and tobacco exists not only in the major leagues, but in the little leagues as well. According to a study by the Illinois Department of Public Health, 70 percent of children who report regular use of smokeless tobacco are members of organized sports teams.

The NSTEP program is an important part of the effort to reverse this trend and help our youngsters and budding all-stars get off to a healthy tobacco-free start in life.

I would also like to commend the Chicago White Sox for their refusal to

permit tobacco advertising at Comiskey Park.

The tobacco companies have used stadium billboards for two purposes: to promote their products to the fans in the seats and to get around the television advertising ban to pitch their products to the millions of fans sitting at home watching the game on television. Obviously, many of those fans are children—the very people the tobacco industry needs to hook on its products to maintain a steady base of customers.

Every year, the tobacco companies lose 2 million American customers. Four hundred thousand die of tobacco-related diseases and the rest quit smoking or die of other causes. To replace those smokers, dippers, and chewers, they must turn to our children, because very few adults start the dangerous practice of tobacco use.

The decision by the White Sox to forego the profits associated with tobacco advertising is an important step that helps reduce the barrage of marketing that reaches our Nation's children. Both that decision and the ballplayers' campaign against spit tobacco send an important message: that baseball and tobacco don't mix.

I applaud these actions by the players and the team, and I encourage every player and every team to follow these good examples. ●

TRIBUTE TO ARTHUR AND ROENA MOSES ON THEIR 50TH WEDDING ANNIVERSARY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Arthur and Roena Moses from Sanbornton, NH, on the celebration of their 50th wedding anniversary.

Arthur and Roena were united in marriage on March 2, 1947, in a double ring ceremony at the Congregational Church in South Danbury, NH. After a motor trip honeymoon around New England, the couple made their home in Sanbornton and have lived there for the past 50 years.

Arthur and Roena raised four children, Eugene, Gail, Jeffrey, and Barry Moses. Roena Moses grew up in South Danbury. She attended local schools and graduated from Franklin High School in 1945. She worked in the Franklin Public Library, and then for Cormier Hosiery until she retired in 1985. Today she spends her time knitting garments for newborn babies, and enjoys doing puzzles, camping, playing games, and visiting with all her friends. Roena has also contributed to the arts and crafts program at the Shaker Village in Canterbury, NH.

Arthur has lived his whole life in Sanbornton. He grew up at a farm and was a farmer for 40 years. He also worked for the New Hampshire Department of Transportation [DOT] in the maintenance division 3. Arthur retired in 1985 after working for 25 years at the same Tilton DOT location.

Arthur and Roena both enjoy camping. For the last several years Roena

has been elected president and trail boss of the North American Family Campers Association [NAFCA] where she and her husband are charter members. Their journeys have taken them all over the United States, making friends wherever they go.

On March 2, 1997, Arthur and Roena celebrated their 50th wedding anniversary in the vestry of Sanbornton's First Baptist Church.

Mr. President, Arthur and Roena Moses provide an inspiring example of the joys of marriage. I am pleased to congratulate them on the celebration of their 50th wedding anniversary and I wish them luck and happiness in the years to come.●

TRIBUTE TO PATRICK H. WINDHAM

● Mr. ROCKEFELLER. Mr. President, I wish to pay a tribute to an individual who, in his service as a staff member in the U.S. Senate, has exemplified the qualities we all look for in a public servant, colleague, and human being. Patrick H. Windham just completed well over a decade of service in the Senate, always in some association with the Senator of South Carolina, Senator HOLLINGS, whom he holds in such obvious and deep esteem. Pat and his family are relocating to California to begin new professional opportunities. He will be sorely missed here by a wide range of admirers and colleagues in the Senate, the Clinton administration, and the extensive circle of people and organizations concerned with the issues that Pat has been so intensely involved with.

Educated at Stanford and Berkeley, and dubbed the "Godfather of Science and Tech" by colleagues, Pat began his public service career in 1982 as a legislative assistant to Senator HOLLINGS. Two years later, Pat was assigned to the Subcommittee on Science, Technology and Space and since has served as an invaluable senior advisor on this extensive range of issues to various members of the committee. Over the years, Pat has served with strong loyalty to the Senate and dedication to the public policy interests of the country as a whole.

