

# OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H.R. 4278, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4278) making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill.

## ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I might say to the leader, that last resolution was a significant resolution. I would like to talk about that later.

In any event, Mr. President, let me yield to my good friend from Alabama for the statement he wishes to make, reserving the right to resume the floor after he finishes his short remarks.

The PRESIDING OFFICER. The Senator from Alabama.

## RFD'S 100TH ANNIVERSARY AND CONGRESSMAN RICHARD HENRY CLARKE

Mr. HEFLIN. Tomorrow, Mr. President, on October 1 of this year, the Post Office will celebrate the 100th anniversary of Rural Free Delivery [RFD]. RFD now serves the whole country, some 25.5 million households and businesses in all, and it is a necessity in States like Alabama. In fact, I am proud to say that Congressman Richard Clarke of Alabama was an early leader in the effort to initiate this service. As this important anniversary approaches, I would like to recount Congressman Clarke's leadership efforts in its successful implementation.

On January 5, 1892, Representative Richard Clarke became the first Member of Congress to introduce a bill to make RFD a permanent service. He introduced bills in two succeeding Congresses, H.R. 13 in the 52d and H.R. 402 in the 53d "To provide for the free collection and delivery of mails in rural districts." He contacted many Members on the need for such legislation and made the first speech advocating the establishment of the program. When the bill was finally adopted by Congress, Mr. Clarke was engaged in a campaign for Governor of Alabama. Therefore, Congressman Tom Watson of Georgia took the lead in obtaining its passage. Although his name does not appear as the official sponsor of the legislation which ultimately created RFD, the people of his district and the State of Alabama have every right to claim that this Member of Congress was a leader in establishing RFD.

Richard H. Clarke was born in Dayton, Marengo County, AL on February

9, 1843. He attended Green Springs Academy and was graduated first in his class from the University of Alabama in July 1861. During the Civil War, he served in the Confederate Army as a lieutenant in the First Battalion of the Alabama Artillery. He later studied law, was admitted to the bar in 1867, and began practicing in his hometown. He later moved to Demopolis, also in Marengo County, where he continued to practice law. From 1872 until 1876, he served as the State solicitor for Marengo County. He was the prosecuting attorney of the seventh judicial circuit in 1876 and 1877 and later resumed his private law practice in Mobile, AL. He served as president of the Alabama State Bar Association in 1897.

He was elected as a Democrat to the 51st Congress and to the three succeeding Congresses. He served from March 4, 1889 through March 3, 1897. He served on the Rivers and Harbors Committee. Among his many legislative accomplishments was the deepening of the channel of Mobile Harbor and the establishment of Mount Vernon Hospital for the mentally ill. He ran for Governor of Alabama as a "sound money"—gold standard—Democrat in 1896, but was defeated by the silver standard candidate, Joseph Johnston. He resumed his law practice and served in the State house of representatives in 1900 and 1901. He passed away in St. Louis, MO on September 26, 1906 and was buried in the Magnolia Cemetery in Mobile. His grandson, Dr. Richard Clarke Foster, served as president of the University of Alabama in the late 1930's and early 1940's.

Of course, Congressman Clarke was by no means alone in his efforts on behalf of RFD. The Post Office says that the first rural delivery route began just after the Civil War, in a very unofficial way. In 1868, a group of families in Norwood, GA, hired a freed slave named Jerry Elliot to deliver their mail. Mr. Elliot collected his employers' sorted mail at the local post office, where future Congressman Tom Watson worked as a clerk. Apparently, Watson was highly impressed with the idea, and years later he joined as a crucial sponsor of legislation to fund the service.

The official battle over RFD began more than 20 years later and spanned four Postmaster Generals. John Wanamaker, appointed in 1889, was the first Postmaster General to urge adoption of Rural Free Delivery. Wanamaker had received a number of letters complaining that the cities received free delivery, but rural America did not. Free delivery for urban areas had begun in 1863.

At Postmaster General Wanamaker's request, the Congress passed a joint resolution on October 1, 1890, to authorize a test of the free delivery system in small towns and villages. It also appropriated \$10,000 for this pilot program. The towns Wanamaker selected

for the experiment ranged in size from 400 to 8,000 residents. Farmers became strong advocates of the service, realizing that they would receive daily market quotations and information about where they could sell their crops.

