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"Power Pit," manages the purchase and distribution of all electrical power used throughout the facility. "Our goal," says Ron Taylor, power-operations manager, "is to have a reliable power supply at the lowest possible cost."

Thanks to the sophisticated freezer/sublimer equipment, the power load can be quickly adjusted by freezing or subliming up to 200 tons of uranium gas. To reduce power requirements, UF_6 gas is withdrawn from the system and frozen.

Much of PGDP's progress during the last five years can be attributed to a cooperative union-management relationship, which has led to the creation of joint union-management teams at various levels. For example, an empowered union-management team developed a system to provide better heat protection to people working in high-temperature areas. Teams also have improved quality and maintenance efficiency (the site has 300 maintenance workers). And one team developed a six-year plan for facility upgrades.

Now, an effort is underway to expand the team concept by creating high-performance work teams that will be responsible for day-to-day operations. Added impetus for this initiative came from a visit by union and management representatives to another Lockheed Martin plant—a former "Best Plants" winner—in Moorestown, N.J. "Teamwork is a win/win situation, but we realized that we were functioning on a project basis," says Steve Penrod, operations manager. "At Moorestown, we saw a culture of teamwork in day-to-day activities."

Union officials support the high-performance team concept, says Mike Jennings, an OCAW representative for continuous-improvement programs. "It is a slow process, since it is a big change in culture," he says. "We aren't going to force teams on anyone."

Paducah has taken a team approach to operations performance improvement, placing heavy emphasis on a "conduct of operations" code that demands "rigorous attention to detail," says Penrod. As part of the effort, a team including hourly workers developed a "Code of Professionalism" that specified how employees should conduct themselves on the job.

Undergirding all of the performance-improvement efforts at Paducah has been an extensive communications effort—which includes "All-Hands Meetings" twice a year for 1,200 or more employees. "At these meetings, we reinforce our expectations, we discuss our performance measures, and we give people the opportunity to comment and raise any issues they may have," explains Howard Pulley, enrichment plant manager. "Among other things, they may tell us which of our systems are causing them to not be efficient."

Then there are "C2" meetings—in which small groups of employees focus on compliments and concerns. Every other month, 15 people are selected at random to participate. After discussion, the groups vote on their top three compliments—citing things that are being done well—as well as their top three concerns. "We follow up on their issues and then provide feedback," Pulley says.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING OCTOBER 24

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending October 24, the United States imported 7,482,000 barrels of oil each day, 1,104,000 barrels more than the 8,586,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 54 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,482,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, October 30, 1997, the Federal debt stood at $5,430,869,894,529.83 (Five trillion, four hundred thirty billion, eight hundred sixty-nine million, eight hundred ninety-four thousand, five hundred twenty-nine dollars and eighty-three cents).

One year ago, October 30, 1996, the Federal debt stood at $5,237,762,000,000 (Five trillion, two hundred thirty-seven billion, seven hundred sixty-two million).

Five years ago, October 30, 1992, the Federal debt stood at $4,067,329,000,000 (Four trillion, sixty-seven billion, three hundred twenty-nine million).

Ten years ago, October 30, 1987, the Federal debt stood at $2,384,800,000,000 (Two trillion, three hundred eighty-four billion, eight hundred million).

Twenty-five years ago, October 30, 1972, the Federal debt stood at $439,230,000,000 (Four hundred thirty-nine billion, two hundred thirty million) which reflects a debt increase of nearly $5 trillion—$4,991,639,894,529.83 (Four trillion, nine hundred ninety-one billion, six hundred thirty-nine million, eight hundred ninety-four thousand, five hundred twenty-nine dollars and eighty-three cents) during the past 25 years.

TECHNICAL CORRECTIONS TO THE SATELLITE HOME VIEWER ACT OF 1994

Mr. HATCH. Mr. President, I rise today to laud the Senate passage of H.R. 672. This legislation, which was introduced by Congressman COBLE in the House of Representatives, is the counterpart to legislation I introduced in the Senate on March 20 of this year—the Copyright Clarification Act of 1997, S. 506. The Copyright Clarification Act was reported unanimously by the Senate Judiciary Committee on April 17.

The purpose of these bills is to make technical but needed changes to our Nation's copyright laws in order to ensure the effective administration of our copyright system and the U.S. Copyright Office. The need for these changes was first brought to my attention by the Register of Copyrights, Marybeth Peters, and I want to thank her for her outstanding work.