My relationship with Pat stems from my own service as a member of the Senate Commerce Committee, and when I became chairman of the Science Subcommittee. With Pat assigned to the subcommittee, we have worked closely for years on legislative endeavors and the issues that fall in this jurisdiction. No one matches Pat's breadth of expertise, professional dedication, and personal commitment. I feel highly fortunate to be the beneficiary of his extensive talent and contributions.

Pat Windham's involvement in science and technology policy and legislation could fill volumes. Pat was instrumental in the 1988 conversion of the National Bureau of Standards [NBS] into the National Institute of Standards and Technology [NIST]. He

strongly advocated expanding the mission of the old NBS. Thanks in large part to Pat Windham, NIST's mission now explicitly includes enhancing the competitiveness of American companies by providing appropriate governmental support for industry's development of precompetitive generic technologies and diffusing Government-developed technological advances to use in all segments of the American economy. Pat has tirelessly continued his involvement in framing NIST's role in U.S. policy in today's era of cutbacks.

Pat also contributed heavily to the development of The Advanced Technology Program [ATP] and the Manufacturing Extension Partnership [MEP]. Each of these programs grew out of real concerns over the competitiveness of American companies in the global marketplace. Created by the Omnibus Trade and Competitiveness Act of 1988, ATP encourages public and private cooperation in the development of precompetitive technologies with broad application across industries. Pat argued fiercely for retaining this successful program in the face of last Congress' attempt at eliminating this public-private industrial partnership. His dedication to these issues certainly contributed to the President's support of the ATP program, and its continued success. The Clinton administration's strong support of a program led to an increase in ATP funding in fiscal year 1997. And, today, the ATP awards almost 300 public-private partnership projects.

Pat Windham's contributions do not end here. He has been involved in technology-related projects including efforts promoting national metric conversion. He has steadfastly encouraged and promoted the translation of Japanese scientific and technological documents for use by scientists and engineers across the globe. His public policy concerns also have included legislative efforts to ensure that foreign-component parts meet U.S. standards for quality.

The Senate, and that includes me in particular, will miss Pat and his superb abilities as we address the vital issues in which he has been part. His dedication and loyalty have served as a role model for all those around him. On behalf of my own staff and myself, I offer good wishes to him and feel confident Pat will continue making a vital contribution to his fellow citizens and the country in his next chapter.

CONGRATULATING STUDENTS FROM OUR LADY OF LOURDES ACADEMY IN MIAMI, FL

● Mr. MACK. Mr. President, I rise today to congratulate some very bright and promising students from the State of Florida who visited our Nation's Capitol last week to participate in the "We the People * * *" nationwide championship on the U.S. Constitution and Bill of Rights. I am pleased to announce that students attending the Our

Lady of Lourdes Academy in Miami finished in first place.

At the 3-day competition, students demonstrated their knowledge of the Constitution, U.S. history, and current issues facing our Nation. Their diligent preparation and impressive demonstration of their knowledge propelled them to first place.

Led by their teacher, Rosie Hefferman, the following students competed on behalf of the Our Lady of Lourdes Academy: Melissa Alvarez, Sonia Borell, Jackie Chisholm, Annette Comas, Caroline DePosada, Dania Fyffe, Vanessa Harries, Jaqui Lage, Carolina Latour, Alicia Llosa, Giselle Perez, Jennifer Rodriguez, and Caroline Ulvert. I would also like to recognize the district coordinator, John Doyle, and the State coordinator, Annette Boyd Pitts.

I extend my sincere congratulations to these fine students, their families, and their teachers. They worked hard to achieve this impressive goal. Their parents and teachers long realized that education is an investment in our future and critical to our Nation's growth, and these students have acted on that sentiment. Students around the country should view their accomplishment as an inspiration as they seek to achieve their own goals.

I hope the students from Our Lady of Lourdes Academy enjoyed their experience while visiting Washington, DC, and that they will continue striving to excel in their studies. I wish them all the best in their future endeavors.●

JAMES R. THOMAS, JR.

● Mr. SARBANES. Mr. President, it gives me great pleasure to recognize James R. Thomas Jr., a civil engineer from Salisbury, MD, which I am proud to say is my hometown. Jim, who commands universal respect as a leader in both his profession and his community, will be installed on May 14 as president of the American Consulting Engineers Council.

As managing partner of the Salisbury engineering and architectural firm, George, Miles & Buhr, Jim's reputation as a dynamic and capable, yet modest, leader precedes him as he assumes the helm of the Nation's largest professional association focusing on the business interests of consulting engineers.