With the success of his experiment and the strong support of the farmers, Wanamaker continued to push for Rural Free Delivery.

The same year that Congressman Clarke introduced his second RFD bill, Congressman Tom Watson's legislation to extend RFD to farmers, rather than just villages and towns, was passed. But this measure, too, only provided for an experimental expansion. Postmaster General Wanamaker's successor, William Bissell, argued correctly that this amount was vastly insufficient to facilitate permanent RFD. In fact, Bissell refused even to continue experimentation, and a stand-off between him and Congress ultimately forced his resignation.

Bissell's successor, Postmaster General William Wilson, complained that the Post Office's funding was so small that he might only improve existing services. So, a Senator named Marion Butler from North Carolina urged passage of a further appropriation, and the Post Office began an experimental system in West Virginia. This experiment proved successful, and it led to the establishment of the current system with the help of further Congressional appropriations. By that time, Postmaster General Wilson had been succeeded by James A. Gary.

Mr. President, I am proud that a Member of Congress from Alabama—Richard Henry Clarke—was so influential in the establishment of Rural Free Delivery, a service most Americans in rural areas take for granted today. Although there are several individuals who might arguably be considered the father of RFD, I wanted to make sure Congressman Clarke's efforts did not go unrecognized. The creation of this service is very much a part of his legacy.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I see the distinguished chairman of the Appropriations Committee is here. If he wishes to make an opening statement on this bill, I will be pleased to yield to him. I have a lengthy statement to make about the subject I believe should precede this omnibus appropriations bill, the FAA conference report. If the Senator from Oregon wishes to make a statement, I will be happy to yield to him.

Mr. President, I ask unanimous consent to yield to the Senator from Oregon with the understanding that I will resume the floor when he has completed his statement.

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

# OMNIBUS CONSOLIDATED APPROPRIATIONS, 1997

The Senate continued with the consideration of the bill.

Mr. HATFIELD. Mr. President, I believe that the pending business is the omnibus appropriations bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. I thank the Chair.

Mr. President, the Senate now has, as the Chair has indicated, under consideration the fiscal year omnibus appropriations bill which will conclude our action on the six fiscal year 1997 appropriations bills that have not been enacted into law, and they are: No. 1, Commerce, Justice, State, and related agencies; No. 2, the Defense appropriations bill; No. 3, the foreign operations appropriations bill; No. 4, the Interior and related agencies appropriations bill; No. 5, the Labor-HHS appropriations bill; and No. 6, the Treasury-Postal Service appropriations bill.

As Senators are aware, members of the House and Senate Appropriations Committee and their staffs worked around the clock at the end of last week to reach a bipartisan agreement with the administration on all the outstanding issues included in these bills. Our colleagues in the House adopted this bill Saturday by an overwhelming rollcall vote of 370 to 37, and the President has indicated he will sign the bill as soon as it reaches his desk.

I know that many Senators have questions and concerns about this legislation. Senator BYRD and I will be here throughout the day to address those matters as best we can. I hope and expect that when we reach a vote on final passage later today, a large majority of the Senate will vote for this legislation.

Mr. President, this will be the last appropriations measure that I will manage here on the Senate floor. For the past 16 years as chairman or ranking minority member of the full committee, I have stood here with Senator BYRD, Senator Stennis, and Senator Proxmire as we have brought to the Senate the 13 annual appropriations acts, supplementals, rescissions bills and continuing resolutions. It has been an extraordinary experience. The appropriations process has been the crucible of debate on enormous range of issues, great and small. We have carried on through the revolutionary 1981 reconciliation process, the Gramm-Rudman-Hollings Act, budget summits, and Government shutdowns. Despite it all, year in and year out, this Congress has acted on appropriations bills and sent them to the President. It is our principal constitutional duty to do so.

Mr. President, I cannot adequately express how honored I am to have been a part of this process. I owe an enormous debt to all of my colleagues with whom I have served, both here in the

Senate and in the House. I am privileged to have enjoyed relationships across the aisle in both bodies that have immeasurably enriched my life, and I can only hope that I have managed to return those gifts in some way.