Among the most important amendments made by H.R. 672 is a clarification of the Copyright Office's authority to increase its fees for the first time since 1990 in order to help cover its costs and to reduce the impact of its services on the Federal budget and the American taxpayer. This clarification is needed because of ambiguities in the Copyright Fees and Technical Amendments Act of 1989, which authorized the Copyright Office to increase fees in 1995, and every fifth year thereafter. Because the Copyright Office did not raise its fees in 1995, as anticipated, there has been some uncertainty as to whether the Copyright Office may increase its fees again before 2000 and whether the baseline for calculating the increase in the consumer price index is the date of the last actual fees settlement—1990—or the date of the last authorized fees settlement—1995. H.R. 672 clarifies that the Copyright Office may increase its fees in any calendar year, provided it has not done so within the last 5 years, and that the fees may be increased up to the amount required to cover the reasonable costs incurred by the Copyright Office.

Although H.R. 672 does not require the Copyright Office to increase its fees to cover all its costs, I believe it is important in that it provides the Copyright Office the statutory tools to become self-sustaining—a concept that I promoted in the last Congress. Currently the Copyright Office does not recover the full costs of its services through fees, but instead receives some $10 million in annual appropriations.

Several studies have supported full-cost recovery for the Copyright Office. For example, a 1996 Booz-Allen & Hamilton management review of the Library of Congress recommended that the Copyright Office pursue full-cost recovery, noting that the Copyright Office has been subject to full-cost recovery in the past and that the potential revenues to be derived from pursuing a fee-based service was significant. A 1996 internal Copyright Office management report prepared by the Library of Congress also recommended full-cost recovery for copyright services. The Congressional Budget Office has also suggested full-cost recovery for the Copyright Office as a means of achieving deficit reduction. These recommendations were endorsed by the General Accounting Office in its recent report, "Intellectual Property, Fees Are Not Always Commensurate with the Costs of Services."

It is my understanding that the Copyright Office has embraced the goal of achieving full-cost recovery for its copyright services. H.R. 672 will provide the authority to achieve that goal, and by passing this legislation this year, the Copyright Office will be able to move expeditiously to adjust their fees for the coming year.

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I also want to note the importance of the amendment which the Senate has adopted to H.R. 672 to overturn the ninth circuit's decision in *La Cienega Music Co.* v. *ZZ Top*, 53 F.3d 950 (9th Cir. 1995), *cert denied*, 116 S. Ct. 331 (1995). My colleagues will recall that Senator LEAHY and I introduced this legislation in March of this year as a provision of S. 505, the Copyright Term Extension Act of 1997.

In general, LaCienega held that distributing a sound recording to the public—by sale, for example—is a "publication" of the music recorded on it under the 1909 Copyright Act. Under the 1909 Act, publication without copyright notice caused loss of copyright protection. Almost all music that was first published on recording did not contain copyright notice, because publishers believed that it was not technically a publication. The Copyright Office also considered these musical compositions to be unpublished. The effect of La Cienega, however, is that virtually all music before 1978 that was first distributed to the public on recording has no copyright protection—at least in the ninth circuit.

By contrast, the second circuit in *Rosette* v. *Rainbo Record Manufacturing Corp.* 546 F.2d 461 (2d Cir. 1975), aff'd per curiam, 546 F.2d 461 (2d Cir. 1976) has held the opposite—that public distribution of recordings was not a publication of the music contained on them. As I have noted, Rosette comports with the nearly universal understanding of the music and sound recording industries and of the Copyright Office.

Since the Supreme Court has denied cert in La Cienega, whether one has copyright in thousands of musical compositions depends on whether the case is brought in the second or ninth circuits. This situation is intolerable. Overturning the La Cienega decision will restore national uniformity on this important issue by confirming the wisdom of the custom and usage of the affected industries and of the Copyright Office for nearly 100 years.