ACEC is comprised of 52 State and regional member organizations and represents 5,500 independent firms, which employ almost 200,000 professionals nationwide.

No stranger to ACEC, Jim served as a national director, then vice president, prior to his selection last year as president-elect. He has advanced steadily through the ranks of the organization, first with the Consulting Engineers Council of Maryland [CEC/MD], where he served in all the leadership posts, from secretary to president. His strong commitment to these professional organizations is clearly evident.

Jim has spent the last 28 years at George, Miles & Buhr, the largest civil

engineering firm on the Delmarva Peninsula. The firm, which employs about 50 people, specializes in water and wastewater treatment systems and devotes 80 percent of its time to engineering projects. In 1993, George, Miles & Buhr received Engineering Excellence Awards from both ACEC and CEC/MD for its design of a biological nutrient removal demonstration plant at the Back River Wastewater Treatment Plant in Baltimore.

In addition to his professional achievements, Jim is a most dedicated and effective public servant.

His pro bono work on a crisis center for battered spouses earned him the honor of Rotarian of the Year in 1995. He is currently a director of the Salisbury Area Chamber of Commerce. In addition, Jim has served as president of the board at Trinity United Methodist Church and as a member of the boards of the Peninsula Regional Medical Center, the United Way of the Lower Eastern Shore, and the Salisbury-Wicomico Economic Development Corp. He has also been a long-time supporter of the Holly Center Foundation for the severely retarded.

As a parent and strong supporter of the public school system, Jim has served as president of the PTA's of both Fruitland Elementary and Bennett Middle Schools, where he and his wife, Kaye, sent their three children Andy, Tricia, and Betsy. For his efforts, the Maryland PTA gave Jim the Gold Seal Award.

Jim also has been honored by the Governor's Salute to Excellence. Both the United Way of the Lower Eastern Shore and the Holly Center Foundation have named him Volunteer of the Year. These honors are only a sampling of the many he has received in a lifetime of stellar community service.

A native of Cambridge, MD, and a graduate of the University of Maryland, College Park, where he earned his B.S. in civil engineering, the Salisbury community is truly fortunate to have claimed Jim Thomas for its own.

As ACEC's next president, Jim follows in the footsteps of another Marylander, Andrew J. Parker Jr., who was ACEC president from 1990-91. Likening the ACEC position to that of CEO of a large corporation—without the pay—Parker praised the leadership abilities of his Salisbury colleague last week.

Mr. President, in a newspaper interview, Jim Thomas said that his activism in ACEC is rooted in a desire "to give something back" to the profession. Clearly, he has already done so and, now, as president of the ACEC, he will have a further opportunity to make a contribution. It is gratifying to see him accorded this national recognition. I wish him continued success in this, and all of his future endeavors.●

TRIBUTE TO GERALDINE SYLVESTER ON HER RETIREMENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute

to Geraldine Sylvester of Dover on her retirement after 25 years of service to Dover and the State of New Hampshire. Geraldine has ended a distinguished career as a State health leader, city councilor, businesswoman, educator and mother.

Gerry has been my friend for more than a decade. She grew up in Milton and graduated from Nute High School. She and her husband Bob raised 5 daughters and 2 sons and now have 16 grandchildren.

Geraldine served seven consecutive terms as a Dover city councilor beginning in 1970. In 1974-75 she also served as mayor. Geraldine officially retired as director of New Hampshire's Office of Alcohol and Drug Abuse Prevention in December 1996, which was the single State authority for substance abuse problems in New Hampshire. Geraldine was appointed for this post in 1983 by former Gov. John Sununu, and continued her service under Governors Judd Gregg and Steve Merrill.

Gerry is a woman of many talents who approaches any challenge with determination. She served in miscellaneous local, State, and Federal positions, such as the National Advisory Committee on Alcohol and Drug Abuse and Mental Health Problems. In 1980 she was a delegate to the National Republican Convention, chairwoman of the New Hampshire Small Business Advisory Council in 1978, and from 1976 to 1981 she became trustee of the New Hampshire Youth Development Center.

Gerry and Bob are also humanitarians. Their compassion is illustrated in the fact that, for 12 years, the Sylvester home was a group home for physically and emotionally distraught minors in the seacoast of New Hampshire.

