

As a veteran of the Korean war, I was disappointed to learn—the day after the defense authorization conference report was approved by the Senate—that the provision we included in our bill to commemorate this historic event was inadequate. The conferees acted in good faith to authorize a program worthy of the event. Unfortunately, new information came to light after the conclusion of our conference which revealed that the \$100,000 we had authorized would not be sufficient.

In an effort to correct this oversight, at my request Senator THURMOND introduced S. 1507, a bill making technical corrections to the defense authorization bill, to provide \$1 million for the Korean war celebration. That bill passed the Senate last evening, and the House has indicated that it will pass this legislation before the end of the current session.

While I understand that this will not be enough to fund the entire Korean war commemoration program, it will solve the immediate problem for fiscal year 1998.

I pledge to my fellow Korean war veterans that I will work with the Department of the Army in the coming fiscal years to ensure that adequate funding is provided by the Congress to fund a commemoration that is worthy of the brave men and women who served so well on the battlefields of Korea.

#### NATIONAL BIBLE WEEK

• Mr. BINGAMAN. Mr. President, in the spring, I was asked by the Laymen's National Bible Association to serve as a congressional cochairman for National Bible Week. The goal of the association is to encourage the reading and study of the Bible. I was pleased to agree to do this, and to join the association in announcing that November 23 through 30 of this year has been designated as National Bible Week. As we expect to adjourn before then, I take this opportunity to offer my support for the association's efforts.

This book, the "Good Book," has come down to us through the faithful over the centuries. The bedrock of religion for Jews and Christians, it is a boundless source of comfort, hope, action, love, guidance, and inquiry. Some of the most beautiful expressions of human experience, belief and thought are found in the Bible, flowing from the magnificence and grace of God.

Every day that the Senate is in session, our fine Chaplain, or his designee, offers a prayer drawn from the lessons in the Bible. This is a solemn, wonderful, reliable moment in the daily routine. Reading the book itself is the same.●

#### RECOGNITION OF IDAHO VPP SITES

• Mr. KEMPTHORNE. Mr. President, I rise to commend six industrial sites in my State that have received recogni-

tion by the Occupational Safety and Health Administration's Voluntary Protection Programs, known also as VPP.

The VPP is a cooperative organization between government and industry that was established in 1982 to emphasize and encourage safety, health, and environmental programs among labor, management, and government. This is done by recognizing certain industrial sites that have either achieved, or are making significant strides toward, excellence in worker safety and health protection. Mr. President, I am proud to say that six sites in Idaho have been recognized by the VPP.

The following sites, all in Soda Springs, IA, have been awarded highest recognition as star sites: the Agrum Conda Phosphate Operations; the J.R. Simplot Company's Conda Pump Station; the Kerr-McGee Corporation's Vanadium Facility; and Solutia, Inc.

In addition to these star sites, I would like to commend two additional industrial sites in Idaho, both run by Potlatch Corp., that have achieved recognition as Merit Sites: Jaype Plywood, in Pierce, ID; and Potlatch Corp.'s Consumer Products Division, in Lewiston. Mr. President, both of these Potlatch sites have employees who are represented by unions. Jaype Plywood workers belong to the International Association of Machinists and Aerospace Workers, Local W0358, and Potlatch's Consumer Products Division employees are represented by the United Paperworkers International Union, Locals 608 and 712, and the International Brotherhood of Electrical Workers, Local 73. I would like to say, in regard to these Potlatch sites being recognized by the VPP, that the cooperation that has been exhibited between organized labor and management represents, in my mind, the best way to achieve a truly productive working environment by avoiding division and intrusive government regulation that frequently is counterproductive to the best interests of both the laborers and management.

Mr. President, I would like to congratulate all of these industrial sites in Idaho for their efforts. VPP recognizes the cooperation of labor and management, working in conjunction with the government, to create a safe and healthy work environment for all who work at the sites. This spirit of cooperation has clearly achieved results, and as a U.S. Senator from Idaho, I would like to say again that I am very proud of the six sites in my State that have been recognized by the VPP.●

#### INDIAN DISTRIBUTION JUDGMENT FUND BILL

• Mr. LEVIN. Mr. President, I am pleased that H.R. 1604, the Indian distribution judgment fund bill, passed the Senate yesterday. This bill cleared the Senate with bipartisan support, including my Michigan colleague, Senator SPENCER ABRAHAM. I would like to

thank my colleague in the House, Representative DALE KILDEE, for introducing this bill. I believe that H.R. 1604 will pass the House in the next few days and will then be signed into law by the President.