All of us on the Committee on Appropriations, both here and in the House, are served by an extraordinary staff. These highly capable men and women are the best there are. Before I leave Washington for Oregon later this month—I started to say later today; that perhaps is only wishful thinking at this moment—I hope to be able to thank each one personally for their contributions.

It would be impossible, Mr. President, to make a comprehensive recitation of the provisions of this legislation, and I will not try. I believe that this bill, which I hold in my hand, represents our completed product which is, obviously, a rather enormous package. I believe that various summary descriptions have been distributed. The text of the legislation is printed in the RECORD and copies are available here on the floor and in cloakrooms and in Senators' offices.

Mr. President, I wonder if the Senator from Alaska will respond to a request that he amend his unanimous-consent agreement to be recognized following my brief presentation in order to permit the ranking member, Senator BYRD, to make his opening statement as well.

Mr. STEVENS. I have just conferred with Senator BYRD, and I agree. I do amend my request that I be recognized after the Senator from West Virginia completes his statement.

The PRESIDING OFFICER. Is there objection to the amended request? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I will yield the floor, but before I do so, I, again, want to personalize my remarks, Senator BYRD being on the floor, to say that this was a joint effort. And with Senator BYRD's vast background and expertise in the procedures of the Senate, the history of the Senate, the legislative role of the Senate, I, again, express my deep appreciation for his collaboration, his cooperation, his spirit of friendship, and the demonstration of that friendship day in and day out in achieving our mutual responsibilities to bring this bill to the floor, like all previous bills.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oregon, [Mr. HATFIELD], who is here today managing his last appropriations bill. I will have more to say during the day, I am sure, on that line.

The bill now before the Senate contains the results of very intense and difficult negotiations over the past week, and particularly over the past

weekend, between the two Houses, with the administration participating with advice and suggestions. These negotiations included not only the chairman and ranking members of each of the affected Appropriations Subcommittees, but also the representatives of the House and Senate Republican and Democratic leadership, as well as the President's very able Chief of Staff, Leon Panetta, and the Director of the Office of Management and Budget, Frank Raines, and their staffs.

As Senators are aware, these negotiations were necessary because of the inability of Congress and the administration to reach agreement on six of the thirteen fiscal year 1997 appropriations bills. Over the past months, the President indicated that he would not agree to sign these appropriations bills unless funding for a number of priorities was increased by some \$6.5 billion and unless certain controversial legislative riders were dropped.

And so, we found ourselves in Congress faced with having to deal with the President's requests in a very short period of time if we were to reach agreement on the six remaining appropriations bills by the beginning of fiscal year 1997, which starts at the hour of midnight.

In addition, the administration proposed a number of urgent appropriations, including some \$1.1 billion to fight terrorism and improve aviation security and safety, as well as over \$500 million in firefighting assistance for Western States and \$400 million to assist the victims of Hurricanes Fran and Hortense.

Mr. President, I congratulate all of those Members and staffs who have worked literally around the clock over the past week, and certainly over the past weekend, in order to reach this agreement and have it prepared for consideration in the House on Saturday evening when it was agreed to, and by the opening hours of this day here in the Senate. I particularly wish to recognize the efforts of the chairman and ranking member of the House Appropriations Committee. Mr. Livingston has proved himself to be a very able and articulate chairman—and I have enjoyed immensely the opportunity to work with Mr. LIVINGSTON—he along with his equally able ranking member, Mr. OBEY.

If there were not a DAVID OBEY in the Congress, Congress would have to create one. He reminds me, in a way, of that irascible Senator McClay who was a Member of the first Senate when it met in 1789. Mr. OBEY is very knowledgeable and extremely able. And so both of these men, Mr. LIVINGSTON and Mr. OBEY deserve great credit for their work on this resolution.

They, together with my dear friend and colleague, the Senator from Oregon, who is the chairman of the Senate Appropriations Committee, Mr.

HATFIELD, deserve the lion's share of the credit for this agreement.