Gerry and Bob founded GFS Manufacturing in 1971 in the garage of their house. Through the energy, dedication, and drive of Gerry and her family, the business grew and prospered. In 1978 they were named citizens of the year by the Greater Dover Chamber of Commerce.

Mr. President, Geraldine Sylvester has dedicated her time, talent, and energy to serving the residents of Dover in an exemplary way. I am proud to honor her outstanding community commitment, which is so important to the future and prosperity of Dover. We are indeed indebted to Gerry for her efforts. I thank her for her 25 years of dedicated service, commend her for an extraordinary job and say that I am privileged to call her my friend. I wish her every happiness and health for the years to come as she embraces retirement.●

THE GOOD WORK OF FOUR BIG TIMBER GRADE SCHOOL STUDENTS

● Mr. BAUCUS. Mr. President, I am very proud today to tell my colleagues in the Senate about four students from my home State of Montana: Ariel Over-

street, Amber Overstreet, Lindsey Hauge, and Taylor Gray. These young Montanans won first place in two separate NASA-sponsored national contests. Ariel took first place in the Intergalactic Art Contest in which she had to draw an original piece of art. Amber, Lindsey, and Taylor made up a team that took first place in the Future Aircraft/Spacecraft design competition. I congratulate them on their achievements.

These students have proven what most of us in Montana have known all along. Montana students are some of the brightest and best educated students in the country. And while we are proud of our students, we know that a lot of the credit must go to devoted teachers like Rolland Karlin and concerned parents like Anne Overstreet. These are the people behind the scenes who make sure that the education our children receive is top-notch.

Ariel, Amber, Lindsey, and Taylor are now visiting Washington, as part of their award. I was pleased to have a chance to meet them. They are fine representatives of Montana and their community of Big Timber.

Later on in their trip, these four youngsters will be visiting NASA's space camp. I hope that the opportunity to view NASA technology up close will feed their active minds.

Congratulations Ariel, Amber, Lindsey, and Taylor. I hope you enjoy your trip. And that you never lose your desire to achieve your dreams.●

ORDER FOR MEASURE TO BE PRINTED—S. 104

Mr. LOTT. Mr. President, I ask unanimous consent that S. 104, the Nuclear Waste Policy Act of 1997, as passed by the Senate on April 15, 1997, be printed.

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

RECOGNIZING SUICIDE AS A NATIONAL PROBLEM

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 84, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows: A resolution (S. Res. 84) recognizing suicide as a national problem, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 84

Whereas suicide, the ninth leading cause of all deaths in the United States and the third such cause for young persons ages 15 through 24, claims over 31,000 lives annually, more than homicide;

Whereas suicide attempts, estimated to exceed 750,000 annually, adversely impact the lives of millions of family members;

Whereas suicide completions annually cause over 200,000 family members to grieve over and mourn a tragic suicide death for the first time, thus creating a population of over 4,000,000 such mourners in the United States;

Whereas the suicide completion rate per 100,000 persons has remained relatively stable over the past 40 years for the general population, and that rate has nearly tripled for young persons;

Whereas that suicide completion rate is highest for adults over 65;

Whereas the stigma associated with mental illness works against suicide prevention by keeping persons at risk of completing suicide from seeking lifesaving help;

Whereas the stigma associated with suicide deaths seriously inhibits surviving family members from regaining meaningful lives;

Whereas suicide deaths impose a huge unrecognized and unmeasured economic burden on the United States in terms of potential years of life lost, medical costs incurred, and work time lost by mourners;

Whereas suicide is a complex, multifaceted biological, sociological, psychological, and societal problem;

Whereas even though many suicides are currently preventable, there is still a need for the development of more effective suicide prevention programs;

Whereas suicide prevention opportunities continue to increase due to advances in clinical research, in mental disorder treatments, and in basic neuroscience, and due to the development of community-based initiatives that await evaluation; and

Whereas suicide prevention efforts should be encouraged to the maximum extent possible: Now, therefore, be it

Resolved, That the Senate—

(1) recognize suicide as a national problem and declares suicide prevention to be a national priority;

(2) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(3) encourages initiatives dedicated to—

(A) preventing suicide;

(B) responding to people at risk for suicide and people who have attempted suicide;

(C) promoting safe and effective treatment for persons at risk for suicidal behavior;

(D) supporting people who have lost someone to suicide; and

(E) developing an effective national strategy for the prevention of suicide; and

(4) encourages the development, and the promotion of accessibility and affordability, of mental health services, to enable all persons at risk for suicide to obtain the services, without fear of any stigma.