In addition to these two important provisions, H.R. 672 will:

First, correct drafting errors in the Satellite Home Viewer Act of 1994, which resulted from the failure to take into account the recent changes made by the Copyright Tribunal Reform Act of 1993, and which mistakingly reversed the rates set by a 1992 Copyright Arbitration Royalty Panel for Satellite carriers;

Second, clarify ambiguities in the Copyright Restoration Act dealing with the restoration of copyright protection for certain works under the 1994 Uruguay Round Agreements Act;

Third, ensure that rates established in 1996 under the Digital Performance Rights in Sound Recordings Act will not lapse in the event that the Copyright Arbitration Royalty Panel does not conclude rate-setting proceedings prior to Dec. 31, 2000.

Fourth, restore definition of "jukebox" and "jukebox operator," which were mistakingly omitted when the old jukebox compulsory license was replaced with the current negotiated jukebox license;

Fifth, revise the currently unworkable requirement of a 20-day advanced notice of intent to copy right the fixation of live performances, such as sporting events;

Sixth, clarify administrative issues regarding the operation of the Copyright Arbitration Royalty Panels;

Seventh, provide needed flexibility for the Librarian of Congress in setting the negotiation period for the distribution of digital audio recording technology [DART] royalties; and,

Eighth, make miscellaneous spelling, grammatical, capitalization and other corrections to the Copyright Act.

Mr. President, this is important legislation, and I am pleased the Senate has acted to approved it prior to adjourning this fall. I wish to thank my colleagues and to encourage the House to accept the Senate amendment and to forward H.R. 672 to the President for his signature without delay.

DEPARTMENT OF DEFENSE AUTHORIZATION BILL CONFERENCE REPORT

Mr. JEFFORDS. Mr. President, for the past few days, the Senate has been considering the conference report to accompany the Department of Defense authorization bill for fiscal year 1998. While there are several areas of controversy, I would like to highlight one area that I believe has not been given sufficient consideration: funding for the National Guard.

This bill contains a couple of disturbing provisions, not so much for their immediate impact, but for their long-term consequences. First, the proposal to add a representative for the Guard and Reserves on the Joint Chiefs of Staff, which I strongly support, has been watered down to call for two two-star advisors to the Chairman of the JCS. Mr. President, this is essentially the same role that the head of the National Guard Bureau has today. I do not see this as an enhancement of the Guard's status in the highest circles of decisionmaking. And I'm told that in the Pentagon, two two-stars don't equal a four. I am afraid that the current pattern of decisionmaking is responsible for the shortfall in resources for the National Guard that we see in the legislation before us, and if it is not altered in a significant manner, the National Guard is likely to have greater problems in the future.

The other provision that I would like to draw my colleagues attention to is the cut in Army National Guard personnel endstrength of 5,000. Mr. President, we all understand that over the next few years, endstrengths will come down for all the services. But what this bill does is to pick out one component of the military and require it to make a significant cut without calling on other components to begin their agreed-upon reductions. In fact, this bill forces reductions in the only part of the U.S. Army to actually meet its endstrength requirements. I am not sure that all my colleagues realize that because the Army National Guard is actually over its required endstrength by about 2,000 people, the legislation will force the layoff of more than 5,000 young men and women who are currently serving their country. Whereas if similar cuts were to come in the active component, the cuts would be implemented in large part by eliminating unfilled positions. This does not seem to me to be the way to maintain a dedicated cadre of military professionals.

Finally, I speak out today because I am concerned that this legislation may be taken as a sign by some as a change in Congress' attitude toward the National Guard. I very strongly believe that the future of the U.S. Armed Forces must include a greater role for the Guard and Reserves, not a diminished one. As defense resources shrink, as the nature of our employment structures change, and as we develop better tools for keeping our weekend warriors up to speed as top quality practioners of their military arts, we must put more of our faith in that part of the U.S. military that is closest to the people—the National Guard.

For too long, Congress has been seen as the primary bastion of support for the Guard and Reserves—not the Pentagon. An example of this is the administration's request for no new procurement funds for fiscal year 1998 for the Army Guard and Air Guard, out of a total procurement budget request of $42,883,000,000. This is not only unrealistic—it is dangerous. And until the administration sends up a more balanced request, Congress will have to continue its vigilance on behalf of the Guard. But this is not the way it should be, Mr. President, and I am disappointed that the bill before us today did not take advantage of the opportunity to change this situation.

It is my impression that a great debate continues to rage on the future structure of our military forces. I trust that this bill will not be taken as Congress' comments on that discussion, and that renewed energy will go into finding a better solution to these dilemmas in the coming years.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in 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.)

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