I know that Senator HATFIELD, as would I, would have preferred to have had each of the fiscal year 1997 appropriation bills enacted separately rather than having them conglomerated into this massive omnibus bill. Senators should not be placed in the position that we find ourselves in at this moment. We should not be backed up against the wall here on the last day of the fiscal year, facing a Government shutdown unless we adopt this massive resolution. No Senator, and I dare say no staff person, has had the time to carefully review the thousands of programs funded in this resolution, or to read and comprehend the many non-appropriations, legislative matters contained in this resolution. What we are faced with is having to rely on those members and staffs in the House and Senate with jurisdiction over each of the provisions in this resolution. To my knowledge they, along with the Office of Management and Budget and other executive branch personnel, have approved each item and provision in their respective areas.

While I applaud the efforts of all those who have worked so hard on this measure, I nevertheless abhor the fact that it, once again, has come to this. We must redouble our efforts in future Congresses to get our work done, despite the very real differences among ourselves and with the administration. The leaders of the Senate have almost impossible burdens in meeting the requests of Senators throughout every session. I urge my colleagues, on both sides of the aisle, to commit themselves to working with both leaders in ways that will enable the next Congress not to have to consider such massive, omnibus legislation as the one now before the Senate.

Mr. President, as the distinguished chairman of the committee, Senator HATFIELD, has stated, this resolution contains the necessary appropriations for fiscal year 1997 for each of the six remaining appropriation bills which have not yet been enacted into law. Namely, Title I of the resolution provides the fiscal year 1997 appropriations for the following appropriation bills: Commerce/Justice/State/ and the Judiciary; Department of Defense; Foreign Operations; Interior; Labor-HHS; and Treasury Postal.

Titles II, III, and IV of H.R. 4278 contain legislation that results in offsets totaling some \$3.3 billion. Those provisions include so-called BIF-SAIF; SPECTRUM sales; and certain PAYGO savings.

Title V contains other appropriations for various departments and agencies totaling some \$850 million, as well as a number of general provisions.

Finally, I should note that division C of the resolution contains the agreement on immigration reform.

Chairman HATFIELD has highlighted the important priorities contained in this resolution and, therefore, I will not repeat them.

I hope that the Senate will proceed expeditiously and that we may be able to complete action on this measure in time to send it to the President for him to sign before the hour of midnight. I shall have more to say, of course, during the day.

I thank the distinguished Senator from Alaska [Mr. STEVENS] for his characteristic courtesy in yielding to me, and I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have the greatest respect for the chairman and ranking member of our full committee, the Appropriations Committee. I certainly do apologize to them for seeking the floor ahead of them, because I knew they were coming. But I wanted to make certain that I did retain the right to alert the Senate to a very difficult problem as we proceed to consider this bill.

First, let me say I know that this is the last bill to be handled by the Senator from Oregon. He and I went on the Appropriations Committee on the same day. I have sat beside him for so many years now working on matters affecting appropriations, and we have both served with the distinguished Senator from West Virginia in a way that most people would never understand.

There is a deep friendship among those of us who worked through long nights trying to figure out how to solve the problems of keeping this Government going and at the same time pursue the objectives of policy enunciated by our leaders. It is not an easy thing.

Both the Senator from Oregon and the Senator from West Virginia have spent many more hours in conference on this bill than any other member of the Appropriations Committee, and they certainly deserve our great respect and thanks for all the work they have done to get us to this point.

As the Senator from West Virginia just said, this bill absolutely must be signed tonight. It is our intention to see to it that that takes place. I do give both the Senator from Oregon and the Senator from West Virginia great credit for what they have done and the manner in which they have handled this bill.

As a postscript, I also say I certainly do agree with the Senator from West Virginia—and I think the Senator from Oregon does too; I know he does—this is not the way to handle appropriations bills, and we must find a way to deal with our procedure to assure that bills from appropriations committees, that each bill is considered on its own merits and it goes to the President in a way that expresses the will of the Congress, and the President can express

the will of the executive branch. Under our traditional system of checks and balances, that must be preserved in order to assure the freedom of this country. So I intend to work with the Senators to achieve that goal. I do, again, apologize to them for seeking the floor ahead of them because I know they are entitled to present their positions in the very beginning.