Mr. LOTT. Mr. President, for the information of all Senators, Senate Resolution 84 recognizes suicide as a national problem, and it has been submitted by Senators REID, MURRAY, WELLSTONE, and COVERDELL.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-6 AND TREATY DOCUMENT NO. 105-7

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following two treaties transmitted to the Senate on May 6, 1997, by the President of the United States: Agreement with Hong Kong on Mutual Legal Assistance in Criminal Matters, with Annex, Treaty Document No. 105-6, and Agreement with Hong Kong for the Transfer of Sentenced Persons, Treaty Document No. 105-7.

I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification. I transmit herewith the Agreement Between the Government of the United States of America and the Government of Hong Kong on Mutual Legal Assistance in Criminal Matters, with Annex, signed in Hong Kong on April 15, 1997 (hereinafter referred to as "the Agreement"). I transmit also, for the information of the Senate, a related exchange of letters, with attached forms, signed the same date, and the report of the Department of State with respect to the Agreement.

The Agreement is one of a series of modern mutual legal assistance treaties that the United States is negotiating in order to counter criminal activities more effectively. The Agreement should be an effective tool in our continued cooperation with Hong Kong after its reversion to the sovereignty of the People's Republic of China on July 1, 1997, to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, "white-collar" criminals, and terrorists. The Agreement is self-executing.

The Agreement provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Agreement includes: (1) taking evidence, testimony, or statements of persons; (2) providing information, documents, records, and items; (3) locating or identifying persons or items; (4) serving documents; (5) transferring persons in custody and others to provide assistance; (6) executing requests for search and seizure; (7) confiscating and forfeiting the proceeds and instrumentalities of crime and otherwise assisting in relation thereto; (8) delivering property, including lending exhibits or other items; and (9) and other form of assistance not prohibited by the law of the Requested Party.

I recommend that the Senate give early and favorable consideration to the Agreement and give its advice and consent to ratification so that the Agreement can enter into force no later than July 1, 1997, when Hong Kong reverts to the sovereignty of the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 5, 1997.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement Between the Government of the United States and the Government of Hong Kong for the Transfer of Sentenced Persons signed at Hong Kong on April 15, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Agreement.

At present, transfers of sentenced persons between the United States and Hong Kong (in either direction) are conducted pursuant to the 1983 multilateral Council of Europe Convention on the Transfer of Sentenced Persons, which is in force for both the United States and the United Kingdom, and which the latter has extended to Hong Kong. Effective July 1, 1997, however, when Hong Kong reverts to the sovereignty of the People's Republic of China, the Council of Europe Convention will no longer provide a basis for such transfers.

The agreement signed on April 15, 1997, will provide a basis for such transfers to continue after Hong Kong's reversion. The agreement is modeled after both the Council of Europe Convention and other bilateral prisoner transfer treaties to which the United States is a party. It would establish essentially the same procedures as are now followed with respect to transfers of prisoners between the United States and Hong Kong, and would continue the requirement that all transfers be consented to by the sentencing state, the sentenced person, and the receiving state. When the sentenced person has been sentenced under the laws of a State of the United States, the consent to the authorities of that State will also be required.

I recommend that the Senate of the United States promptly give its advice and consent to the ratification of this Agreement.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 5, 1997.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

Mr. LOTT. Mr. President, before I go to the closing statement, I want to talk a little bit about where we are on the supplemental appropriations bill.

We began the debate on the supplemental appropriations bill on Monday, yesterday, and we have been on it today. We did have one recorded vote at about 2:30 this afternoon, I believe it was, and I expected that we would continue then to work through the amendments, with some recorded votes being

required throughout the afternoon and even now late in the afternoon.

I understand some of the amendments are efforts to strike language in the bill. Perhaps they have been worked out and we will have some accommodation, perhaps, on the census issue. I understand the amendment of Senator WELLSTONE was worked out in some way or the other, and he is not going to offer his.

Then I received word that the Democrats decided they were not going to offer any more motions to strike, amendments to strike, or any amendments, until something was worked out with regard to the emergency continuing resolution.