H.R. 1604 is a very important piece of legislation for several Michigan tribes. To fully understand this bill, it is necessary to understand Michigan history. In the Treaty of 1836, the Chippewa and Ottawa Indians of Michigan ceded over 12 million acres of land in Michigan to the Federal Government. Approximately 15 cents per acre was given to the tribes as compensation for this land.

In 1946, the U.S. Congress established the Indian Claims Commission, a body created to redress some of the worst injustices of the U.S. Government/Indian Nation treaty era. The Indian Claims Commission determined that the value of the land ceded by the Michigan tribes was 90 cents an acre, not 15 cents. In 1972, Congress appropriated \$10 million as a final settlement for the land, but the money could not be distributed until the tribes reached an agreement on how the funds would be distributed. This amount has now grown to over \$70 million.

Over the last few years, the tribes have worked among themselves to come to an agreement as to the means of distributing the funds. H.R. 1604 is the result of this consensus between the parties.

I would like to commend the tribal leaders for coming together to negotiate this agreement. It has taken many years and much negotiating. Tribal elder, Arthur LeBlanc, of the Bay Mills Indian Community, testified before the Senate Indian Affairs Committee on November 3, 1997, on behalf of H.R. 1604. Mr. LeBlanc, and other tribal members, will now be compensated for a settlement claim that has taken 25 years to fully resolve.

In closing, I offer my strong support for H.R. 1604 and am hopeful that it will pass the House quickly and that the tribes will receive compensation for their land as soon as possible.●

#### PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

• Mr. GORTON. Mr. President, I commend my colleagues in the House of Representatives for their recent passage of H.R. 1534, the Private Property Rights Implementation Act. This long overdue legislation will provide a much needed boost to the thousands of homeowners, small landowners, farmers, and others who for years have had their constitutional rights compromised.

For too long, these landowners have seen their constitutionally guaranteed property rights eroded by expanding Government regulations. I believe the taking or restriction of the use of private property without due process and just compensation is directly contrary to our Constitution.

This predicament that too many private property owners find themselves

in today was not always the case. So strong was the belief in private property ownership that our Nation's Founding Fathers guaranteed it in the Constitution's Bill of Rights. The fifth amendment to the Constitution states: "No person shall be \* \* \* deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

For centuries, this constitutional directive was so respected that the needs of public concerns were adequately addressed without sacrificing private property rights. However, in the 1960's, 1970's, and 1980's our Nation's local, State, and Federal governments began to pass increasingly burdensome regulations governing air, water, land, and other natural resources, most of which had strong policy justification. The net, cumulative result, however, was a serious diminution of private property rights.

Unfortunately, fighting the Government over a taking in court is not only extremely expensive, it is time consuming and usually futile against the deep pockets of the Government, which has nothing to lose by drawing the battle out for years and years and wearing down opponents.

More than 80 percent of the time when property owners try to access Federal courts, they are thrown out on procedural grounds, before the merits are even considered. Of the 20 percent who are successful in having their cases heard in Federal court, it takes an average of nearly 10 years of litigation and negotiation to get through the process.

Governmental bodies at the State and local level often have legitimate reasons for restricting the use of private property for local zoning, environmental protection, and other purposes. Most State and local governments use their power responsibly, respecting the rights of private property owners when making land use decisions. Nevertheless, when a governmental body at any level infringes on an individual's constitutionally guaranteed rights, that person should at least have his day in court.

H.R. 1534 allows property owners whose rights have been violated the same access to Federal courts that other claimants have. For example, Federal environmental laws are readily enforced in Federal courts. First amendment claims against local governments also have no trouble getting heard in Federal court. Only private property rights are routinely dismissed or delayed. When landowners cannot afford to go to court to protect their legal and civil rights, the Government can use pressure to effectively take the land from the landowner.