#### CONFERENCE REPORT TO ACCOMPANY THE FEDERAL AVIATION AUTHORIZATION ACT OF 1996

Mr. STEVENS. Mr. President, I come to the floor today to again address the question of the failure to approve the conference report on the aviation trust fund. This is the Federal Aviation Authorization Act of 1996.

Mr. President, the bill before us contains the funding for the Government. We have already dealt with the appropriations for transportation. But the conference report on the Aviation Authorization Act for 1996 contains the authority to spend the money. There currently is just \$50 million, out of a \$1.46 billion program, left after today to continue the work of the modernization of our airports and airways. We have worked now 2 years—a bipartisan group—to try and improve the safety and security of the Federal aviation system.

I give great credit to the chairman of the Commerce Committee, Senator PRESSLER, the ranking member, Senator HOLLINGS, and to the chairman of the aviation subcommittee, Mr. MCCAIN, and the ranking member of that committee, the distinguished Senator from Kentucky, Mr. FORD. We have, many of us, had differences of opinion on the bill. But we found a way to work it out. This bill is absolutely necessary now to proceed to strengthen the safety and security of the aviation transportation system. I am here this morning to again serve notice to the Senate that this bill must be passed before we adjourn sine die. Again, let me say, there is only \$50 million left in this fund that can be expended after today.

What we are looking at, Mr. President, is a bill that has been crafted in order to meet some very important objectives of people who are very much involved with the issues of aviation safety. Let me point out, for instance, that just this past week we, once again, had a hearing with regard to the rights of those people who are survivors of victims of air disasters.

Mr. SIMON. Will my colleague yield? Mr. STEVENS. I am not prepared to yield during this statement, Mr. President. I don't intend to take much time. I want to alert the Senate—and I know the Senator from Illinois has a matter he wishes to bring up that is quite similar to what I am talking about. But I would like to finish my statement.

We had Victoria Cummock, a survivor of a victim of the Pan Am crash. She has done a great deal to alert families who have been similarly affected of the need for Federal legislation to deal with family assistance to those that are affected by these crashes, the survivors of the victims of the crashes.

One of the things they asked us to do was to pass House bill 3923. And as I said at the hearing, I don't intend to get too personal about this, but I personally know something about victims of air crashes. I know that it is necessary for us to wake up and make sure that the Federal law does assure assistance to families of passengers involved in aircraft accidents. This bill does that. The aviation bill does that.

The bill that is in the conference report that is being held up now over one provision in the bill. It requires the Chairman of the National Transportation Safety Board to designate and publicize the name and phone number of a director of family support services to designate an independent nonprofit organization, such as the Red Cross, to assist in the taking of responsibility for coordinating the emotional care and support for those families. It has a substantial designation of assistance, such as providing mental health and counseling services, to provide it in the environment in which families may grieve in private, meet with families, communicate with families as to the role of Government agency, and arrange for a suitable memorial service after consultation with the families.

It is a bill that is absolutely necessary, as we think of the number of families that have been affected by these air carrier crashes. It will provide that unsolicited communication concerning a potential action for personal injury can't be made before 30 days after the accident. It does have a requirement that the air carrier submit plans to address the needs of families if their aircraft is involved in an accident. There is absolute necessity for this bill to pass. It establishes a task force within the Department of Transportation to assure that this will be done.

Mr. President, my main reason for addressing the issue, though, is the problem of safety at our airports. The Aberdeen, SD, runway has almost closed for safety reasons. It has no carryover money. It has to have this bill passed today so that money will be available tomorrow. In my capital city of Juneau, we have a wind shear problem. It has recently developed that the FAA wishes to change the takeoff requirements and will not allow a plane to take off until they can prove there are no wind shears in the community.