Mr. President, I say to the ladies and gentlemen of America, this is supposed to be emergency supplemental appropriations. This is a piece of legislation, appropriations, to provide funds for our troops in Bosnia—and the funds that are involved there have been offset in this bill—and to provide disaster assistance to States all across America that have disaster needs.

What has happened? No. 1, the Democrats say, "We're not going to offer any more amendments until we get our way. We want to change the bill that was reported out of the Appropriations Committee, and unless it is changed to suit our desires, we won't come forward with any more amendments."

Then, we have before the Senate 109 amendments—109 amendments. Now, are we serious about this supplemental emergency appropriations or not? I do not believe there are 109 problems existing in this supplemental appropriations bill. That is certainly not the way to get this legislation moving quickly.

We will have a vote in the morning on cloture, I guess at 10 o'clock, to accommodate a request from the Democratic side. If we get cloture, then there will be 30 hours left on the supplemental. Under the rules of the Senate, you can have up to 1 hour on an amendment. That is only 30 amendments. There are 109 pending. I presume some of those will be wiped off the board if we get cloture.

I want to move the legislation. I am willing to work with the Democrats and with the White House on the issues where they have concerns, as we have on the census issue that has been before us.

But I want to serve notice now—and I am sending word to the Democratic leader—that we are going to have a cloture vote in the morning, but I am not filing another cloture motion tonight. I am not going to try to cut off debate on this supplemental. We need to get this work done. If we do not get the cloture motion passed tomorrow, if we do not invoke cloture and stop what appears to be sort of a slowdown filibuster, then we will just go to other issues or we will stay on this bill as long as it takes.

I have been told that we need to pass it right away because there are thou-

sands of farmers and other people, small businesses in States in the Midwest and in the Dakotas, and my own State of Mississippi, that are going to need this help. It is throughout the country—in the Midwest, in the South, in the Far West. And yet now we are ready to go. It has been reported out of the Appropriations Committee last Thursday—or maybe it was Wednesday—but we only had 1 day go by legislatively before we brought this bill to the floor.

I want to emphasize, Republicans are ready to move this disaster relief bill now. We can complete it tomorrow. We should complete it tomorrow so that we can then go on to the comp time/flextime bill and do a little something to help the working mothers of America before we have Mother's Day. But we are prepared to work on the disagreements.

The way it works is the Senate acts, the committee acts, and then the Senate acts. The House, by the way, has to complete their work before we can pass the supplemental anyway. We go to conference and we continue to work out the disagreements.

The way it does not work is, if you do not get your way you stop, you know, offering amendments and you slow down the process.

So we will have the cloture vote tomorrow, and hopefully we will have an agreement to cut off the filibuster and we can move this bill through. But I want to talk a minute about what the problem is.

The President has indicated that he does not want legislation included in the bill that would prevent or avert another Government shutdown. This is not something that just was discovered last year. We have had problems over the years of getting to the end of the fiscal year and Presidents or Congresses not being satisfied with the state of the situation, and the President would veto a bill or the Congress would not send a bill to the President. We would run out of funds, and you would have these shutdowns.

We had them during the Reagan years. We had them during the Bush years. And now we have had them during the Clinton years. I think this is an irresponsible way to do business. We need to work through the process, but we should not endanger the people with the threat of a manmade disaster, which is what happens at the end of the fiscal year.

It does not have to be in this bill and it does not have to be a specific way, but what we need to do is to make sure that the American people know that we are working together on a budget agreement, we are going to be working together on the appropriations, each one of the 13 that comes through, and that they will know what they can count on.

If you are in education, you want to know what part the Federal Government is going to pay on it; if you want to visit a national monument, you

would like to know that it is going to be open; if you are a private business man or woman, and you do business with some Federal facility, you would like to know that it is going to be open.

So all we want is some process that makes sure when we get to the end of this fiscal year that the numbers we have agreed to will be honored. But in the process we are not going to go through these, what I consider to be very irresponsible games, whether or not the Government is open or shut down.

So I hope that when we have—I am not going to file a cloture motion. I reiterate that. Generally speaking, if I do not have to file a cloture motion, that is well received. What I am saying is, we are ready to go. We need to work on a number of amendments that are still pending—amendments to change the bill, amendments to pay for the cost of the bill, amendments to strike various and sundry sections in the bill.