As chairman of the Senate Interior Appropriations Subcommittee, I cannot help but be reminded of one of the most contentious issues that faced our subcommittee this year—the Headwaters Forest land acquisition. For

years, the Government tried to use a variety of forestry and other environmental laws, including the Endangered Species Act, to force the landowner off a portion of its land.

The landowner filed a takings suit and now the Government has finally come to the bargaining table offering to pay for the property. As a result at the request of the Clinton administration, our Interior appropriations bill appropriates \$250 million for the Headwaters acquisition. I cannot help but think that this landowner would never have received compensation if it had not had the substantial financial resources necessary to fight a long and contentious legal battle.

H.R. 1534 takes several steps to allow smaller, less wealthy landowners the same access to the Federal courts. Unlike other bills dealing with property rights, H.R. 1534 does not affect any environmental law, impact the budget, or define for the courts when a taking has occurred. Instead, the bill simply attempts to clear the many procedural hurdles that currently prevent most property owners from having their case heard in court in a fair and expeditious manner.

H.R. 1534 gives a property owner access to Federal court without having to spend years in an endless cycle of administrative appeals with Government agencies. The bill still requires the owner to attempt at least two appeals before going to court—but provides a clear end to the process. H.R. 1534 simply gives property owners the same access to Federal court that other claimants have.

Opponents of this legislation argue that this bill undermines the authority of State and local governments in zoning disputes. If this were the case, I would not be supporting H.R. 1534. I strongly believe that land use decisions should be made at the local level to the greatest extent possible. I believe in most cases it is in the best interests of landowners to have their cases decided at the local level. Rather than giving property owners another avenue or authority to sue cities and localities in Federal court, the House passed bill simply allows the decision to be made on the facts of the case without spending 10 years litigating on procedural questions.

Under H.R. 1534, local officials will still be in control of local zoning decisions. The Federal courts have consistently upheld local authority to make these decisions. The only role the Federal courts are given under this bill is the one they already have: to interpret the Constitution and determine whether individuals rights have been violated.

Passage of H.R. 1534 will be a small but significant step in the battle to restore private property rights. The issues of compensation and adequate notification of landowners when takings occur also need to be addressed by this body. Nevertheless, passage of H.R. 1534 is a positive step. As a cosponsor of

companion legislation S. 1204 introduced by Senator COVERDELL, I urge my colleagues in the Senate to pass this legislation soon and hope the President will sign this moderate bill when it comes to his desk.●

#### FDA MODERNIZATION AND ACCOUNTABILITY ACT

● Mrs. MURRAY. Mr. President, there are very few pieces of legislation that we will act on that has the kind of impact that S. 830 will have on improving the quality of lives for millions of Americans. Ultimately, this legislation will impact every Member of this body. S. 830 represents a historic piece of legislation that will reform and modernize the Food and Drug Administration.

This legislation will result in the more rapid approval of new, lifesaving drugs and medical devices without jeopardizing a strong public health protection role for the FDA. Millions of people will have access to break through medical technology faster. More children will also benefit from the rapid improvement in drugs and devices to treat serious and life-threatening illness. And, finally the FDA will be given the resources it needs to meet the challenges and demands of protecting the public health and approving safe and effective drugs in a more timely manner.

When I made the decision to seek a seat on the Senate Labor and Human Resources Committee I did so because I wanted to be directly involved in the development of education and public health reform. I am proud to have worked with Chairman JEFFORDS in his effort to shepherd through the FDA reform legislation. I know that at times this was a difficult task and his leadership and patience were truly tested. I want to thank him for his willingness to forge a bipartisan bill that addressed many of the concerns that I had early in the process. I also want to thank Senator KENNEDY for his efforts on behalf of patients and consumers. Senator KENNEDY's hard work and commitment to a strong public health role for FDA resulted in some real improvements in this legislation.

The fact that we have before us today a bipartisan reform agreement is in itself a historic accomplishment. Prior to the 105th Congress I thought that I had a pretty good understanding of how the agency worked and where improvements needed to be made. What I discovered is that the drug and device approval process from lab to patient is a complex process involving numerous steps. The pressure on the FDA to improve safe and effective drugs and devices with minimal delay is overwhelming. In addition, the FDA must regulate billion dollar industries that have almost unlimited resources. What I have learned from this process is that the FDA is by far one of the most important public health agencies, but it is also one that we all seem to take for granted.