We have in this bill the authorization for the money to take wind shear equipment to Juneau. This is just one of the items. In Massachusetts, for instance, as a result of formula changes

in this bill, the Commonwealth of Massachusetts will receive \$3.5 million more under its entitlement, which is nearly \$1.4 million greater than what it gets now. But its Boston airport entitlement and Nantucket entitlement both increase. In the State of Wisconsin, they would have an apportionment of \$1.9 million more in entitlement for the airports. In Wisconsin, for instance, Madison's airport—a very interesting area—needs the money to proceed with the improvements to their airports. This bill is not only airports, but we are talking about security provisions.

We have changed, as a result of the bill that I wish to have brought up and passed today, the provisions for the authority to check criminal records for security screeners at airports; given new authority for the FAA to facilitate interim deployment of advanced aviation security technology, including the explosive detection equipment that we must have. They can make and will make vulnerability assessments of every airport in the country, and they are going to deal with new ways to develop passenger profiling. But above all, they are going to have the national academy of science work on the explosive detecting and aircraft hardening technology.

This bill cannot wait until we get back next year and organize and get around to passing bills. It would be, roughly, February 15, at the earliest, before that could be done. Under the essential air service, which is absolutely essential to maintain transportation in my State and many of the Northern States, funds could not be taken from the trust fund if this bill does not pass. There is only a 1-month carryover, which means that all of our planes that are involved in essential air service will be grounded before December if this bill does not pass.

This is the most critical bill that I can think of in terms of aviation safety. I have a whole list of items here that deal with the security requirements that are funded by this bill. Huntsville, AL; Fort Lauderdale; Fort Myers; Orlando; St. Petersburg; in Atlanta, Savannah; Valdosta, GA; Lexington, KY; Greensboro, NC; Wilmington, NC; Chattanooga, TN; Nashville, TN; in Illinois, the Springfield capital security fencing is absolutely required that it be fixed. That money is not there unless this bill passes today. It will not be there until the second quarter of the fiscal year, at the earliest.

In Minnesota, there is a firefighting building provided for. I believe that is very much associated with security.

When we go through all of these, Ohio has the largest number of security requirements in the country that are funded by this bill. In Racine, WI, there are obstructions on the field that must be removed. It has one of the highest priorities in the country to deal with this.

I made a mistake; I said Ohio had the highest number. California has the highest number of security requirements and facilities that are funded by this bill.

Mr. President, the question comes down to, "How can we get this bill up?" There are ways, Mr. President, that we can delay the present bill until the FAA bill is brought up. I do not want to do that. I appreciate, as I have already said, the work done by the leaders of our Appropriations Committee, and the joint leadership of the Congress, to see to it that there is no hiatus in funding in terms of our National Government at this time.

But the FAA bill comes before us when the country has been rocked with aviation tragedies. ValuJet is just starting to fly today. That reminds all of us of the tragedy in Florida. We still have the unexplained TWA Flight 800. We have all kinds of speculation concerning that. In the wake of the tragedy, the White House had a commission chaired by the Vice President. Many of those recommendations are in our bill. We have added to them considerably.

But, clearly, the explosive detection devices are No. 1 in regard to our joint effort to find a way to upgrade our security at our Nation's airports.

Mr. President, there is a small group of Senators that are delaying this bill because of one provision. It is just as easy for them to come in here next year and repeal that. That will not be difficult. If they have the votes to repeal it, they can repeal it next year.

The idea of delaying the safety of the Nation over one amendment—I must say, it was an amendment offered on the other side of the aisle, which most of us on this side of the aisle supported, but it is a provision that corrects a technicality in the law. And the law that was passed by Congress, as I understand it, was a mistake in the law.

But, in any event, why this bill? Why can't these Senators find a way to meet their objectives without putting the Nation's safety at risk?

I want the Senate to know that if this bill does not pass, I am going to see to it that the survivor of every victim gets the personal telephone number of the people that oppose this bill. I urge people involved in this victims' rights committee to get on the phone and call these people right now.

There is no reason for this delay. We have tried our best to work out a problem here with regard to aviation safety, and it is the basic problem which brought us to the point that we are here today; that is, that we were in disagreement as to how to finance future additions to the trust fund. There was no dispute among Members of the Senate over what we had to do to meet the security requirements, or what we had to do to find a way to increase funding. It was as to how we were to do it.

We have had disagreements whether we should have taxes, or whether we