I think we have a good supplemental here the way it came out of committee. Probably nobody would say it was perfect. But it is time that we work out the disagreements, have debate, have votes, and move to final passage. We can do that tomorrow, or we can do it Friday, or we can do it some other time. But I want to make it clear that we are ready to go and we are ready to have the debate and have the votes, and then we will go on from there.

Mr. President, before I go to the closing script, would the Senator from South Dakota like to make some comments on these eloquent remarks I have been trying to deliver on this occasion?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate very much the chance to respond to the eloquence of my friend, the majority leader. And indeed his remarks are eloquent, although misinformed. And so I felt the need to come to the floor to clarify for the Record and for his information our position with regard to the bill.

First of all, there is no Democratic position with regard to not offering amendments. I do not know where that information was generated, but I must tell you our hope is to expedite consideration of the bill.

The current amendment offered by the Senator from Nevada, Mr. REID, is being negotiated, as the majority leader indicated, and he was asked by Members on his side not to press for a vote until this can be negotiated. So in compliance with the request from the Republicans, we have not pursued a vote. But our desire is to offer amendments, to lay this one aside if the need may be, but, regardless, to move the bill along.

If a cloture motion is filed, I will encourage every member of our caucus to support it. And my expectation is they

will. So we want to work with the majority leader in getting this legislation passed.

I share his concern about the large number of amendments. I urge our colleagues to be prudent in offering amendments. I must say, some people did not have the same opportunity as those in the committee to offer extraneous legislation. And that extraneous legislation is the source of some concern to many of us. I am hopeful that negotiations can lead ultimately to a successful elimination of many of these matters prior to the time we reach final passage.

I do not want to shut the Government down either. We have been through some very difficult times in the past Congress with regard to shutting the Government down. If that were the only concern, I do not think we would have a problem.

Our concern is the degree to which deep cuts are made in investments that we have already negotiated. And really it renders null and void the very budget agreement that I have enthusiastically endorsed that has culminated from our discussions last week. To say we are going to agree to certain levels of investments, and then deeply cut those in the very year that they were agreed upon, is not keeping very good faith. That would be the first concern we have with regard to this particular automatic continuing resolution provision.

The second concern was addressed by some of our colleagues on the other side, as reported in *Inside Congress* on April 18. It says Republicans support the automatic continuing resolution because it, would remove President Bill Clinton's upper hand in this year's budget talks and remove his ability to influence current appropriations bills. Those kinds of statements cause us to be very wary, frankly, about what the real motivation is here. We do not want to put the Congress on automatic pilot. We do not want to cut out the role the President ought to have as he negotiates with us what levels of investments we make in many of these areas. I do not know if there are political considerations here or not.

The best way with which to have a debate about this very important piece of legislation is to do it outside an emergency spending bill. I know the majority leader is working in good faith to see if we can find a reasonable compromise. I hope we can work together to make that happen.

As to the bill itself, nothing could be more important than for us to successfully conclude consideration of this legislation early this week and to get it off to the President as quickly as possible. The bill ought to enjoy the support of every Member of this body. The sooner we can get it off to the President, the better. The only way we can get it off to the President, without a veto, is to successfully conclude some negotiation with regard to the continuing resolution and these other very

sticky issues that were not added on the floor but were added in the committee, even though they are extraneous to this particular bill. We would not be in the delay that we are now in were they not added in the first place. Because they were added, we now have to deal with that. They knew they were controversial when they were added, but they were added anyway. Now we have to contend with it. We are doing our best to work with the majority leader to do so successfully.

I thank the majority leader for his statement today and hope he will recognize that there is no delay on our side with regard to the consideration of this bill, and we will work with him as best we can under these circumstances to get it done as quickly as possible.

I yield the floor.

Mr. LOTT. Mr. President, I have to say I am very pleased to hear the Democratic leader say they are not delaying and they do not intend to delay. In this body, if you have one Senator who prefers not to vote for a while, he can pretty much make that happen. But if it is the Democratic leadership's intent not to delay, that is good news, and I am glad to hear that.

I presume, then, that based on that we will probably pass cloture tomorrow, and we can move on to dispense with the amendments that are pending in a reasonable time.

I think the Senator probably has the list of amendments that have been filed. As a matter of fact, there are only about 9 or 10 that state any purpose at all. Most of them have no statement of purpose on file.

Mr. DASCHLE. There are 54 Republican amendments out of the 120 amendments filed.

Mr. LOTT. I thought it was 61 Democrats and 48 Republicans.

The point I am making is I have a list here, 10 amendments indicated by 1 on our side, with no statement of purpose, and on the next page, 10 by your side. I think there is a lot of positioning and placeholding, and we understand that is the way it happens around here. I think if we could get cloture passed tomorrow and then work through the amendments that are still legitimately filed and we are concerned about, we can get those done tomorrow and bring this to a conclusion. If not tomorrow, at a reasonable time on Thursday so we can move on to other legislation. Of course, another thing, obviously, we would like to still hold the final passage until the House has acted. We may not actually be able to completely have the final passage until Thursday if the House has not acted by Wednesday, but we could complete everything and then have final passage on Thursday.

Now, with regard to the quote about not wanting the President to have the upper hand, that is right. I do not want him to have the upper hand. What we need to have is for nobody to have the upper hand. We need to have coequal positions: Congress has a certain re-

sponsibility, and the President has a certain responsibility and advantages. We need to find a way to work through that, where neither side can hold the other hostage, neither side. I am hoping we will find a way to do that over the next 24 hours or next 2 days.

With that, Mr. President, I am prepared to go to close.

ORDERS FOR WEDNESDAY, MAY 7, 1997

Mr. LOTT. 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, May 7. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then proceed to consideration of S. 672, the supplemental appropriations bill, and that there be 30 minutes equally divided between the chairman and ranking member. I further ask unanimous consent that following the 30 minutes of debate, the Senate then proceed to a vote on the motion to invoke cloture on S. 672, with the mandatory live quorum waived.

Mr. DASCHLE. Reserving the right to object, I will not object, but I only ask my dear friend, the majority leader, whether he has prepared some time this week to take up the legislation he and I have discussed on occasion having to do with legislating on appropriations. That is a matter he and I have agreed to try to resolve at the earliest possible date, by rollcall vote. We would hope legislatively we could address it this week. We would not have this problem if we were not legislating on appropriations. We are doing that.

I know the majority leader shares my view because he said publicly on the floor this was a mistake. We are living with that mistake right now. The sooner we can expedite consideration of that particular legislative initiative, I think it would be very helpful, and it would solve a lot of his problems, reduce his headaches, and get us back to where we should be with regard to the appropriations process.

Mr. President, I have no objection to the unanimous-consent request.

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

Mr. LOTT. If I could comment briefly on that. I have said here before, last year, and I actually started working on that a couple of months ago, and as the Senator is probably aware, I met resistance on both sides of the aisle, on both sides of the Capitol, to a large extent from the appropriators, members of the Appropriations Committee. I do not want to put the blame just on them, but I, personally, think this has been abused over the years and is being abused now. This legislating on appropriations bills is not the way to do business.

However, as long as it is allowed under the rules, unless we can find

some way to modify or change that, I am sure it will be used with great vigor on both sides of the aisle. That is not the way I think business should be done.

PROGRAM

Mr. LOTT. For the information of all Senators, there will be a cloture vote on the supplemental appropriations bill tomorrow morning at 10 a.m. In addition, Senators are reminded that all second degree amendments must be filed prior to the 10 a.m. cloture vote. If cloture is invoked, it is my intention to continue consideration of the supplemental appropriations bill and complete action, if not tomorrow—hopefully tomorrow—or as early Thursday, if possible, if it goes to the next day.

Senators who intend to offer amendments to this legislation should be pre-

pared to offer their amendments during Wednesday's session. I urge them to come to the floor during the daylight and offer their amendments, because we have a job to do here, and if we cannot make good progress tomorrow, then we will be here tomorrow night on this bill. Senators should be aware there are a number of amendments filed to the supplemental, so Senators should expect a busy voting day tomorrow. We could have several votes during the day, and we will notify Senators as soon as possible with respect to the exact times of the rollcall votes occurring during the session.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. LOTT. Mr. President, 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 6:41 p.m., adjourned until Wednesday, May 7, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 1997:

EXPORT-IMPORT BANK OF THE UNITED STATES

JAMES A. HARMON, OF NEW YORK, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2001, VICE MARTIN A. KAMARCK, RESIGNED.

JACKIE M. CLEGG, OF UTAH, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2001, VICE MARTIN A. KAMARCK.

DEPARTMENT OF STATE

RICHARD SKLAR, OF CALIFORNIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.